



COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES

RICHMOND

WILLIAM J. HOWELL
SPEAKER

TWENTY-EIGHTH DISTRICT

COMMITTEE ASSIGNMENTS:
RULES (CHAIRMAN)

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Statement of House Speaker William J. Howell on Federal Judge Ruling Unconstitutional Individual Mandate in Federal Health Care Law

RICHMOND, VA – Virginia House of Delegates Speaker William J. Howell (R-Stafford) today said it was “welcome news” that a central provision in the last year’s federal health care law – the individual mandate – has been declared unconstitutional by U.S. District Judge Henry E. Hudson in a Virginia lawsuit advanced by Virginia Attorney General Ken Cuccinelli. The lawsuit was precipitated by state legislation, [House Bill 10](#), the Virginia Health Care Freedom Act, that Speaker Howell and others supported earlier this year:

“For those who believe in a federal government whose powers are enumerated and limited by the framers of the U.S. Constitution, today’s federal court ruling was welcome news,” said Speaker Howell.

Judge Hudson found that the U.S. Congress exceeded its constitutional authority to regulate interstate commerce by compelling people to ‘involuntarily engage in a private commercial transaction.’ He also ruled that the Obama Administration cannot argue – after the fact – that the mandate is a tax and therefore within Congress’s constitutional tax authority. The judge ruled that ‘[T]he Court is unpersuaded’ that the penalty for not purchasing insurance is a ‘bona fide revenue raising measure enacted under the taxing power of Congress.’

“The Commerce Clause in the U.S. Constitution does not grant Congress the authority to force people into economic activity,” Howell concluded. “The individual mandate was an unprecedented action and, sadly, is only one of many recent examples of overreaching by the federal government. The mandate forcing individuals to purchase health care insurance is neither within the letter nor the spirit of the Constitution. The federal judge made the correct constitutional decision and I look forward to this matter being completely resolved as soon as possible.”

Judge Hudson did not halt implementation of the federal law or declare the whole thing invalid. Ultimately, the U.S. Supreme Court will be called upon to make a final determination on Obamacare’s future.

On December 16, 2009, Speaker Howell wrote Virginia’s U.S. Senators, Jim Webb and Mark Warner, and urged them to oppose the ‘Obamacare’ bill then under consideration. It narrowly passed last Christmas eve, with Jim Webb casting the deciding vote. A copy of the full letter is attached.

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