



H. Res. 271 – Condemning the Trump Administration’s Legal Campaign to Take Away Americans’ Health Care (Rep. Allred, D-TX).

FLOOR SCHEDULE: Scheduled to be considered on April 2, 2019 under a [closed rule](#).

The rule provides suspension authority for Thursday, April 4, 2019.

TOPLINE SUMMARY: [H. Res. 271](#) would condemn the Administration backing the full invalidation of Obamacare through the court case Texas v. Azar.

COST: Cost Estimates are not required for House Resolutions.

CONSERVATIVE CONCERNS:

Many conservatives have argued the unconstitutionality of the law since the law’s inception and would be pleased to see the law nullified.

Many conservatives may agree with the District Court’s opinion that the individual mandate is the lynchpin of the law, and that without the individual mandate (which was nullified in the Tax Cuts and Jobs Act) the law should be nullified in its entirety.

Some conservatives may be concerned that an effort to repeal Obamacare should be taken by the Congress and not through the Courts.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

In December of 2018, a district court in Texas [held](#) that because the individual mandate in Obamacare was nullified and thus “[could] no longer be sustained as an exercise of Congress’s tax power,” the remaining portions of the law are also void; Meaning, [the Judge struck down Obamacare in its entirety](#).

Originally, the Trump Administration declined to defend the law and argued that only the Title I regulations should be struck down, leaving the remaining portions of the law to still stand.

However, in a [recent reversal](#), the Administration is now backing the full invalidation of Obamacare. The filing specifically says, “the United States is not urging that any portion of the district court’s judgment be reversed.”

For additional information on the background of this court case, which will now go through the appellate process, please see the [Republican Study Committee First Quarter Look Ahead](#) on this specific issue.

This resolution would: 1) provide background on the court case and its result; 2) the Administrations original position and arguments; and 3) the current position of the Trump Administration.

This resolution would express that “it is the Sense of the United States House of Representatives that the actions taken by the Trump Administration seeking the invalidation of the ACA’s protections for people with pre-existing conditions, and later the invalidation of the entire ACA, are an unacceptable assault on the health care of the American people.”

This resolution would express that the Department of Justice should reverse its position and defend Obamacare.

COMMITTEE ACTION:

H. Res. 271 was introduced on March 29, 2019, and was referred to the House Committee on Energy and Commerce, as well as the Judiciary Committee.

ADMINISTRATION POSITION:

Although there is no Stated Administration Position, presumably the Administration would not support a resolution which condemns an on-going policy effort by the Administration.



Donald J. Trump @realDonaldTrump · Mar 28

The Republican Party will become the Party of Great HealthCare! ObamaCare is a disaster, far too expensive and deductibility ridiculously high - virtually unusable! Moving forward in Courts and Legislatively!

18K 21K 100K

CONSTITUTIONAL AUTHORITY:

Constitutional Authority Statements are not required for House Resolutions.

NOTE: RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.

###