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February 18, 2020

Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street N.E.
Washington, D.C. 20543

Re: *Texas, et al. v. California, et al.*, No. 19-1019

Dear Mr. Harris:

I am counsel of record for the U.S. House of Representatives, which is a respondent in the above-captioned conditional cross-petition, the petitioner in No. 19-841, and a respondent aligned with petitioner in No. 19-840. I write to inform you that, although the House disagrees with the merits of the position advanced in the conditional cross-petition, the House acquiesces to the conditional cross-petition so that no issue arises regarding the scope of relief the Court may afford should it grant either or both of the petitions for certiorari filed by the House (19-841) and California and the other defendant States (19-840).¹ The House reserves its right to argue, as it has in its petition for a writ of certiorari, that Section 5000A of the Affordable Care Act is wholly severable from the remainder of the Act.

Additionally, should the Court grant the conditional cross-petition along with either or both of the petitions in Nos. 19-840 and 19-841, the House requests that, for the purposes of briefing and argument, the state cross-petitioners, the individual cross-petitioners, and the United States be aligned as respondents, and that the House and California be aligned as petitioners.

Thank you very much for your time and assistance on this matter.

Very truly yours,

/s/ Douglas N. Letter
Douglas N. Letter

¹ The House takes no position on whether a cross-petition is necessary to afford respondents their requested relief in the specific circumstances of this case.