

Obamacare Watch

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Top-Line Talkers

- Republicans agree that Obamacare will cost hundreds of billions that our country can't afford for a health system that Americans don't want.
- That is why one of the very first bills passed by the new House Republican majority was to repeal Obamacare in its entirety.
- Then in February, Republicans passed funding restrictions to severely limit the President's ability to implement Obamacare.
- Furthermore, the House has been working on legislation that we will pass in the coming weeks that will eliminate Obamacare "mandatory" slush funds that are part of the \$105 billion we are all hearing about.
- Republicans won't stop there; we will continue to pursue strategic opportunities to get these and other de-funding and repeal bills to President Obama's desk.
- If there is any disagreement among Republican on Obamacare, it involves tactics, not substance and principle.
- Both before and after passage of Obamacare last year, Members in both the House and the Senate railed against many of the programs included in the \$105 billion of "mandatory spending." The bill's turning of hundreds of billions of dollars in discretionary spending into mandatory spending was horrendous and one of the reasons many of us voted against the bill and will continue to seek its repeal.

What has already been done regarding Obamacare? House Republicans have tackled Obamacare on all fronts and share the same end goal: full repeal. Below is a compilation of floor and committee actions to fight Obamacare.

Floor Action

On January 19, 2011, the House passed, H.R. 2, the *Repealing the Job-Killing Health Care Law Act*. One of the House's first official actions was to repeal Obamacare in its entirety and instruct the committees of jurisdiction to begin work on finding common sense patient-centered replacement legislation.

On February 19, 2011, the House passed H.R. 1, the *Full-Year Continuing Appropriations Act, 2011*: The House passed several substantial bipartisan amendments to H.R. 1 that would severely handicap implementation of Obamacare:

- **The Rehberg Amendment #575:** Provides that no funds in this Act may be used for any employee, officer, contractor or grantee of any department or agency funded in this title (**Labor & HHS**) to implement the health care provisions of Obamacare. (*passed: 239-187*)
- **The King Amendment #267:** Provides that no funds in this Act may be used to implement Obamacare. (*passed: 241-197*)
- **The King Amendment #268:** Provides that no funds in this Act may be used to pay **officials** who implement Obamacare. (*passed: 237-191*)

- **The Emerson Amendment #83:** Provides that no funds in this Act may be may used by the **IRS** to implement or enforce provisions on Obamacare related to the reporting of health insurance coverage. (*passed: 246-182*)
- **The Price Amendment #409:** Provides that no funds in this Act may be used by HHS to implement or enforce the **Medical Loss Ratio (MLR)** provision. (*passed: 241-185*)
- **The Burgess Amendment #200** would prohibit any funds in this Act to be used to pay the salary of any officer or employee of the **Center for Consumer Information and Insurance Oversight (CCIIO)**. (*passed: 239-182*)
- **The Pitts Amendment #430:** Provides that no funds in this Act may be used for an officer or employee at HHS, IRS, and Labor to do any action to specify or define, through regulations, guidelines, or otherwise, **essential benefits as required in Obamacare**. (*passed: 239-183*)
- **The Gardner Amendment #79:** Provides that no funds in the Act may be used to pay the salary of any employee or officer of the HHS who develops or promulgates regulations or guidance regarding **Exchanges** under Obamacare. (*passed: 241-184*)
- **The Hayworth Amendment #567:** Provides that no funds in this Act may be used to implement the **Independent Payment Advisory Board (IPAB)** created under Obamacare. (*Accepted by voice vote*)

On March 3, 2011, the House passed H.R. 4, the *Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011*: H.R. 4 repealed the job-killing Form 1099 reporting requirements that were added in Obamacare strictly as a way to help finance Obamacare. This provision has a real detrimental impact on small businesses and Americans believe it needs to be repealed.

Committee Action

The Committees have been at work conduct oversight on Obamacare through relentless hearings and markups.

Energy and Commerce Committee

- On February 9, 2011, the Health Subcommittee held a hearing (followed by full Committee markup on February 15, 2011) on the "Protect Life Act" which amends Obamacare to modify special rules relating to coverage of abortion services under the bill.
- On February 16, 2011, the Oversight and Investigations Subcommittee held a hearing on "Health Care Issues Involving the Center for Consumer Information and Insurance Oversight" that was created in Obamacare.
- On March 1, 2011, the Committee held a hearing on the "Consequences of Obamacare: Impact on Medicaid and State Health Care Reform" where Governors shared their experiences with the federal mandates included in the bill, particularly the burdens imposed by requirements to maintain their Medicaid eligibility in return for federal dollars.
- On March 3, 2011, the Health Subcommittee held a hearing to examine the President's Proposed FY2012 Budget for the Department of Health and Human Services (HHS) and the Department's activities related to implementing Obamacare. The sole witness was Kathleen Sebelius, Secretary of HHS.
- On March 9, 2011, the Health Subcommittee held a hearing on "Setting Fiscal Priorities in Health Care Funding" as it relates to Obamacare where it targeted various slush funds to eliminate.

Ways and Means Committee

- On January 26, 2011, the Committee held a hearing on the impact Obamacare will have on the U.S. economy and employers' ability to hire new workers and retain existing employees.
- February 10, 2011, the Committee held a hearing on the Obamacare's impact on the Medicare program and its beneficiaries. Witnesses included CMS Administrator, Donald Berwick and CMS Chief Actuary, Richard Foster.
- On February 16, 2011, the Committee held a hearing on the President's Fiscal Year 2012 Budget Proposal with U.S. Department of Health and Human Services Secretary Kathleen Sebelius.

- On Feb 17, 2011, the Committee marked up and reported out, H.R. 4: the “Small Business Paperwork Mandate Elimination Act of 2011” which repealed the burdensome IRS Form 1099 requirements in Obamacare.

Education and the Workforce Committee

- On February 9, 2011, the full Committee held a hearing on the “Impact of the Health Care Law on the Economy, Employers, and the Workforce.”
- On March 10, 2011, the Health, Employment, Labor and Pensions Subcommittee held a hearing on the “Pressures of Rising Cost on Employer Provided Health Care” where they examined how Obamacare contributes to increased costs and places additional burdens on employer-provided health care.

Budget Committee

- On January 26, 2011, the Committee held a hearing on the “Fiscal Consequences of the New Health Care Law” where the Obama Administration’s own non-partisan actuary for Medicare, testified that the Obamacare’s much-touted savings were unlikely to materialize; that it would drive health care costs higher, not bend them down; and that the new spending entailed by the law would probably be much higher than originally projected.

Judiciary Committee

- On February 16, 2011, the Committee held a hearing on the “Constitutionality of the Individual Mandate” created in Obamacare.

What can be done? House Republicans will continue to dismantle Obamacare through more votes and hearings in the House. House Republicans are working to defund some of the mandatory spending “slush funds” created in Obamacare, a topic on which there was a hearing last week in the Committee on Energy and Commerce. We will do whatever we can to ensure this law is never fully implemented. Obamacare must be repealed and replaced with common-sense reforms that lower health care costs.

Background on Obamacare Slush Funds

Obamacare contains billions in future “**mandatory spending**” programs. Rather than one large slush fund, this is a compilation of prominent and often controversial provisions in the bill, totaling about \$105 billion in mandatory spending and fund transfers over ten years.

These programs include (but are not limited to):

- \$40 billion to fund / extend the Children’s Health Insurance Program (CHIP)
- \$11 billion for community health care centers (CHCs)
- \$5 billion to create a temporary high-risk pool for people with preexisting conditions
- \$15 billion Prevention and Public Health “slush” Fund (PPHF) (this was used in a Republican MTR last Congress)
- Funding for abstinence education programs
- Funding to support the Independent Payment Advisory Board’s (IPAB) activities
- Funding for the Patient-Centered Outcomes Research Institute (PCORI) and its comparative effectiveness research activities
- Funding for the Health Care Fraud and Abuse Control (HCFAC) Account which finances investigative, enforcement and Medicare Integrity Program activities