



STATE OF NEVADA  
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Congressman Dean Heller  
House of Representatives  
125 Cannon Office Building  
Washington, DC 20515-2802

Dear Congressman Heller,

I am writing to acknowledge your letter requesting this office challenge the constitutionality of the Patient Protection and Affordable Care Act (H.R. 3590, PL# 111-148). Thank you for bringing your concerns to the attention of this office. The Office of the Nevada Attorney General is currently in the process of reviewing the newly enacted legislation.

You state in your letter, "I want to draw your attention to provisions of the recently-passed Patient Protection and Affordable Act (H.R. 3590, PL#111-148) which I believe merit your consideration." You mention that you are "troubled by the state-specific Medicare and Medicaid deals included in this law." Likewise, you write that you have concerns that "Nevada taxpayers" will have to "offset the difference" for "select states" because of these deals. However, you fail to cite to any specific provisions in H.R. 3590 that would assist my office in its scrutiny of the legislation.

I mention this in the hopes that you can provide my office with the specific provisions in the new law that you are referencing in your letter.

As you know, my office is reviewing this legislation for possible violations of the federal constitution. If my office files a lawsuit against the Federal Government, that lawsuit will have a solid basis in law and have the ability to withstand the scrutiny of State and Federal legal analysis. Anything less would be a disservice to the citizens and taxpayers of Nevada – who would fund both sides of such a suit through taxes.

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We are in the process of conducting due diligence in preparation for our decision. Part of that due diligence requires specificity with the facts, not generalizations. As a congressman, you have a much more intimate understanding of the language in the Act which could assist my office in its preparations.

I trust I can count on your assistance in this matter for the sake of the people we serve. I look forward to hearing from you.

Sincerely,



CATHERINE CORTEZ MASTO  
Attorney General

CCM/lf