

Amy Coney Barrett ACA Opinions

- [Ramesh Ponnuru](#) argues that there is no evidence that ACB looks positive on the lawsuit against the ACA. “There is no evidence that Barrett looks positively at this lawsuit. Biden’s statement insinuates that we can take her comments about previous cases against Obamacare to indicate her support for it.”
- Just two months ago, Republicans agreed with an opinion that stated “a decisive preference for surgical severance rather than wholesale destruction” when one part of a law must be struck down.
- Ponnuru gives the example of her ruling against anti-abortion sidewalk counselor as an example of her upholding the legal precedent over her own principles.
- Sabrina Corlette, Georgetown University professor, “because there are so many conservative legal scholars that have said this is a ridiculous, meritless lawsuit, one can only hope and pray she’s in that camp.” from [The Guardian](#).
- Ponnuru claims that it is not yet known if she thinks it is legally sound to throw out the whole law simply because the individual mandate is ruled unconstitutional.
- “The simple fact is that the Obama administration is compelling religious people and institutions who are employers to purchase a health insurance contract that provides abortion-inducing drugs, contraception, and sterilization. This is a grave violation of religious freedom and cannot stand.” Quote from ACB in 2012 from [The Guardian](#).

[CAP Article](#) highlights key statements published by Amy Coney Barrett in a 2017 book review:

- Barrett said Roberts pushed the ACA ‘beyond its plausible meaning’ to save it.
- Barrett said it was ‘illegitimate’ for the Supreme Court to ‘distort’ the Constitution for a preferable result.
- Barrett wrote favorably of the dissent in *King v. Burwell*.
- Barrett also wrote a journal article, published in 2017, which argued against a 2012 Supreme Court ruling (*NFIB v. Sebelius*) which supported Congress’ authority in regard to enforcing certain ACA provisions.
- In general, the debate seems to be surrounding whether or not Amy Coney Barrett’s religious principles will guide her ruling on the ACA due to religious opposition surrounding issues such as contraception and abortion. Legal scholars are debating whether or not this means that she will rule against the individual mandate, or the entirety of the ACA.
- [In a mock](#) trial she participated in just before RBG’s death, she did not rule in favor of striking the ACA, “None of the participants on the eight-judge panel of the mock trial ruled in favor of the administration and Republican states’ request to strike down the ACA; however, five of the judges ruled that the law’s individual mandate, which Congress already effectively nullified, was unconstitutional.”
- With respect to an earlier ruling, *Burwell v. Hobby Lobby Stores* (2014), it is worth noting potential implications of the ruling, for example, several other religions and their respective objections to particular medical treatments and procedures, such as blood transfusions, antidepressants, and vaccinations, that could potentially leave millions of Americans vulnerable to healthcare restrictions based on the personal beliefs of their employers.

STLDI PLANS:

While everyone is talking about the ACA, here’s some interesting stuff on STLDI, which Trump has expanded successfully to keep people off Obamacare.

Trump expanded via executive orders, which were upheld by the DC Circuit. The legality of expanding the duration of these plans rested on the fact that “[The rule is neither inconsistent with nor impermissible under HIPAA or the ACA](#),” Judge Griffith writes in his majority opinion. ACAP argued that the STLDI rule was irreconcilable with the ACA because it allowed a parallel, shadow market for non-comprehensive plans. The majority disagrees because **the exemption for STLDI is “baked into the statute itself.”** The

ACA, by incorporating HIPAA's definition of individual health insurance coverage, exempted STLDI plans from the ACA's major consumer protections and single risk pool requirement." <https://www.healthaffairs.org/doi/10.1377/hblog20200719.720906/full/>

"Under *King v. Burwell*, the government cannot adopt a definition of STLDI that would 'destabilize the individual market.'" <https://www.healthaffairs.org/doi/10.1377/hblog20200719.720906/full/>

- Trump's most recent expansions of STLDI durations poses greater impact on the exchanges. Judge Barrett has not been favorable of the *King v. Burwell* in the past, and if harsh stances were taken in the upcoming *California v. Texas* then a democratic led legislature could push for language amendments to the ACA and HIPPA to dismantle the laxer frameworks Trump adopted surrounding STLDI.
- Amendments to the language surrounding duration of coverage under STLDI plans could bring an additional 3 million consumers to the exchanges (the current number of people with STLDI coverage).

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