

111TH CONGRESS
2^D SESSION

H. RES. 1063

Expressing the sense of the House of Representatives that a mandate imposed by the Federal Government requiring individuals to purchase health insurance is unconstitutional.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2010

Mr. SULLIVAN (for himself, Mrs. BLACKBURN, Mr. ROONEY, Mr. LAMBORN, Mr. PRICE of Georgia, Mr. DUNCAN, Ms. JENKINS, Ms. FALLIN, Mr. AKIN, Mr. COLE, and Mr. WITTMAN) submitted the following resolution; which was referred to the Committee on Energy and Commerce

RESOLUTION

Expressing the sense of the House of Representatives that a mandate imposed by the Federal Government requiring individuals to purchase health insurance is unconstitutional.

Whereas in 1994, the Congressional Budget Office wrote that a mandate requiring all individuals to purchase health insurance would be an unprecedented form of Federal action;

Whereas the Government has never required people to buy any good or service as a condition of lawful residence in the United States;

Whereas H.R. 3962 contains an individual health insurance mandate to purchase insurance or pay a tax as defined by the bureaucratic standards in the bill;

Whereas the tax would constitute 2.5 percent of adjusted gross income, up to the amount of the national average premium through the Government-run health care exchange;

Whereas the health care reform bills that have passed the House of Representatives and Senate require United States citizens to either secure or purchase health insurance approved by the Federal Government or face a financial penalty or even a possible prison sentence;

Whereas nowhere in the Constitution is Congress given the power to mandate that an individual enter into a contract with a private party or purchase a good or service;

Whereas the Supreme Court has never validated a Federal power as intrusive as forcing all United States citizens to purchase a service due to their very existence;

Whereas to uphold the health insurance mandate contained in H.R. 3962, the Supreme Court would have to concede that the Commerce Clause of the Constitution has no limits, a proposition that it has always denied;

Whereas the health insurance mandate does not purport to regulate or prohibit activity of any kind, whether economic or noneconomic;

Whereas to the contrary, it purports to regulate inactivity;

Whereas the principal sponsors of the current bills before Congress have stated that the individual mandate requiring United States citizens to buy inflated health insurance policies is an essential part of their plan to nation-

alize and subsidize much of the health care system in the United States;

Whereas section 255 of H.R. 3962 and other unconstitutional provisions of the legislation will render the rest of the legislation unworkable; and

Whereas Members of Congress are bound by their oath to uphold the Constitution, and thus, are duty bound to oppose unconstitutional provisions of legislation: Now, therefore, be it

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

3 (1) a mandate imposed by the Federal Govern-
4 ment requiring individuals to purchase health insur-
5 ance is unconstitutional;

6 (2) the individual health insurance mandate
7 should be removed from all pending national health
8 care legislation in Congress; and

9 (3) all States should pass legislation protesting
10 any Federal health insurance mandate requiring in-
11 dividuals to purchase Government-approved health
12 insurance or pay a tax penalty.

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