

**STATEMENT OF CANCER LEADERSHIP COUNCIL
REGARDING FIFTH CIRCUIT DECISION IN
CHALLENGE TO AFFORDABLE CARE ACT**

December 19, 2019. – On Wednesday, December 18, 2019, the Fifth Circuit Court of Appeals issued its opinion in the case of Texas v. United States, a case challenging the Affordable Care Act (ACA). The court, in a 2-1 opinion, affirmed the decision of the District Court for the Northern District of Texas that found the ACA individual mandate unconstitutional. The Fifth Circuit remanded the rest of the case to the District Court for analysis with a “finer tooth comb” regarding whether other parts of the ACA can stand without the individual mandate.

The undersigned cancer organizations would first like to offer reassurances to those Americans who are currently relying on ACA programs or protections, a group that includes many people with cancer. Those who are enrolled in ACA plans for 2020, who are enrolled in Medicaid expansion, or who are protected by pre-existing condition provisions of the ACA will continue to enjoy these benefits as the case is remanded to the district court and judicial review continues.

We are, however, deeply concerned about the uncertainty that is created by the pending litigation and that has already affected the implementation and administration of the ACA. We will continue to express to lawmakers the need to affirm their support for the patient protections of the ACA, the subsidies that help many Americans purchase insurance, and access to Medicaid for many.

In the last year, researchers have documented the benefits of the ACA in protecting cancer patients’ access to care. We do not want to see that progress reversed, as would happen if the ACA is not upheld. We cannot accept a situation where many Americans will lose insurance and face delays in care, if they receive appropriate cancer care at all.