

HOUSE RESOLUTION NO. 78

Reps. Witwer, Greig, Hoadley, Rabhi, Camilleri, Hertel, Lasinski, Warren, Gay-Dagnogo, Pagan, Anthony, Bolden, Koleszar, Sabo, Yancey, Haadsma, Tate, Kuppa, Tyrone Carter, Clemente, Manoogian, Guerra, Pohutsky, Wittenberg, Sowerby, Liberati, Brenda Carter, Kennedy, Garrett, Shannon, Brixie, Whitsett, LaGrand, Stone, Hood, Hammoud, Ellison, Hope, Garza, Neeley, Byrd, Coleman, Cambensy, Jones, Elder, Chirkun, Cherry, Robinson, Love, Peterson, and Cynthia Johnson offered the following resolution:

1 A resolution to urge the United States Department of Justice
2 to reverse its position affirming the federal court decision to
3 strike down the entire Affordable Care Act as unconstitutional.

4 Whereas, The Patient Protection and Affordable Care Act (ACA)
5 of 2010 led to a historic rise in health insurance coverage with
6 nearly 20 million Americans gaining coverage. The ACA allows states



1 to expand Medicaid, removes the lifetime and annual caps on health
2 insurance coverage, and protects essential health insurance
3 benefits, including for individuals with pre-existing medical
4 conditions; and

5 Whereas, On December 14, 2018, the U.S. District Court for the
6 Northern District of Texas struck down the entire ACA in *Texas v.*
7 *United States*, ruling that the minimum essential coverage
8 requirements of the ACA render the entire law unconstitutional; and

9 Whereas, On March 25, 2019, the Department of Justice
10 announced, in a reversal of its earlier position, that the decision
11 by the U.S. District Court for the Northern District of Texas
12 should be upheld, invalidating the entire ACA. Previously, then
13 Attorney General Jefferson Sessions sent a letter to Congress on
14 June 7, 2018 announcing that the Department of Justice would not
15 defend the constitutionality of the minimum essential coverage
16 requirements of the ACA but that the provision is "severable from
17 the remaining provisions of the ACA"; and

18 Whereas, Tens of thousands of Michigan residents have gained
19 health insurance coverage since Michigan expanded Medicaid. Signed
20 into law in 2013, Michigan's Medicaid Expansion program, the
21 Healthy Michigan Plan, now provides health insurance coverage to
22 more than 657,000 Michigan residents. Between 2013 and 2017, the
23 number of uninsured children decreased by more than 40,000, and the
24 number of uninsured non-elderly adults was cut in half, dropping
25 from 16 percent to 7 percent. Coverage gains have provided the most
26 benefit to low-income Michigan residents; and

27 Whereas, The passage of the ACA has also been beneficial for
28 health care providers and the health care system. From 2013 to
29 2015, Michigan hospitals saw a decline of over 40 percent in



1 uncompensated care. Hospitals with above average rates of
2 uncompensated care prior to the ACA saw the most benefit. Declines
3 in uncompensated care were significantly more in Michigan than in
4 states that did not expand Medicaid; and

5 Whereas, Repealing the ACA would reverse the countless strides
6 gained by the state of Michigan, potentially leaving thousands of
7 Michigan residents uninsured. The impact would be most detrimental
8 to some of Michigan's most vulnerable residents, including low-
9 income individuals and those with pre-existing medical conditions;
10 and

11 Whereas, The state of Michigan has expressed its strong
12 interest in protecting the ACA by filing a motion to intervene in
13 *Texas v. United States* and joining a coalition of 20 states also
14 fighting to ensure that their citizens continue to have access to
15 quality, affordable health care; now, therefore, be it

16 Resolved by the House of Representatives, That we urge the
17 United States Department of Justice to reverse its position
18 affirming the federal court decision to strike down the entire
19 Affordable Care Act as unconstitutional and protect the thousands
20 of citizens in Michigan and millions throughout the United States
21 who have gained health insurance coverage since 2013; and be it
22 further

23 Resolved, That copies of this resolution be transmitted to the
24 Attorney General of the United States.

