

NOEL FRANCISCO ON THE AFFORDABLE CARE ACT

Highlights:

- Noel Francisco said the Affordable Care Act was illegal and would not be defended by the Trump administration in court.

Francisco Called The Affordable Care Act Illegal

FRANCISCO SAID THE TRUMP ADMINISTRATION WOULD NOT DEFEND THE ACA BECAUSE IT WAS ILLEGAL

Francisco Said That The Affordable Care Act Was Illegal Because Congress Eliminated The Individual Mandate And The Trump Administration Would Not Defend It In Court. According to NPR, “In a filing with the U.S. Supreme Court, the Trump administration has reaffirmed its position that the Affordable Care Act in its entirety is illegal because Congress eliminated the individual tax penalty for failing to purchase medical insurance. Solicitor General Noel Francisco, the government's chief advocate before the Supreme Court, said in a brief that the other provisions of Obamacare are impossible to separate from the individual mandate and that ‘it necessarily follows that the rest of the ACA must also fall.’” [NPR, [6/26/20](#)]

Francisco Argued That The Individual Mandate Could Not Be Separated From The Other Provisions Of The ACA, So The Entire Law Must “Fall.” According to NPR, “Solicitor General Noel Francisco, the government's chief advocate before the Supreme Court, said in a brief that the other provisions of Obamacare are impossible to separate from the individual mandate and that ‘it necessarily follows that the rest of the ACA must also fall.’” [NPR, [6/26/20](#)]

The Supreme Court Upheld The ACA

The Supreme Court Upheld The Affordable Care Act In A 7-2 Decision. According to Oyez, “The plaintiffs lack standing to challenge the Affordable Care Act’s minimum essential coverage provision. Justice Stephen Breyer authored the 7-2 majority opinion of the Court. To have standing to bring a claim in federal court, a plaintiff must ‘allege personal injury fairly traceable to the defendant’s allegedly unlawful conduct and likely to be redressed by the requested relief.’ No plaintiff in this case has shown such an injury.” [Oyez, viewed [6/25/24](#)]