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D.C. Court of Appeals upholds mandate provision of Obamacare

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WASHINGTON (Legal Newsline) - The U.S. Court of Appeals for the District of Columbia Circuit has upheld the mandate provision of the Affordable Health Care Act, commonly referred to as Obamacare.

Judge Laurence Silberman, wrote for the majority in the split decision issued today.

"...[T]he Affordable Care Act sought to reform our nation's health insurance and health care delivery markets with the aims of improving access to those markets and reducing health care costs and uncompensated care



Silberman

"The right to be free from federal regulation is not absolute, and yields to the imperative that Congress be free to forge national solutions to national problems, no matter how local-or seemingly passive-their individual origins."

Judge Brett Kavanaugh dissented, writing that the court lacked jurisdiction.

Both judges believe the issue is headed to the Supreme Court.

This suit, like others, involves a challenge to the minimum essential coverage provision of the Act, which requires all applicable individuals to purchase and maintain minimum essential health coverage in an insurance plan beginning in January 2014.

The requirement is commonly called the individual mandate. Any taxpayer who fails to meet the requirement must pay a shared responsibility payment, labeled a "penalty," which will be calculated by using the lesser of either a percentage of the taxpayer's income or the national average premium for the lowest-level plan providing minimum

essential coverage.

Randy E. Barnett, a visiting professor at University of Pennsylvania Law School, said in a statement that the divided decision demonstrates why the stakes in challenges to Obamacare are so high.

"Like the government, the majority could identify no limit to an unprecedented power of Congress to mandate 'that any American purchase any product or service in interstate commerce,'" Barnett said.

"The Supreme Court will now have to face the question of whether the federal government is one of limited and enumerated powers or is instead a government of unlimited power 'to forge national solutions to national problems, no matter how local-or seemingly passive-their individual origins.'"

Ilya Shapiro, a senior fellow at the CATO Institute, also commented.

"Every development in the Obamacare litigation has been anticlimactic since the Eleventh Circuit split with the Sixth, guaranteeing that the Supreme Court would take the case," Shapiro said.

"Today's ruling by the D.C. Circuit, therefore, is notable not so much for its result-upholding the individual mandate-but for the reluctance with which it reached it.