

RELEASE IN PART  
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**From:** Koh, Harold Hongju <KohHH@state.gov>  
**Sent:** Thursday, June 28, 2012 5:53 PM  
**To:** H  
**Cc:** Sullivan, Jacob J; Mills, Cheryl D  
**Subject:** Health Care decision  
**Attachments:** Note to S on ACA decision.docx

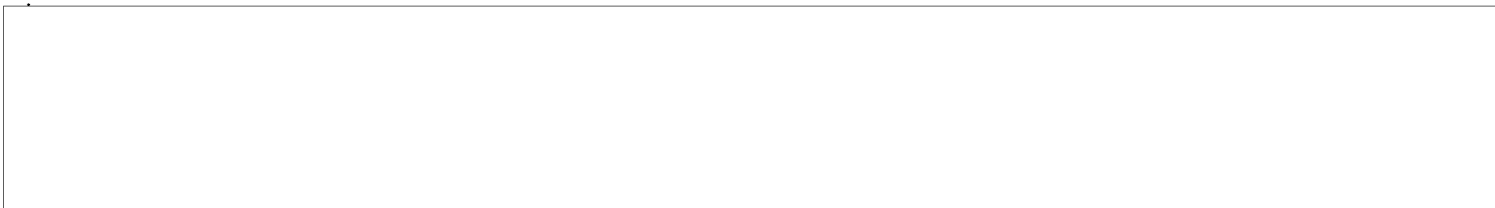
*This is coming to you as an info memo through the line, but I wanted you to have it asap.  
Harold*

In an historic decision, by a vote of 5 to 4, the Supreme Court today upheld the constitutionality of the Patient Protection and Affordable Care Act (ACA), 124 Stat. 119, enacted by Congress in 2010. Chief Justice Roberts wrote the controlling opinion and was joined in part by Justices Breyer and Kagan; Justices Ginsburg and Sotomayor would have upheld the ACA in full on alternative grounds. Four Justices --Scalia, Kennedy, Thomas, and Alito --dissented and would have invalidated the ACA in full. The opinions addressed jurisdiction, the individual mandate, and Medicaid expansion.

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