

## **King v. Burwell FAQ**

### **Q: What is the King v. Burwell case all about?**

**A:** *King v. Burwell* is a lawsuit challenging an IRS Obamacare rule that illegally subsidizes insurance premiums on both federal and state-established health insurance exchanges. It does so even though the underlying law passed by Congress only authorizes these subsidies for state exchanges. Since 36 states chose to not set up their own exchanges, this IRS rule is illegal. The plaintiffs in *King v. Burwell* represent the millions of Americans harmed by those Obamacare mandates and penalties that are triggered by these subsidies, which shouldn't apply in the nonparticipating states. Their injuries include lost jobs, higher insurance costs, and increased taxes. The IRS rule also threatens the rule of law because rather than implement the law enacted by Congress, the IRS is trying to rewrite it.

### **Q: Who are the plaintiffs?**

**A:** There are four plaintiffs in *King v. Burwell*, all Virginia residents who are actually harmed by the IRS subsidies because it makes them subject to Obamacare's individual mandate. The end result is that they are forced to enroll in certain types of health insurance, which they do not want, or they must pay a penalty.

### **Q: How did the plaintiffs get involved?**

**A:** Numerous conversations and hundreds of emails with groups and individuals spread the word about the case and led to the plaintiffs' participation. *King v. Burwell* was filed on behalf of the four plaintiffs in Virginia on Sept. 16, 2013.

### **Q. How does CEI respond to the claim that this case will only hurt Americans and cause millions to lose their insurance coverage?**

**A:** America already has a disaster on its hands under the Affordable Care Act. Much of this problem was not created by *King v. Burwell*, but by the IRS's deliberate decision to illegally make subsidies available nationwide.

Millions of Americans have already lost their health plans and doctors, and been forced to pay higher insurance premiums and taxes. A ruling by the court for the plaintiffs would create the opportunity for Congress, the administration, and the states to work together to address Obamacare's problems. It would also restrict agency overreach, namely the IRS's attempt to rewrite our nation's laws.

### **Q: Why is CEI involved in the King case?**

**A:** The Competitive Enterprise Institute is a non-profit public policy organization dedicated to advancing the principles of limited government, free enterprise, and individual liberty. *King v. Burwell* is about stopping the IRS from illegally rewriting laws passed by Congress. CEI's unique expertise in litigation, specifically rule of law cases, and executive branch oversight, makes CEI a natural fit to spearhead both the *Halbig v. Burwell* and *King* cases challenges to the IRS' illegal Obamacare rule.

### **Q: Who is funding the King and Halbig cases?**

**A:** CEI welcomes contributions from all who support our principles of limited government, free enterprise, and individual liberty. CEI does not accept government grants. CEI supporters include a diverse group of individuals, businesses, and foundations, and the funding for this case comes from our general operating fund. CEI's research programs and positions are developed independently and are not influenced by the views of donors.