

**Congress of the United States**  
**Washington, DC 20515**

January 20, 2011

Lisa Madigan  
Attorney General  
State of Illinois  
100 West Randolph Street  
Chicago, IL 60601

Dear Attorney General Madigan:

We, the undersigned members of the Illinois Congressional delegation, write to you today to respectfully request that you join the 26 Attorneys General and the National Federation of Independent Businesses in the multistate lawsuit they have filed challenging the Constitutionality of P.L. 111-148, the Patient Protection and Affordable Care Act, as amended by P.L. 111-152, the Health Care and Education Reconciliation Act.

As we are approaching the one year anniversary of the law's enactment, it is clear that the law's requirement forcing all Americans to either purchase health insurance or pay a fine, commonly known as the 'individual mandate' is Constitutionally questionable. In his December 13, 2010 ruling in *the Commonwealth of Virginia v. Kathleen Sebelius, Secretary of the Department of Health and Human Services* U.S. District Judge Henry Hudson's ruling wrote:

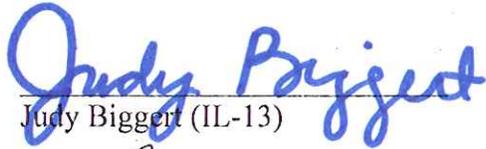
A thorough survey of pertinent constitutional case law yielded no reported decisions from any federal appellate courts extending the Commerce Clause or General Welfare Clause to encompass regulation of a person's decision not to purchase a product, notwithstanding its effect on interstate commerce or role in a global regulatory scheme. The unchecked expansion of congressional power limits suggested by the Minimum Essential Coverage Provision would invite unbridled exercise of federal police powers. At its core, this dispute is not simply about regulating the business of insurance- or crafting a scheme of universal health insurance coverage- it's about an individual's right to choose to participate.

We agree with Judge Hudson's ruling in the *Virginia* case and believe there is an equally important argument being made in the multistate lawsuit. With the support of over half the States' Attorneys General, the multistate lawsuit gives the people of Illinois a platform to be heard regarding their concerns over the unconstitutional aspect of the current federal health law.

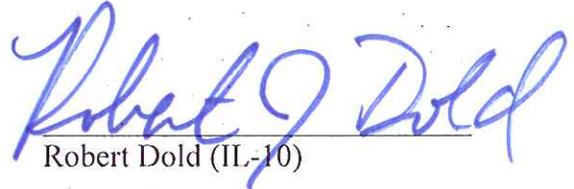
An additional concern is the effect of the expansion of Medicaid to Illinois' fiscal situation. Just last week, Illinois lawmakers were forced to raise the state income tax by 66% so Illinois can raise enough revenue to close the budgetary hole, which was caused in part by the unsustainable Medicaid program. According to former Illinois Comptroller Dan Hynes, "in Illinois the primary addition to Medicaid rolls will be low income childless adults who currently are not covered by Illinois programs." Even taking into account the federal government's 100% match for the first years of eligibility for the newly eligible Medicaid enrollees, our experts have determined the total cost of covering this category of individuals will cost the state of Illinois upwards of \$1.2 billion over 5 years. This cost, which is in addition to Illinois' current obligations, will inevitably lead to future tax increases, cuts in state spending or a combination of both.

It is important to note that we support legislation which reforms our healthcare system; however, we do not support legislation which erodes at a person's individual liberty. The people of Illinois have a right to be heard and we respectfully request that you add Illinois as a party to the multi-state lawsuit challenging P.L. 111-148 as amended by P.L. 111-152.

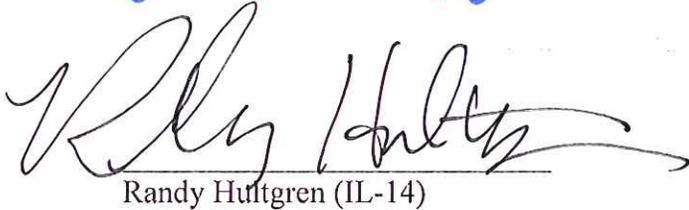
Sincerely,



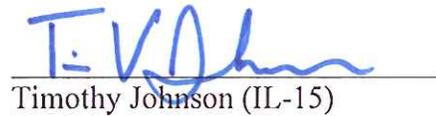
Judy Biggers (IL-13)



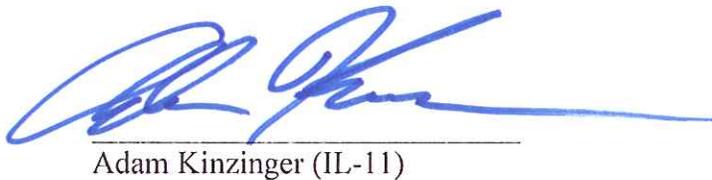
Robert Dold (IL-10)



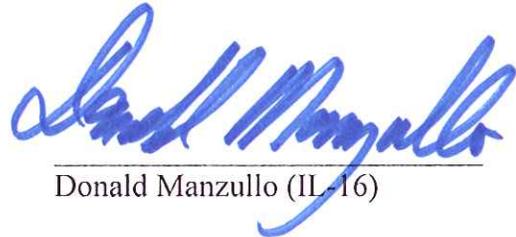
Randy Hultgren (IL-14)



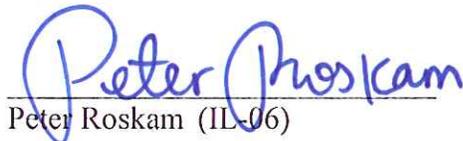
Timothy Johnson (IL-15)



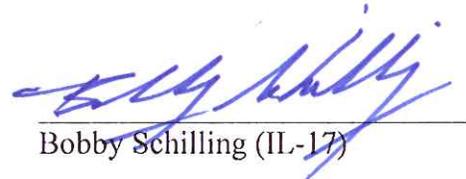
Adam Kinzinger (IL-11)



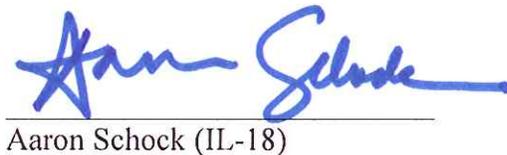
Donald Manzullo (IL-16)



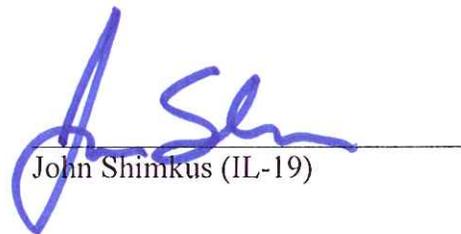
Peter Roskam (IL-06)



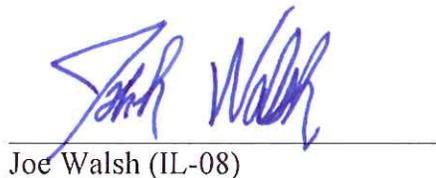
Bobby Schilling (IL-17)



Aaron Schock (IL-18)



John Shimkus (IL-19)



Joe Walsh (IL-08)

CC: Pat Quinn, Governor