



# Senate Republican Communications Center

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## Senators Challenge Dem Health Law

*44 Republicans File Amicus Brief With The Eleventh Circuit On Behalf Of Bipartisan, Multi-State Challenge*

**Washington, DC** – U.S. Senate Republican Leader Mitch McConnell and 43 of his colleagues filed an amicus brief with the 11<sup>th</sup> Circuit Court of Appeals Wednesday on behalf of the bipartisan, multi-state challenge to the Democrats' health spending law. The filing follows a recent letter that Senator McConnell wrote to his colleagues, encouraging them to sign the brief. The brief is attached and excerpts from the letter are below.

### **Excerpts From Senator McConnell's Letter To His Colleagues:**

"Last November, Americans cast votes reflecting what they had been telling Washington for many months: they oppose a 2,700 page health care law that dramatically increases spending and expands the reach of the federal government into their health care decisions. While I firmly believe that we should repeal the law and replace it with the types of commonsense reforms Americans support, I also strongly support the efforts of the majority of states that have now challenged the law in the courts.

"The attached brief essentially makes two key points. First it asserts that the Individual Mandate in the PPACA is an unprecedented and unauthorized exercise by the Congress of its authority to 'regulate Commerce... among the several States...' U.S. Const. art. I, § 8, cl. 3. For the first time, the Congress is not regulating an economic activity in which its citizens have chosen to engage, but rather is mandating that they engage in economic activity – that they purchase a particular product – to begin with; moreover, it would allow the federal government to punish those who make a different choice. Second, the brief argues that if the individual mandate is deemed constitutional, there will no longer be any meaningful limit on Congress's power to regulate its citizens under the Commerce Clause. Congress's specific power under that clause will be transformed into a general police power, all but eliminating the constitutional distinction between federal and state regulatory authority in our federal union."

### **The Brief Was Signed By:**

Sen. Lamar Alexander (R-TN), Sen. Kelly Ayotte (R-NH), Sen. John Barrasso (R-WY), Sen. Roy Blunt (R-MO), Sen. John Boozman (R-AR), Sen. Richard Burr (R-NC), Sen. Saxby Chambliss (R-GA), Sen. Daniel Coats (R-IN), Sen. Tom Coburn (R-OK), Sen. Thad Cochran (R-MS), Sen. Susan Collins (R-ME), Sen. Bob Corker (R-TN), Sen. John Cornyn (R-TX), Sen. Mike Crapo (R-ID), Sen. Jim DeMint (R-SC), Sen. Michael Enzi (R-WY), Sen. Chuck Grassley (R-IA), Sen. Orrin Hatch (R-UT), Sen. Dean Heller (R-NV), Sen. John Hoeven (R-ND), Sen. Kay Bailey Hutchison (R-TX), Sen. James Inhofe (R-OK), Sen. Johnny Isakson (R-GA), Sen. Mike Johanns (R-NE), Sen. Ron Johnson (R-WI), Sen. Mark Kirk (R-IL), Sen. Jon Kyl (R-AZ), Sen. Mike Lee (R-UT), Sen. Richard Lugar (R-IN), Sen. John McCain (R-AZ), Sen. Mitch McConnell (R-KY), Sen. Jerry Moran (R-KS), Sen. Lisa Murkowski (R-AK), Sen. Rand Paul (R-KY), Sen. Rob Portman (R-OH), Sen. James Risch (R-ID), Sen. Pat Roberts (R-KS), Sen. Marco Rubio (R-FL), Sen. Richard Shelby (R-AL), Sen. Olympia Snowe (R-ME), Sen. John Thune (R-SD), Sen. Pat Toomey (R-PA), Sen. David Vitter (R-LA), Sen. Roger Wicker (R-MS).

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