

11-398 DEPARTMENT OF HEALTH AND HUMAN SERVICES V. FLORIDA

DECISION BELOW: 648 F.3d 1235

LOWER COURT CASE NUMBER: 11-11021, 11-11067

QUESTION PRESENTED:

Beginning in 2014, the minimum coverage provision of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119, amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029, will require non-exempted individuals to maintain a minimum level of health insurance or pay a tax penalty. 26 U.S.C.A. 5000A. The question presented is:

1. Whether Congress had the power under Article I of the Constitution to enact the minimum coverage provision.

Petitioners also suggest that the Court direct the parties to address the following question:

2. Whether the suit brought by respondents to challenge the minimum coverage provision of the Patient Protection and Affordable Care Act is barred by the Anti-Injunction Act, 26 U.S.C. 7421(a).

IN ADDITION TO QUESTION 1 PRESENTED BY THE PETITION, THE PARTIES ARE DIRECTED TO BRIEF AND ARGUE THE FOLLOWING QUESTION: "WHETHER THE SUIT BROUGHT BY RESPONDENTS TO CHALLENGE THE MINIMUM COVERAGE PROVISIONS OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT IS BARRED BY THE ANTI-INJUNCTION ACT, 26 U.S.C. §7421(A)."

A TOTAL OF TWO HOURS IS ALLOTTED FOR ORAL ARGUMENT ON QUESTION 1. ONE HOUR IS ALLOTTED FOR ORAL ARGUMENT ON THE ADDITIONAL QUESTION.

ORDER OF NOVEMBER 18, 2011:

ROBERT A. LONG, ESQUIRE, OF WASHINGTON, D.C., IS INVITED TO BRIEF AND ARGUE THIS CASE, AS *AMICUS CURIAE*, IN SUPPORT OF THE POSITION THAT THE ANTI-INJUNCTION ACT, 26 U.S.C. 7421(A), BARS THE SUIT BROUGHT BY RESPONDENTS TO CHALLENGE THE MINIMUM COVERAGE PROVISION OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT, 26 U.S.C. 5000A.

ORDER OF 2/21/2012: ON THE ANTI-INJUNCTION ACT ISSUE (NO. 11-398), THE COURT-APPOINTED AMICUS CURIAE IS ALLOTTED 10 MINUTES, THE SOLICITOR GENERAL IS ALLOTTED 30 MINUTES, AND THE RESPONDENTS ARE ALLOTTED 20 MINUTES.

CERT. GRANTED 11/14/2011