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High Court to Hear Health-Care Case in March

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By JESS BRAVIN

WASHINGTON—Supreme Court arguments over President Barack Obama's health-care overhaul will stretch over three days, beginning March 26, the court said Monday.

A typical case is allotted an hour for argument, but the court scheduled five and a half hours for the health-care case, reflecting how novel some of the questions are and the importance of a dispute that could define the limits of federal power for decades to come.

The main part will take place on Tuesday, March 27, with a two-hour argument over the minimum-coverage provision, which starting in 2014 will require most Americans to carry health insurance or pay a penalty. Challengers argue that Congress lacks the power to impose such a requirement, while the Obama administration maintains that it does under its constitutional authority to regulate interstate commerce, levy taxes and enact any "necessary and proper" laws.

Most

At the March 28 morning session, the court will hear a 90-minute morning argument over which portions of the Patient Protection and Affordable Care Act, as the health law is titled, can survive if the individual-insurance mandate is



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Associated Press

Members of the Supreme Court.

struck down. The 11th U.S. Circuit Court of Appeals in Atlanta—the only one of four federal appeals courts to find any portion of the Affordable Care Act unconstitutional—held that the balance of the law can stand.

The government, however, argues that if the individual mandate falls, so too must the requirement that insurance companies take all comers and the ban on surcharges for pre-existing conditions. Those two

provisions, the government says, are only feasible if the insurance pool is expanded to include younger, healthier people whose premiums will balance the costs.

The challengers, including 26 Republican-controlled states, contend that if the individual mandate goes, the entire Affordable Care Act must also be thrown out.

A one-hour session is scheduled for the afternoon of March 28 to hear those states' claim that provisions expanding the Medicaid program are unconstitutional. The states say Congress can't force them to spend more on Medicaid. The Atlanta court rejected that argument, holding that states knew that Washington could change the terms of the Medicaid program when they joined it and remain free to withdraw from Medicaid entirely if they prefer.

A less-discussed issue is to be argued first, for one hour on March 26. The question is whether the entire case needs to be shelved because of a federal law requiring taxpayers to pay their assessments before challenging a levy's legality. One federal appeals court, in Richmond, Va., found this law applies to the Affordable Care Act.

That court found that the penalty for noncompliance, which is to be collected by the Internal Revenue Service along with individual tax returns, was similar enough to a tax to fall under the provision. Both the Obama administration and the challengers disagree, but the Supreme Court was sufficiently interested in the question to schedule a hearing anyway and hire an attorney to present the argument.

Write to Jess Bravin at jess.bravin@wsj.com

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