

112TH CONGRESS  
1ST SESSION

# H. RES. 76

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).

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2011

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

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# 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).

1       *Resolved,*

2       (a) FINDINGS.—Congress finds that—

3               (1) on March 23, 2010, President Obama  
4       signed the Patient Protection and Affordable Care  
5       Act (Public Law 111–148; 124 Stat. 119) into law,  
6       overhauling the healthcare system of the United  
7       States;

1           (2) 26 States have filed lawsuits challenging all  
2 or parts of the Act in United States district courts  
3 and dozens of other similar lawsuits have been filed  
4 as well;

5           (3) the lawsuits are focused largely on the con-  
6 stitutionality of the so-called individual mandate, the  
7 requirement that all Americans purchase healthcare  
8 coverage or pay a fine, that is included in the Act;

9           (4) thus far four courts have rendered con-  
10 tradictory decisions with U.S. District Courts in De-  
11 troit, MI, and Lynchburg, VA, ruling in favor of the  
12 individual mandate, and U.S. District Courts in  
13 Richmond, VA, and Pensacola, FL, ruling the indi-  
14 vidual mandate is unconstitutional;

15           (5) these contradictory decisions are causing  
16 significant uncertainty in not only the healthcare  
17 marketplace but the general business marketplace in  
18 the United States as well;

19           (6) the decisions have been appealed to the  
20 United States Court of Appeals for the Fourth Cir-  
21 cuit, the United States Court of Appeals for the  
22 Sixth Circuit, and the United States Court of Ap-  
23 peals for the Eleventh Circuit; and

24           (7) adding to the confusion on January 19,  
25 2011, the House of Representatives voted 245–189

1 to repeal the Act and on February 2, 2011, the Sen-  
2 ate voted 51–47 against repealing the Act.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that—

5 (1) the constitutionality of the Patient Protec-  
6 tion and Affordable Care Act (Public Law 111–148;  
7 124 Stat. 119) is of imperative public importance;  
8 and

9 (2) on petition, the Supreme Court of the  
10 United States should grant a writ of certiorari under  
11 rule 11 of the Rules of the Supreme Court of the  
12 United States regarding the constitutionality of that  
13 Act before judgment in the matter is entered in a  
14 United States court of appeals.

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