

# Protect Our Care: FACT SHEET: GOP still working to overturn ACA in court

Posted on Friday, Aug 26, 2022

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During the [first week](#) of the Inflation Reduction Act theme weeks, Protect Our Care has highlighted Republican lawmakers for their vote against lowering health care and prescription drug costs in the Inflation Reduction Act.

Republican strategists, dark money groups and serial ACA opponents are now backing a lawsuit seeking to destroy critical health care protections for millions through *Kelley v. Becerra*, a lawsuit to undermine the Affordable Care Act (ACA).

The ongoing litigation in *Kelley v Becerra* has the potential to singlehandedly strip the ACA of one of its most influential and important aspects, its guaranteed no-cost benefits. The over [63 million](#) women alone who have free birth control due to the ACA's guaranteed free contraception, over a dozen [vaccinations](#) which are provided to the public free of charge (including the flu, whooping cough, and measles which has recently had a resurgence in the American populace), and the numerous free screenings from cancer to infant child care are all now at risk. Republicans know that trying to legislate away these policies led to a popular [backlash](#) costing them vital seats in Congress, so they've moved back to their strategy of throwing [lawsuit](#) after [lawsuit](#) to strip the ACA of its teeth. Read more about Kelley v. Becerra [here](#).

**Republican Mega Donors Lead the Charge Against the ACA.** John Kelley, one of the plaintiffs in *Kelley v Becerra* isn't a newcomer to the Republican war on affordable health care. His first foray into this fight was the 2019 lawsuit against the ACA's contraceptive mandate [DeOtte v. Azar](#). Long-time GOP mega donor, 2020 election [denier](#), and wannabe [musician](#), Steven Hotze, is another plaintiff in this case who not only was also a part of *DeOtte v. Azar*, but has [brought and lost](#) multiple other parts of the ACA.

**Republican Policymakers and Dark Money Groups Are Behind Kelley v. Becerra.** The blatant partisanship doesn't end with the plaintiffs. The lead attorney for the plaintiffs, John Mitchell, also just happens to be one of the main authors of the far-right Texas [vigilante law](#) essentially banning abortion through the state. He has also filed a [brief](#) explicitly advocating for the Supreme Court to overrule its Obergefell v. Hodges, which enshrined marriage equality as a right. Meanwhile in the background, the entire plaintiffs' case is being funded and represented by the America First Legal Foundation, a [Trump-aligned](#) group with its advisory board consisting of Trump cabinet members like [white nationalist](#) Stephen Miller, the architect of the Trump administration's harshest immigration policies and a supporter of the [forced sterilizations](#) committed by ICE in Georgia.

**The Core of the ACA is at Stake.** The ACA secures access to and provides a wide range of services to everyday Americans. Over [63 million](#) people currently do not pay for contraception, which is a project of the ACA, saving them nearly [\\$1.4 billion](#) in just the first year the ACA was implemented alone. Another ACA requirement gives pregnant people access to recommended prenatal care, including no-cost preeclampsia screenings and folic acid, to help assist in a healthy pregnancy. Health insurance companies are also required to cover [screenings](#) for breast, lung, cervical, and colorectal cancers, hepatitis B and C, heart disease, hypertension, osteoporosis, in addition to others. Over a dozen [vaccinations](#) for both adults and children that Americans have gotten used to being free, through coverage without cost-sharing, is also due to critical ACA requirements, providing a vital public health measure in the fight against everything from COVID to polio. Fighting the HIV epidemic is a main priority of the ACA and as such it guarantees access to pre-exposure prophylaxis (PrEP), a drug that is proven to reduce the risk of contracting HIV by [99 percent](#). If this lawsuit succeeds, all of these benefits would disappear in an instant and the Republican project aiming to force Americans into undue debt, stress, and death due to exorbitant medical costs will be one step closer to being realized.