

112TH CONGRESS  
1ST SESSION

# H. RES. 475

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 29, 2011

Mr. ROE of Tennessee (for himself, Mr. CONAWAY, Mr. GINGREY of Georgia, Mr. DUNCAN of Tennessee, Mr. PALAZZO, Mr. BUCSHON, Mr. BARLETTA, Mr. BONNER, Mr. HARPER, Mr. BILIRAKIS, Mr. WOODALL, Mr. CRAWFORD, Mr. GOHMERT, Mr. BURGESS, Mr. ALEXANDER, Mr. McCLINTOCK, and Mrs. MILLER of Michigan) submitted the following resolution; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, the Judiciary, 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 5000A(a) of the Internal Revenue Code of 1986, added by section 1501 of the Patient Protection and Affordable Care Act, and commonly referred to as the “individual mandate”, and the penalty provision in section 5000A(b) of such Code that enforces it, are unconstitutional because they were not an exercise of

Congress's power to tax, and they are beyond Congress's power under the Commerce Clause and the Necessary and Proper Clause; and

Whereas the individual mandate and the penalty provision that enforces it are not severable from the remainder of the Patient Protection and Affordable Care Act (Public Law 111–148): Now, therefore, be it

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

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

5               (2) section 7421 of the Internal Revenue Code  
6       of 1986, commonly referred to as the “Anti-Injunc-  
7       tion Act”, applies neither to the individual mandate  
8       nor to the penalty provision that enforces it, and  
9       therefore does not preclude the Federal courts from  
10      finding that the Patient Protection and Affordable  
11      Care Act is unconstitutional in its entirety.

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