



**Congressman Jim Jordan (R-OH), RSC Chairman**  
**Congressman Connie Mack (R-FL), RSC Repeal Task Force Chairman**

## **A Step Toward the Repeal of Obamacare: Declare the Law Unconstitutional**

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**Background:** On November 29, 2011, Congressman Phil Roe (R-TN) introduced H.Res. 475, expressing the sense of the House of Representatives that the Patient Protection and Affordable Care Act is unconstitutional.

The Patient Protection and Affordable Care Act, also known as “Obamacare”. passed the House by a slim partisan majority and was nearly stalled in the Senate, but was ultimately passed and signed into law by President Obama on March 23, 2010. It requires all people not covered by public insurance programs, or approved private insurance policies, to purchase health insurance. This provision is considered by many leading legal experts to violate Congress’ constitutional constraints. The United States Supreme Court has agreed to hear challenges to the bill (arising from twenty six states and several private individuals) next year.

### **What We Know:**

- **What The Bill Will Do:** This resolution will express the sense of the House of Representatives that the Patient Protection and Affordable Care Act, also known as Obamacare, is unconstitutional. It will present the view that the imposition of the individual mandate exceeds the powers granted to Congress, and that the individual mandate is not severable from the remainder of the law.
- **How Much This Will Save:** Overturning Obamacare would save \$940 billion over ten years.
- **Why This Is Necessary:** The Supreme Court will be reviewing this legislation within the next year. The House of Representatives has the chance to send the Court a strong reminder that this ill-conceived and partisan legislation is not supported by the majority of Americans, and that it is the majority opinion of the Members themselves that this legislation violates Congress’ own constitutional limits.
- **Government Gone Wild:** Congress was given specific powers under Article 1 Section 8 of the Constitution and only has the authority to act upon the powers it was granted by this document. The Constitution does not give Congress the power to mandate that individual citizens purchase health insurance. Neither the Necessary and Proper Clause nor the Commerce Clause address this issue, and no section of the Constitution gives the federal government the power to actively force actions of this type upon individual citizens. When asked from where the federal government derives the constitutional authority for this legislation, the office of then-Speaker Nancy Pelosi was unable to provide a response.

**Conclusion:** Congress does not have the constitutional authority to enforce the Patient Protection and Affordable Care Act, and the law must be repealed. Measures taken towards declaring this legislation unconstitutional, and towards giving the Supreme Court more of a reason to overturn the legislation, are important steps toward repealing Obamacare.

**MEMBER ACTION ITEM:** All RSC Members are encouraged to support H.Res. 475. Please contact John Martin at [John.Martin@mail.house.gov](mailto:John.Martin@mail.house.gov) to cosponsor this resolution.

If you would like to participate in the RSC Repeal Task Force, please email [Rick.Eberstadt@mail.house.gov](mailto:Rick.Eberstadt@mail.house.gov).

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