

Crs Report for Congress: Requiring Individuals to Obtain Health Insurance: A Constitutional Analysis



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Congressional Research Service: The Library of Congress, Jennifer Staman

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(Mallory Kertzmann V)

CRS REPORT FOR CONGRESS: REQUIRING INDIVIDUALS TO OBTAIN HEALTH INSURANCE: A CONSTITUTIONAL ANALYSIS

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Bibliogov, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****. As part of the Patient Protection and Affordable Care Act (ACA), P.L. 111-148, as amended, Congress enacted a minimum coverage provision, which compels certain individuals to have a minimum level of health insurance (i.e., an individual mandate). Individuals who fail to do so may be subject to a monetary penalty, administered through the tax code. Congress has never compelled individuals to buy health insurance, and there has been significant controversy and debate over whether the requirement is within the scope of Congress's legislative powers. Shortly after ACA was enacted, several lawsuits were filed that challenge the individual mandate on constitutional grounds. While some of these cases have been dismissed for procedural reasons, others have moved forward. These challenges have now reached the Supreme Court. During the last week of March, the Court heard arguments in HHS v. Florida, a case in which attorneys general and governors in 26 states as well as others brought an action against the Administration, seeking to invalidate the individual mandate and other provisions of ACA. Besides evaluating the constitutionality of the individual mandate, the Court is examining the question of whether the Anti-Injunction Act currently prevents the Court from ruling on the merits of the case. It also is considering the extent to which the minimum coverage provision can be severed from the remainder of ACA, if it is found to be unconstitutional. Finally, the Court is analyzing ACA's expansion of the Medicaid program and whether it unconstitutionally coerces states into compliance with federal requirements. This last issue will be addressed in CRS Report R42367, Federalism Challenge to Medicaid Expansion Under the Affordable Care Act: Florida v. Department of Health...

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