

112TH CONGRESS
2D SESSION

H. RES. 735

Expressing the sense of the House of Representatives that the Patient Protection and Affordable Care Act of 2009 violates article I, section 7, clause 1 of the United States Constitution because it was a “Bill for raising Revenue” that did not originate in the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2012

Mr. GOHMERT (for himself, Mr. FRANKS of Arizona, Mr. POSEY, Mr. WALSH of Illinois, Mrs. BLACKBURN, Mr. PITTS, Mr. HARRIS, Mr. BROUN of Georgia, Mrs. SCHMIDT, Mr. BARTLETT, and Mr. ROE of Tennessee) submitted the following resolution; which was referred to the Committee on Ways and Means

RESOLUTION

Expressing the sense of the House of Representatives that the Patient Protection and Affordable Care Act of 2009 violates article I, section 7, clause 1 of the United States Constitution because it was a “Bill for raising Revenue” that did not originate in the House of Representatives.

Whereas article I, section 7, clause 1 of the United States Constitution provides that, “All Bills for raising Revenue shall originate in the House of Representatives”;

Whereas, on June 28, 2012, a majority of the United States Supreme Court held that the individual mandate provision of the Patient Protection and Affordable Care Act of 2009 “cannot be upheld as an exercise of Congress’s

power under the Commerce Clause” but “was within Congress’s power to tax”;

Whereas the Patient Protection and Affordable Care Act of 2009 was originally introduced in the United States Congress by its sponsor as the “Senate health care bill” in the form of a Senate Amendment to H.R. 3590, which had passed the House of Representatives by a vote of 416–0 as the “Service Members Home Ownership Tax Act of 2009”; and

Whereas the “Senate health care bill” that the President ultimately signed as H.R. 3590 contains 17 numbered “Revenue Provisions”, none of which are germane to the subject matter of the original H.R. 3590, and nothing else in the “Senate health care bill” was germane to the subject matter of H.R. 3590: 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 of 2009 was a “Bill for raising Revenue” as
5 those words were intended to be understood in arti-
6 cle I, section 7, clause 1 of the United States Con-
7 stitution; and

8 (2) the Patient Protection and Affordable Care
9 Act of 2009 did not originate in the House of Rep-
10 resentatives.

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