

PROTECT OUR CARE

TO: Interested Parties

FROM: Protect Our Care

RE: As Pandemic Rages, Supreme Court Activity in Trump Lawsuit to Repeal American Health Care Begins Next Week

DATE: May 1, 2020

Next week marks a critical point for the future of American health care and the fate of the Affordable Care Act. On Wednesday, May 6, opening briefs will be submitted to the Supreme Court from those urging the court to reject *Texas v. United States*, the Trump-Republican lawsuit to overturn the ACA. These briefs from Democratic attorneys general and the House of Representatives will lay out the arguments in defense of the law and against the Trump administration and Republicans' lawsuit that seeks to strip health care away from 20 million Americans and protections from 135 million with pre-existing conditions. The consequences of the lawsuit for America's health care are particularly horrendous at a time the country is gripped by the coronavirus crisis which threatens the health and safety of the entire nation.

How We Got Here

Republicans in Congress have tried and failed [dozens of times](#) to repeal or weaken the Affordable Care Act and since day one of his presidency, Donald Trump has done everything in his power to sabotage and undermine the law. When he failed in Congress to overturn it, the president and Republican attorneys general turned to the courts. That case, *Texas v. United States*, is now before the Supreme Court, and on May 6, Democratic attorneys general and the House of Representatives will submit their briefs urging the court to reject the disastrous Trump-Republican lawsuit and protect the health care of millions of Americans. On May 13, health care experts, patient advocacy groups and others will file their briefs in opposition to the lawsuit. And in June, Republican states and the Trump administration will submit their briefs in response. The case will then be argued before the Supreme Court in its next term, quite possibly before the election in November.

The submission of these briefs from Democratic states next week will put the Trump administration's politically-motivated lawsuit on full display for the American people in front of the highest court. And as this case comes back into focus, it's especially important that Americans understand just what's at stake if the law is overturned, particularly in the midst of a global pandemic.

The Trump Lawsuit Would Rip Apart America's Health Care

If the Affordable Care Act is struck down:

GONE: Protections for 135 million Americans with pre-existing conditions. The uninsured rate will increase by 65 percent.

GONE: Medicaid expansion, which covers 17 million people.

GONE: Nearly 12 million seniors will have to pay more for prescription drugs because the Medicare 'donut hole' will be reopened.

GONE: 2.3 million adult children will no longer be able to stay on their parents' insurance.

GONE: Insurance companies will be able to charge women 50 percent more than men.

GONE: Financial assistance that helps 9 million people purchase health care in the marketplace.

GONE: Key support for rural hospitals. As Americans lose coverage, already struggling hospitals will be hit even harder as their costs increase.

The Trump Lawsuit Will Make the Coronavirus Crisis Far Worse

Simply put, there has never been a more important time to protect and expand Americans' health care, and never been a worse time to rip it away. As the Trump administration and state Republicans present their case for doing just that, Democrats next week will put into stark terms why the Trump-Republican lawsuit is not only cruel, but disastrous for our country during this crisis at a time when people need health care the most.

No action would be more damaging to Americans' health and safety than if the Trump administration achieves their desired goal of overturning the ACA in its entirety during this crisis. When the court hears this case, there will likely be no vaccine and no viable treatment for the virus. When millions of Americans have already lost health insurance due to the pandemic, it's absurd that President Trump is arguing in court that 20 million more Americans should lose their health care. And when millions of Americans with the coronavirus join the 135 million Americans with a pre-existing condition, President Trump will also be arguing in court to allow insurance companies to deny them coverage or charge them more.

At a time when we should be taking aggressive action to protect and expand health care for all Americans, like fully expanding Medicaid, opening a special enrollment period for the uninsured, or increasing financial assistance for people purchasing insurance, the Trump administration is instead arguing in court that the entire law should be overturned and programs like Medicaid expansion -- which has covered millions more Americans -- should be eliminated. If the Trump administration is serious about protecting Americans they would drop this lawsuit, yet sadly they have demonstrated that their desire to destroy the law trumps the health and safety of our nation.