



King v. Burwell

A ruling by the U.S. Supreme Court is expected in June on *King v. Burwell*, a case challenging the IRS rule authorizing ObamaCare's subsidies—and related penalties—for individuals in 34 states that declined to set up a state-based ObamaCare exchange. The plaintiff, King, argues the IRS illegally extends ObamaCare subsidies to those individuals, despite the law's clear language only allowing subsidies in states with a state-based exchange.

FGA has prepared a series of talking points to help you address the issues you may face.

Talking Points for Policymakers

A ruling in favor of King will protect millions of Americans from harm by ObamaCare.

- King v. Burwell is about basic fairness. The plaintiff represents countless Americans who have lost their health plans, doctors, or jobs, and those who the law forces to pay higher premiums and taxes.
- More people will be helped by a favorable King ruling, than hurt by it. Roughly 60 million Americans would be freed from ObamaCare's individual and employer mandates if the plaintiff wins, compared with just six million who would lose a taxpayer-funded ObamaCare subsidy.

This case is about reining in the abuses of the IRS.

- The IRS authorized ObamaCare subsidies, mandates, and penalties in the 34 states that declined to set up a state-based exchange, illegally targeting 60 million Americans.
- The law prohibits the IRS from authorizing those subsidies. Only elected officials have the power to make laws.

States shouldn't bail out ObamaCare by setting up a state-based exchange.

- Almost every state with its own ObamaCare exchange has run into implementation failures, including cost overruns, privacy concerns, eligibility failures, and threats from hackers. The FBI, the HHS Inspector General, and the Government Accountability Office are even actively conducting investigations on numerous state-based exchanges. We shouldn't gamble taxpayer dollars on an exchange that may never even work.
- State-based exchanges have spent almost \$5 billion so far—not on health care for the uninsured, but for non-functional software and highly-paid consultants. That's just wrong.

A favorable King ruling gives Congress the "ObamaCare do-over" we desperately need.

- ObamaCare is a disaster forced onto states by Washington, D.C. Washington needs to clean up its own mess and get rid of ObamaCare's harmful mandates once and for all. The path forward for Congress is clear:
 - #1: Congress needs to fix the law for everyone, not just those affected by the *King* decision.
 - #2: Congress needs to give people the right to choose from more plans, instead of allowing ObamaCare to continue cancelling millions of policies.
 - #3: Congress needs to make federal help (tax deductions, tax credits, or subsidies) available for the plan of your choosing, not just Washington-approved plans sold on the ObamaCare exchange.