



Pennsylvania  
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## HEALTH CARE REFORM: CONSTITUTIONALITY

The constitutionality of the Patient Protection and Affordable Care Act is beyond dispute. Congressional action on this Act is rooted in powers granted to the legislative branch in Article I, Section 8 and the provisions of the Act are consistent with the Due Process Clause of the Fifth Amendment.

**General Welfare Clause:** According to Article I, Section 8, “The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States.” The welfare clause has been the basis for actions by Congress to provide for Americans’ social and economic security by passing Social Security, Medicare and Medicaid. Those landmark laws provide the well-established precedent on which this Act builds by seeking to provide all Americans with access to quality, affordable health care. The Supreme Court settled the debate on the constitutionality of Social Security more than 70 years ago in three 1937 decisions. Since that point, the Court has not declared any federal taxing or spending program to be beyond the scope of Congress’ power under this clause.

**Commerce Clause:** Under Article I, Section 8, Congress has the power “to regulate Commerce with foreign Nations, and among the several States.” Since at least the time of the Great Depression and the New Deal, and as upheld in recent decisions by a Supreme Court dominated by Republican-appointed Justices, Congress has been understood and acknowledged by the Supreme Court to have power pursuant to the commerce clause to regulate matters with a substantial effect on interstate commerce. Congress’ actions to regulate the health care market that makes up one sixth of the U.S. economy clearly meet that test.

**Due Process Clause of the Fifth Amendment:** The Due Process Clause of the Fifth Amendment states that “No person shall be . . . deprived of life, liberty, or property without due process of law.” The Court has generally deferred to Congress in the area of health policy and has upheld governmental action in this arena there is a rational basis. The Act’s mandate that individual have health insurance is rationally related to congressional action focused on reducing health care costs and improving health care delivery. It is consistent with the Due Process Clause of the Fifth Amendment.

Congress has acted in a manner that is consistent with powers granted to it under Article I of the Constitution. The individual mandate included in this Act is rationally related to reforming our nation’s health care system. The constitutionality of this Act is therefore unquestionable. Use of the legal system to further partisan goals and obstruct progress will do nothing more than waste taxpayers’ dollars on a misguided effort that will ultimately fail.