

**United States Department of State***Washington, D.C. 20520*

June 28, 2012

UNCLASSIFIED**NOTE TO THE SECRETARY**

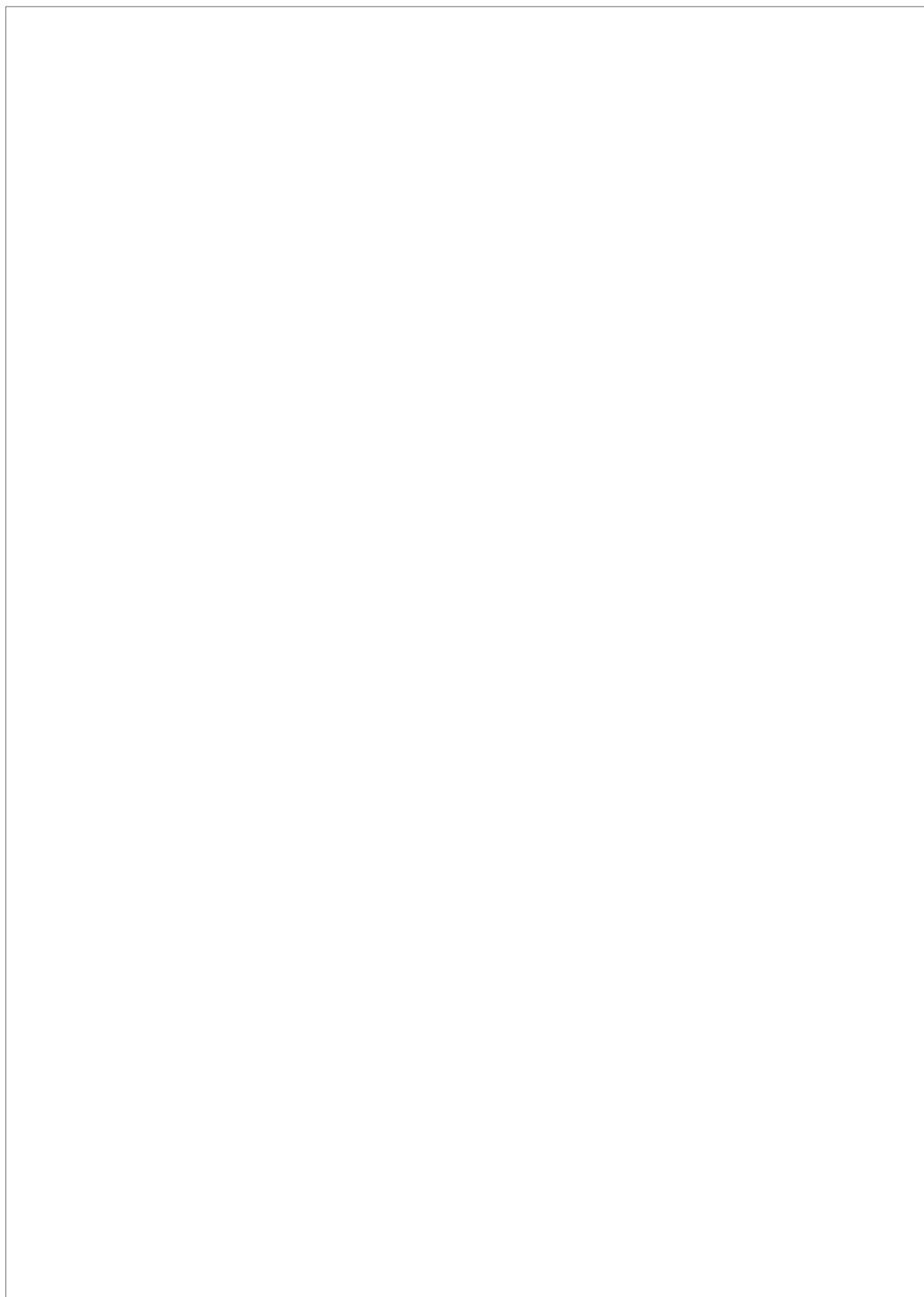
FROM: L – Harold Hongju Koh

SUBJECT: Supreme Court Decision on the Patient Protection and Affordable Care Act (*National Federation of Independent Businesses v. Sebelius*)

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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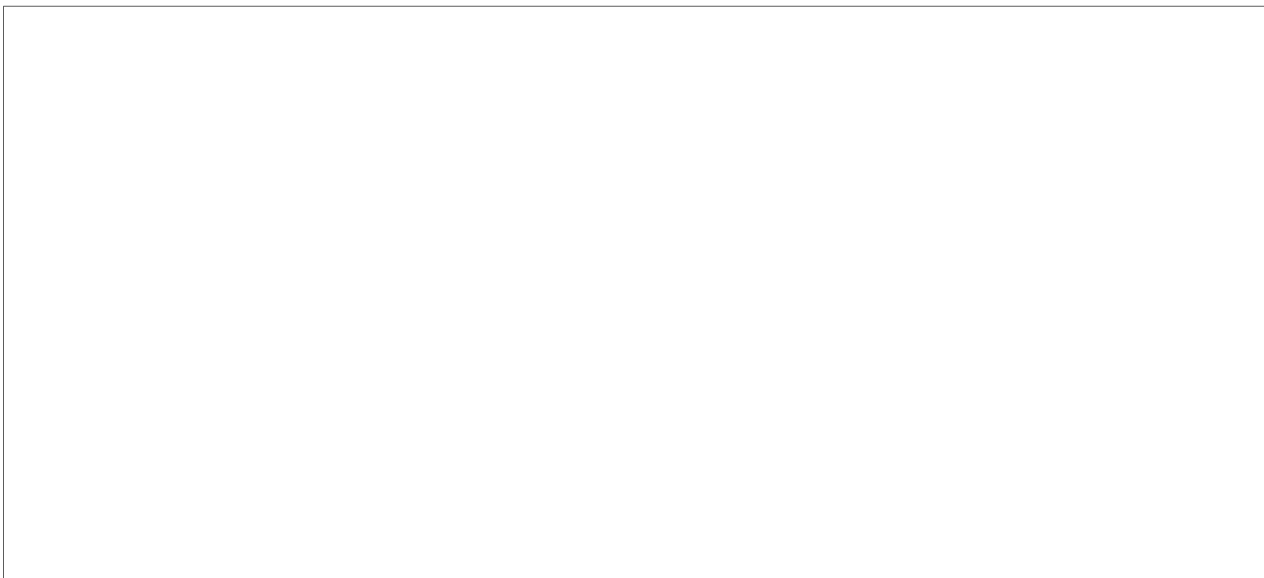
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