

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES HOUSE OF REPRESENTATIVES,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:14-cv-01967-RMC
	)	
<b>SYLVIA MATHEWS BURWELL</b> , in her official	)	
capacity as Secretary of Health and Human Services, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

---

**DEFENDANTS’ RESPONSE TO PLAINTIFF’S STATEMENT  
OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE**

The defendants agree with the House that this case is ripe for resolution through cross-motions for summary judgment. This case presents solely a question of statutory interpretation, which does not turn on any disputed issues of fact. Pursuant to Local Civil Rule 7(h)(1), Defendants respond as follows to the assertions in the particular numbered paragraphs of Plaintiff’s Statement of Material Facts As To Which There Is No Genuine Issue, ECF No. 53, but any disputes regarding those assertions do no relate to “material” facts necessary to be litigated. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986) (only disputes over “material” facts—facts that “might affect the outcome of the suit under governing law”—may properly preclude summary judgment).

1. Admit.
2. Admit.
3. Admit.
4. Admit.

5. Admit.

6. Admit.

7. Admit.

8. Admit.

9. Admit.

10. Admit, except to note that the submission of this document is not material to the question of statutory interpretation that is at issue in this case. *See, e.g., FTC v. Dean Foods Co.*, 384 U.S. 597, 608-09 (1966).

11. Admit, except to note that the submission of this document is not material to the question of statutory interpretation that is at issue in this case. *See, e.g., FTC v. Dean Foods Co.*, 384 U.S. 597, 608-09 (1966).

12. Admit, except to note that the submission of this document is not material to the question of statutory interpretation that is at issue in this case. *See, e.g., FTC v. Dean Foods Co.*, 384 U.S. 597, 608-09 (1966).

13. Admit, except to note that the submission of this document is not material to the question of statutory interpretation that is at issue in this case. *See, e.g., FTC v. Dean Foods Co.*, 384 U.S. 597, 608-09 (1966).

14. Admit that the Executive Branch did not submit to Congress a formal document withdrawing its April 10, 2013 budget request for an annual appropriation for FY 2014 for the Department of Health and Human Services to make cost-sharing reduction payments. The defendants further note that this allegation is not material to the question of statutory interpretation that is at issue in this case. *See, e.g., FTC v. Dean Foods Co.*, 384 U.S. 597, 608-09 (1966).

15. Admit, except to note that the submission of this document is not material to the question of statutory interpretation that is at issue in this case. *See, e.g., FTC v. Dean Foods Co.*, 384 U.S. 597, 608-09 (1966).

16. Admit, except to note that the submission of this document is not material to the question of statutory interpretation that is at issue in this case. *See, e.g., FTC v. Dean Foods Co.*, 384 U.S. 597, 608-09 (1966).

17. Admit, except to note that this allegation is not material to the question of statutory interpretation that is at issue in this case. For the reasons explained in the defendants' briefing, the Affordable Care Act's amendment to 31 U.S.C. § 1324 provided a permanent appropriation for the Act's program of insurance subsidies; no further annual appropriation for those subsidies was required.

18. This paragraph contains only conclusions of law, and not averments of factual issues, material or otherwise, to which a response would be required. The defendants further note that this allegation is not material to the question of statutory interpretation that is at issue in this case. For the reasons explained in the defendants' briefing, the Affordable Care Act's amendment to 31 U.S.C. § 1324 provided a permanent appropriation for the Act's program of insurance subsidies; no further annual appropriation for those subsidies was required.

19. Admit.

