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CONTACT : Jim Landry
(202) 706-7050

AMERICAN ACTION FORUM FILES SUPREME COURT AMICUS BRIEF ON THE SEVERABILITY OF PPACA'S INDIVIDUAL MANDATE

Brief Shows PPACA Cannot Function as Intended Without Mandate

WASHINGTON - The American Action Forum today filed an [amicus brief](http://americanactionforum.org/topic/severability-amicus-brief) (<http://americanactionforum.org/topic/severability-amicus-brief>) signed by 102 economists, including two Nobel laureates and former senior government officials, showing the individual mandate cannot be severed from the rest of the Patient Protection and Affordable Care Act (PPACA) because Congress would not have intended the economic effects of the Act without the mandate.

Specifically, the 102 economists demonstrate how numerous provisions of the PPACA impose significant costs on healthcare market participants, primarily health insurance companies. The Forum amicus brief notes that Congress would not have imposed such costs without the countervailing benefits provided by the individual mandate, not just as a matter of politics, but because such an imposition would undermine the central goal of the Act to make health care more affordable.

The American Action Forum previously filed a brief with the Court of Appeals for the Eleventh Circuit addressing the economic premises on which the Obama Administration relied in seeking to defend the PPACA's individual mandate as a regulation of interstate commerce. The Eleventh Circuit expressly relied upon the American Action Forum analysis in finding the mandate unconstitutional.

The American Action Forum intends to file similar amicus briefs addressing the economic issues relating to the constitutionality of the individual mandate and the PPACA's Medicaid expansion according to the schedule the Supreme Court has ordered.

American Action Forum President Douglas Holtz-Eakin and the Forum's Director of Healthcare Policy, Michael Ramlet, released the following statement on the brief:

"Using the best available economic data and the same projection methods employed by the Department of Health and Human Services, we have estimated the impact of the most salient healthcare reforms, looking at both the costs and benefits to the health insurance industry. As a matter of basic economics, the PPACA cannot function in a manner consistent with the intent of Congress without the individual mandate.

"The Obama Administration concedes that certain provisions of the law, namely the community rating and guaranteed issue reforms, must stand or fall with the individual mandate. Yet this economic analysis demonstrates that the mandate is needed to counterbalance numerous provisions in the law beyond those two reforms.

"Because the individual mandate is the key to the economic viability of so many provisions of the law, this Court should not engage in a line-by-line analysis of whether particular individual provisions of the 2,700-page Act are or are not sufficiently independent from the individual mandate to be severed from it."

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The American Action Forum is a forward-looking policy institute dedicated to keeping America strong, free and prosperous. It seeks to promote common-sense, innovative, and solutions-based policies that will reform government, challenge out-dated assumptions, and create a smaller, smarter government that will serve its citizens better.