

Durbin, Duckworth, Senate Democrats To Attorney General Barr: Drop Lawsuit To Gut The Affordable Care Act

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WASHINGTON – U.S. Senators Dick Durbin (D-IL) and Tammy Duckworth (D-IL) joined Senator Elizabeth Warren (D-MA) and 17 Senate colleagues in sending a letter to Attorney General William Barr, urging the Department of Justice (DOJ) to rescind its support of the Supreme Court lawsuit brought by 18 Republican state Attorneys General that seeks to invalidate the Affordable Care Act (ACA). In the letter, the Senators highlight how health insurance protections for millions of Americans are at stake in light of the current Supreme Court nomination fight and the ways in which health insurers could discriminate against millions more people who contract COVID-19 if the pre-existing protections in the ACA are gutted.

"We urge the Department of Justice to immediately rescind its support of the lawsuit in *California v. Texas* asking the Supreme Court to declare the ACA unconstitutional and invalidate the law in its entirety," wrote the lawmakers. "Passed in 2010, the ACA

dramatically expanded the number of Americans with health insurance. Destroying this progress and ripping away critical protections is cruel on its face. Looking to do so in the midst of a nearly unprecedented public health emergency—a COVID-19 pandemic that has claimed over 220,000 American lives and infected over 8 million people—is especially unconscionable."

The Supreme Court will hear arguments in *California v. Texas* on November 10, 2020. Among critical provisions, the ACA has made it [illegal](#) for insurance companies to deny insurance coverage for the 133 million Americans with pre-existing conditions. [Before](#) the ACA became law, insurers could exclude coverage of care associated with pre-existing conditions; charge higher health premiums based on a person's health status or gender; limit certain benefits like mental health treatment, prescription drugs, or maternity care associated with pre-existing conditions; and impose lifetime or annual caps on benefits. [Health experts warn](#) that, without the ACA, health insurers could classify COVID-19 as a pre-existing condition and deny COVID-19 survivors health insurance--[adding millions more people](#) to the previously existing 133 million Americans with pre-existing conditions.

Despite these essential protections for Americans and the growing number of Americans contracting COVID-19, the Department of Justice is currently in court seeking to [invalidate the ACA](#) while President Trump is working to fill the late Justice Ruth Bader Ginsburg's Supreme Court seat with his nominee, Judge Amy Coney Barrett, in time for the November 10 arguments. Barrett's nomination is a key component of the president's self-stated goal of "[terminating](#)" the ACA.

The letter was also signed by Senators Ed Markey (D-MA), Mazie Hirono (D-HI), Jeanne Shaheen (D-NH), Kirsten Gillibrand (D-NY), Tammy Baldwin (D-WI), Chris Van Hollen (D-MD), Gary Peters (D-MI), Richard Blumenthal (D-CT), Jeff Merkley (D-OR), Maggie Hassan (D-NH), Cory Booker (D-NJ), Tina Smith (D-MN), Patrick Leahy (D-VT), Kamala Harris (D-CA), Jack Reed (D-RI), Dianne Feinstein (D-CA), and Chris Murphy (D-CT).