

**May 29, 2019**

**ATTORNEY GENERAL RAOUL CONTINUES FIGHT TO PROTECT THE AFFORDABLE CARE ACT**

***Raoul and 20 Attorneys General Object to Plaintiffs' Lack of Standing in Texas v. US***

**Chicago** — Attorney General Kwame Raoul, along with a coalition of 20 states and the District of Columbia, filed a response in *Texas v. U.S.*, defending the Affordable Care Act (ACA) and the health care of tens of millions of Americans.

Raoul's brief, filed in the U.S. Court of Appeals for the 5th Circuit, argues that every provision of the ACA remains valid. It further argues that the position taken by the federal government and the Texas-led coalition is legally incorrect and dangerous to our health care system.

"Invalidating any part of the Affordable Care Act would have devastating consequences for some of our most vulnerable populations, particularly children with preexisting conditions, seniors and people who rely on Medicaid for coverage," Raoul said. "I will continue to fight attempts to repeal the Affordable Care Act and jeopardize the health and safety of Illinoisans."

The plaintiffs, two individuals and 18 states led by Texas, filed this lawsuit in February 2018, challenging one provision of the Affordable Care Act: the requirement that individuals maintain health insurance or pay a tax. Texas' lawsuit came after Congress reduced that tax to zero dollars in December 2017. Opponents of the ACA had attempted and failed to repeal the ACA over 70 times since its instatement. The plaintiffs argued that this reduction in the tax made the minimum coverage provision unconstitutional. They further argued that this provision could not be "severed" from the rest of the ACA, meaning that the entire Act must be struck down.

In the district court, the federal government agreed with the plaintiffs that the minimum coverage provision, as amended, was unconstitutional, and further argued that it could not be severed from two of the ACA's important provisions: the community-rating and guaranteed-issue reforms. In March, the federal government signaled that it would change course and argue that the entire ACA is now invalid. The administration filed its brief in support of its new position on May 1, 2019, alongside a brief filed by the Texas-led coalition and the two individual plaintiffs.

The filing responds to these arguments by the federal government and the plaintiffs, and continues the legal defense of the ACA. In their brief, Raoul and the attorneys general argue that none of the plaintiffs have standing to challenge the individual mandate provision, because the individual plaintiffs are not injured by a provision that now offers a lawful choice between buying insurance and paying a zero-dollar tax. The attorneys general further argue that the individual mandate remains constitutional, and is similar to many other laws that Congress has adopted. The brief further argues that, even if the individual mandate is unconstitutional, it should be severed from the rest of the ACA because Congress clearly wanted to preserve every provision of the Affordable Care Act when it reduced the tax amount to zero.

Moreover, as the attorneys general explained in their opening brief, this case would wreak havoc on the entire American health care system and risk lives in every state. If affirmed, the District Court's decision would affect nearly every American, including:

- 133 million Americans, including 17 million kids, with pre-existing health conditions.
- Young adults under 26 years of age, who are covered under a parent's health plan.

- More than 12 million Americans who received coverage through Medicaid expansion.
- 12 million seniors who receive a Medicare benefit to afford prescription drugs.
- Working families who rely on tax credits and employer-sponsored plans to afford insurance.

Joining Raoul in filing the brief are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, Oregon, Rhode Island, Virginia, Vermont, and Washington.