

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. RES. 469

Expressing the sense of the House of Representatives that the Patient Protection and Affordable Care Act is unconstitutional.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2011

Mr. ROE of Tennessee submitted the following resolution; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, Education and the Workforce, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## RESOLUTION

Expressing the sense of the House of Representatives that the Patient Protection and Affordable Care Act is unconstitutional.

Whereas section 1501 of the Patient Protection and Affordable Care Act (42 U.S.C. 18091), commonly referred to as the “individual mandate”, is unconstitutional because it was not an exercise of Congress’s power to tax, and it is beyond Congress’s power under the Commerce Clause and the Necessary and Proper Clause;

Whereas the individual mandate is not severable from the remainder of the Patient Protection and Affordable Care

Act (42 U.S.C. 18001 note, et seq.): Now, therefore, be it

1       *Resolved*, That it is the sense of the House of Rep-  
2 representatives that—

3           (1) the Patient Protection and Affordable Care  
4 Act is unconstitutional in its entirety; and

5           (2) the Anti-Injunction Act (28 U.S.C. 2283)  
6 does not apply to the penalty provision that enforces  
7 the individual mandate, and therefore does not pre-  
8 clude the Federal courts from finding that the Pa-  
9 tient Protection and Affordable Care Act is uncon-  
10 stitutional in its entirety.

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