

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF THE ATTORNEY GENERAL

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District Joins 22 Other States Asking Supreme Court to Uphold Access to Federal Health Exchanges for All

Attorney General Racine & Colleagues Defend Sustainability of Nation's Health-Care System

WASHINGTON, D.C. – Attorney General Karl A. Racine announced today that the District had joined 22 other states in filing a friend-of-the-court brief defending the sustainability of America's health-care system and the right of millions of low- and moderate-income Americans to premium-assistance tax credits when they purchase health insurance on a federally facilitated exchange.

The *amicus curiae* brief has been filed in *King v. Burwell*, an upcoming U.S. Supreme Court case over the ability of the federal government to offer subsidies via the federal health-benefits exchange to people who live in states that have elected not to set up their own state exchanges to implement the Affordable Care Act.

At stake is the ability of hundreds of thousands of Americans to continue receiving assistance to purchase health insurance, and the ability of hundreds of thousands of future customers to access the same financial assistance that millions of other Americans receive. This bipartisan coalition of attorneys general represents more than 145 million Americans.

"We have a vital interest in ensuring that all Americans have access to affordable health care, and that is why we are proud to join this *amicus* brief," Attorney General Racine said. **"An adverse ruling would have profound negative effects not only on consumers in states with federally-facilitated exchanges, but also for our entire health-care system – including District consumers."**

A study by the non-partisan [Urban Institute projects](#) that, in 2016, ending premium-assistance tax credits in the 34 states using a federally facilitated exchange would deprive more than 9.3 million Americans of almost \$29 billion in financial assistance — an average of \$3,090 per eligible person — and increase the number of uninsured by about 8.2 million people nationally.

An adverse ruling in *King* would also send shockwaves through the American health-care system, with effects felt far beyond the millions of Americans who purchase health insurance through a federally facilitated exchange. Non-partisan studies from the [Rand Corporation](#) and the [Urban Institute](#) found that ending premium assistance would threaten the viability of the health-insurance market. The 4th U.S. Circuit Court of

Appeals and four justices of the Supreme Court have also said that premium assistance is vital to the functioning of the market as Congress intended.

The plaintiffs in this case claim that only Americans who purchase health-care plans through state-established insurance exchanges are eligible for premium assistance. Their claim is based on a misreading of a single phrase in the law. The claim has already been rejected by several courts because it does not reflect the actual language, context, legislative history, or legislative intent of the Affordable Care Act.

In supplementing arguments that will be made by the Department of Health and Human Services, the states' brief lays out the stakes of the case, and argues that the plaintiffs' claim should be rejected because the states were not provided clear notice, as would have been required, that their citizens would be so dramatically punished if they chose to utilize a federally-facilitated exchange rather than constructing their own. The states joining the District on brief include Virginia (the lead amicus), California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington.

A copy of the brief is available upon request. It can also be viewed [online at Virginia Attorney General Mark Herring's website](#).

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