

### For Immediate Release

**January 31, 2011** – NHeLP is extremely disappointed in Federal District Judge Vinson's ruling today in *Florida ex rel. McCollum v. U.S. Department of Health and Human Services*, striking down the individual mandate, a measure in the ACA that requires most Americans to have health insurance, and declaring that the entire law is void. "The Constitution places the authority to make laws with Congress, and where Congress has a rational basis for its conclusions those should be accepted by the courts," said Emily Spitzer, NHeLP's Executive Director. "Unfortunately, this activist judge has substituted his opinion for the findings and conclusions of Congress. The judge is on the wrong side of history, and we are looking forward to a speedy reversal of this decision by the court of appeals."

The individual mandate is crucial to assuring that all Americans are able to obtain health insurance, regardless of their income and health status, and to controlling health care costs as all Americans are brought under the coverage tent. And, as two other federal courts have already recognized, it is well within Congress' power to regulate how, and when, people participate in the health care market. Thus, the individual mandate is constitutional.

NHeLP has argued in support of the ACA, filing an [amicus brief](#) in this case. In a separate argument, the states have said the Medicaid provisions of the ACA are unconstitutional. In its brief, NHeLP argued that the ACA does not radically change Medicaid's structure or purpose. NHeLP is pleased that Judge Vinson rejected the states' claim and found that the Medicaid expansion is within Congress' power. Yet, his decision to void the entire law could defeat the purpose of the Medicaid expansion and the many other improvements to the health system included in the ACA.

A copy of Judge Vinson's order is available [here](#).

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