

112TH CONGRESS
1ST SESSION

H. RES. 74

Urging the Federal courts to expedite disposition of actions challenging the constitutionality of provisions of the Patient Protection and Affordable Care Act (Public Law 111–148).

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2011

Mr. FORBES (for himself, Mr. LANCE, Mr. GOODLATTE, and Mr. BURTON of Indiana) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Urging the Federal courts to expedite disposition of actions challenging the constitutionality of provisions of the Patient Protection and Affordable Care Act (Public Law 111–148).

Whereas actions have been filed in a number of Federal courts challenging the constitutionality of various provisions of the Patient Protection and Affordable Care Act (Public Law 111–148), including the so-called individual mandate;

Whereas, in the case of *Virginia v. Sebelius* (Civil Action No. 3:10CV188–HEH), Judge Henry E. Hudson of the Eastern District of Virginia ruled on December 13, 2010, that the individual mandate was unconstitutional in that

Congress lacked the constitutional authority to impose such a mandate;

Whereas a similar case, *Florida v. Sebelius* (Case No. 3:10-cv-91), was filed in the district court for the Northern District of Florida to challenge the constitutionality of the individual mandate and other provisions of that law and 26 States have either challenged or are seeking leave to challenge such constitutionality;

Whereas in the cases of *Liberty University v. Geithner* (Case No. 6:10-cv-00015) and *Thomas Moore Law Center v. Obama* (729 F. Supp. 2d), Judge Norman K. Moon of the Western District of Virginia and Judge George C. Steeh of the Eastern District of Michigan, respectively, upheld the constitutionality of the individual mandate;

Whereas the lack of a definitive ruling in these actions creates uncertainties and impacts adversely on the areas of the economy and health care; and

Whereas a prompt resolution of these cases would bring certainty to employers, individuals, health care providers, State and local governments, and others: Now, therefore, be it

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

3 (1) it is a matter of great public importance
4 that actions in Federal courts challenging the con-
5 stitutionality of the Patient Protection and Afford-
6 able Care Act (Public Law 111-148) be resolved as
7 quickly as possible; and

1 (2) the Federal courts should expedite, to the
2 greatest extent practicable, the disposition of such
3 actions.

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