

# **OREGON ATTORNEY GENERAL JOHN KROGER ANNOUNCES FILING OF U.S. SUPREME COURT BRIEF IN SUPPORT OF CONSTITUTIONALITY OF HEALTH CARE REFORM**

February 17, 2012

## **Oregon is joined by 11 other Attorneys General and the Governor of Washington**

Attorney General John Kroger today announced the filing of a friend-of-the-court brief in the U.S. Supreme Court supporting the constitutionality of federal health care reform and urging the high court to uphold the landmark law.

"I am confident that the Affordable Care Act is constitutional and look forward to the Supreme Court's decision," said Attorney General Kroger.

In August 2011, a divided United States Court of Appeals for the Eleventh Circuit ruled that parts of the Patient Protection and Affordable Care Act (ACA) were unconstitutional but upheld other aspects of the law. The parties appealed that decision to the U.S. Supreme Court, which will hear oral arguments in the matter in March 2012.

At issue in the latest round of briefing is whether Congress overstepped its authority by expanding Medicaid and by requiring the states to implement that expansion or forego federal funding.

Attorney General Kroger, joined by 11 other attorneys general and the Governor of Washington, argued in a brief today in the U.S. Supreme Court that the Medicaid expansion is constitutional, and that Congress has not overstepped its authority or "coerced" the States by enacting the ACA's Medicaid expansion. As explained in the brief, Medicaid has always been a cooperative partnership between the States and the federal government, and the ACA does nothing to change that.

"In a cooperative federalist program, the federal government establishes the program's core requirements and gives the States the freedom to implement their own programs within those requirements. The ACA's Medicaid expansion does not change that fundamental arrangement, and it is entirely consistent with the history of the program. While expanding Medicaid's basic eligibility standards, the ACA does not disturb the States' autonomy and freedom to experiment that has always been a hallmark of the program," the amicus brief states.

The ACA is a comprehensive national solution to the nation's healthcare crisis that allows the States to substantially expand and improve health insurance coverage, and the Medicaid expansion is a critically important component of the new law. The Act continues the tradition of State flexibility and experimentation that has been the hallmark of the program. The ACA thus strikes an appropriate, and constitutional, balance between national requirements that will expand access to affordable healthcare and State flexibility to design programs that achieve that goal.

Joining Oregon in this brief are California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maryland, Massachusetts, New Mexico, New York, and Vermont, and the Governor of Washington.