



State of Arizona

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Statement by Governor Jan Brewer

ObamaCare is Wrong for Arizona and Wrong for America – Federal Hearing Tuesday

PHOENIX - "Arizona has a long and proud history of fighting the Washington, D.C. elite's insatiable appetite for bigger government at the cost of States' rights. The battle over the Affordable Care Act better known as "ObamaCare" is the latest round. Once again, the feds have gone too far.

"The cost of ObamaCare places unsustainable burdens on our federal government, our state government, and on American families. Further, the scheme is based on the unconstitutional mandate that every American buy health insurance. For these reasons, the State of Arizona, at my direction, has joined nineteen other states in challenging ObamaCare in federal court in the Northern District of Florida.

"Shortly after the states filed their suit, President Obama directed his counsel at the Department of Justice to file a motion to dismiss the case. The federal district court in Florida will hear arguments this Tuesday, September 14, on whether the states' challenge to ObamaCare may move forward. I have no doubt that Arizona and the other states will ultimately prevail in striking down the most oppressive provisions of ObamaCare. The Act is simply unreasonable, unsustainable and unconstitutional.

"The costs of ObamaCare are indefensibly high and unsustainable. The current federal budget deficit will exceed \$1.3 trillion. According to the Congressional Budget Office, the ten year deficit is another \$6.2 trillion. This is not the time for America to be expanding entitlement programs, and thereby shackling our country to ever expanding debt obligations. Instead, the federal government should follow Arizona's example and cut spending. America needs a long-term plan that will balance our federal budget and bring stability to our economy.

"In addition to burdening the federal budget, the Act unconstitutionally imposes staggering new costs and obligations on the states. It transforms Medicaid from a federal-state partnership to reimburse needy persons' medical costs into a vast federally-mandated program to benefit millions of persons with incomes above the poverty line. While the states previously had discretion to manage their programs consistent with the needs of their citizens – indeed, Arizona's own Medicaid program, AHCCCS, is a model nationwide – the Act now limits state flexibility and turns the states into an administrative arm of the federal government. It also compels the states to assume responsibility not only for cost reimbursement but for the provision of the

healthcare services. These changes will add more than \$1 billion per year in costs to an already overstrained state budget.

“ObamaCare also forces private insurance plans to expand coverage. While some of these changes may seem fair on the surface, ultimately the costs of these changes are borne by families. According to the *Wall Street Journal*, coverage changes demanded by ObamaCare could increase some premiums as much as 9 percent. Many Arizonans have already been told by their employers to expect high increases in their insurance premiums that will dramatically impact their household budgets.

“Ultimately, the law is unconstitutional. It represents an unprecedented intrusion on the sovereignty of the states and the freedom of their citizens. Congress is using its authority under the Commerce Clause to require citizens to purchase health insurance or face a stiff penalty. This overreaching application of the Commerce Clause cannot withstand constitutional scrutiny.

“Congress’s commerce power extends to regulation of activities having a substantial relation to interstate commerce, but it may not be used to compel individuals to enter a marketplace. Likewise, Congress’s power to tax does not authorize it to compel persons to buy specific insurance products. By enacting ObamaCare, Congress has seized powers denied it under the Tenth Amendment, in violation of the Constitution’s federalist structure and individual rights under the Fifth and Ninth Amendments.

“ObamaCare is a key point upon which Attorney General Goddard and I differ. I asked the Attorney General as the Arizona chief legal officer to join his colleagues in the other states in reviewing the constitutionality of the proposed law as it was making its way through Congress last year. He said no. Once it passed, I asked him to join the other states in challenging the law. He said no. In fact, Mr. Goddard recently argued that Arizona is “better off” with ObamaCare. Realizing that Congress has crossed the constitutional line and Attorney General Goddard was going to do nothing to protect Arizona’s citizens, I called the Arizona Legislature into special session to remove his authority to speak for the state on this matter. The Legislature, without pause, authorized me to join the multistate suit on behalf of the citizens of Arizona.

“In addition to ObamaCare’s constitutional deficiencies, citizens simply do not support the law’s mandate that they purchase insurance or incur federal penalties. Just weeks ago Missouri voters rejected any federal mandate to purchase health insurance with the measure passing with more than 70 percent of the vote. On November 2, 2010, Arizona citizens will vote on Proposition 106, which is similar to Missouri’s new law. I support Proposition 106 and have every reason to believe that Arizona voters will overwhelmingly pass this measure and, when they do, a clear message will be sent to the president and Congress that this type of overreaching by the federal government will no longer be tolerated.

“When these cases are ultimately decided in favor of the states on the merits, it will be a great day for the citizens who have the right to set their own health care policies and the states who have constitutionally guaranteed sovereignty to establish their own policies in the area of health care.”

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