

19-840 CALIFORNIA V. TEXAS

DECISION BELOW: 945 F.3d 355

LOWER COURT CASE NUMBER: 19-10011

QUESTION PRESENTED:

As part of the Patient Protection and Affordable Care Act (ACA), Congress adopted 26 U.S.C. § 5000A. Section 5000A provided that "applicable individual[s] shall" ensure that they are "covered under minimum essential coverage," 26 U.S.C. § 5000A(a); required any "taxpayer" who did not obtain such coverage to make a "[s]hared responsibility payment," *id.* § 5000A(b); and set the amount of that payment, *id.*

§ 5000A(c). In *National Federation of Independent Business v. Sebelius*, 567 U.S. 519, 574 (2012), this Court held that Congress lacked the power to impose a stand-alone command to purchase health insurance but upheld Section 5000A as a whole as an exercise of Congress's taxing power, concluding that it affords individuals a "lawful choice" between buying health insurance or paying a tax in the amount specified in Section 5000A(c). In 2017, Congress set that amount at zero but retained the remaining provisions of the ACA. The questions presented are:

1. Whether the individual and state plaintiffs in this case have established Article III standing to challenge the minimum coverage provision in Section 5000A(a).
2. Whether reducing the amount specified in Section 5000A(c) to zero rendered the minimum coverage provision unconstitutional.
3. If so, whether the minimum coverage provision is severable from the rest of the ACA.

CONSOLIDATED WITH 19-1019 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 3/2/2020