



Legislative Bulletin.....May 16, 2013

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Order of Business: The bill is scheduled to be considered on Thursday, May 16, 2013, under a closed rule ([H.Res. 215](#)) allowing no further amendments. The Rule provides for two hours of debate equally divided and controlled by the respective Chairs and Ranking Members of the Committees on Education and the Workforce, Energy and Commerce, and Ways and Means. It waives all points of order against provisions in the amended bill, allows for one motion to recommit with or without instructions, and adopts one amendment sponsored by the bill sponsor pertaining to a technical and conforming correction.

Summary: H.R. 45 entirely repeals Obamacare by repealing the Patient Protection and Affordable Care Act (Public Law 111-148) and the health care-related provisions in the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

Additional Background: H.R. 45 is the third full repeal measure the House of Representatives will consider since President Obama signed Obamacare into law on March 23, 2010. In one of its first major legislative actions of the 112th Congress, the House first voted to entirely repeal Obamacare on January 19, 2012, when it passed [H.R. 2](#) by a vote of [245-189](#). After the Supreme Court [upheld](#)¹ the constitutionality of the individual mandate last June, the House again passed another full Obamacare repeal when it passed [H.R. 6079](#) by a vote of [244-185](#).

Last Congress, the U.S. Senate considered one full repeal bill when it failed to pass a procedural vote on an amendment to a Federal Aviation Administration reauthorization bill (S. 223) on February 2, 2011, by a vote of [47-51](#). This Congress, it failed to pass a full Obamacare repeal as a [non-binding amendment/measure](#) to its FY2014 Senate Budget ([S.Con.Res. 8](#)) as well as a [full](#)

¹ As discussed within the hyperlink's reference to an RSC Policy Brief reviewing the Supreme Court's landmark decision in *NFIB v. Sebelius*, the court upheld Obamacare's Individual Mandate under Congress' Article I, Section 8 taxing powers, yet it struck down as unconstitutional the *mandated* federal expansion of Medicaid upon the states (leaving the decision to each state as to whether they wish to expand Medicaid).

[defunding amendment](#) to the FY2013 Continuing Resolution ([H.R. 933](#))—both offered by Senator Ted Cruz of Texas.

There are 82 new members of the House of Representatives in the 113th Congress. H.R. 45 provides each new House member their first opportunity to officially support or oppose as a stand-alone measure² the full repeal of Obamacare’s federal takeover of the U.S. health care industry.

As the January 1, 2014, beginning date for Obamacare’s major provisions approaches, all indications reveal that its anticipated federal government intrusion and threats to individual liberty will materialize. To put it mildly, the Obama Administration’s implementation of the massive law has been concerning. Obamacare has been characterized by one of its principal architects, Senate Finance Committee Chairman Max Baucus (D-MT), as a “[train wreck](#).” A Centers for Medicare and Medicaid Services (CMS) technology officer recently [explained](#) he just wants to “make sure it’s [implementation] not a third world experience.”

Recent reports of nefarious activities by two federal agencies charged with significant implementation responsibilities draw heightened attention to the lack of good faith many Americans place in the federal government’s respect for Americans’ personal lives and adherence to the rule of law. The Internal Revenue Service’s (IRS) partisan [targeting](#) of conservative groups is an affront to the First Amendment’s right to free speech. It is particularly alarming as this illegal violation of the First Amendment comes from a federal agency charged with implementing at least [47 new](#) Obamacare taxes and regulations (including verifying that Americans have purchased federally-approved health insurance), according to a Government Accountability Office (GAO) [report](#). Equally disturbing are reports that Health and Human Services (HHS) [Secretary Kathleen Sebelius has been fundraising](#) from industries her department regulates in order to support private organizations whose purpose Congress refused to authorize. Sen. Lamar Alexander (R-TN) defines this activity as “[arguably an even bigger issue \[than\] Iran-Contra](#).”

The promises made by President Obama and its congressional supporters about the alleged merits of Obamacare have been unraveling: health care premiums are expected to rise significantly, millions of people will lose their current health insurance coverage, the middle class will bear responsibility for a significant portion of the approximately \$1.1 trillion of tax increases, the estimated federal spending on its two major new entitlements (Federal Exchange premium subsidies/cost sharing subsidies & Medicaid expansion) have doubled since its initial estimate, conscious protections have been trampled, Medicare is being raided to fund the new entitlements, while states are enlisted as federal bureaucratic agencies to implement federal health and tax regulations. Lastly, the legal challenges to Obamacare are [far](#) from [over](#) despite last June’s decision upholding the law in large part.

The House Energy and Commerce Committee has created the following documents that profile a scorecard of [Obamacare’s Broken Promises](#), the law’s [consequences](#), and a general [overview of](#)

² Both the House Budget Committee’s [FY2014 Budget](#) (H.Con.Res 25) and the [RSC FY2014 Budget](#) (H.Amdt 35) that received votes in March of this year included a full repeal of Obamacare.

[the law](#). Also, the Committee on Ways and Means recently published its [37 Reasons to Repeal Obamacare](#).

Committee Action: Representative Michele Bachmann introduced H.R. 45 on January 3, 2013. No further committee action has occurred with respect to the bill.

Administration Position: The Administration released a Statement of Administration Policy (SAP) opposing H.R. 45 and states that President Obama would veto the bill.

Outside Group Support: Club for Growth (key voting), Freedom Works (key voting), Heritage Action (key voting), National Association of Manufacturers (key vote), National Taxpayers Union (key vote), National Right to Life Committee.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a [letter](#) today addressed to House Budget Chairman Paul Ryan (R-WI) explaining it did not have enough time to provide a cost estimate for H.R. 45. CBO anticipates a similar estimate to the July 2012 full Obamacare repeal (H.R. 6079), which [estimated](#) the bill would increase the federal budget deficit by \$109 billion over the 2013-2022 period. Also, CBO released updated baseline projections [yesterday](#) showing a \$1.8 trillion gross cost for Obamacare's spending provisions over the 2014-2023 period.

Does the Bill Expand the Size, Scope, or Influence of the Federal Government?: The bill reduces direct spending by \$1.8 trillion and cuts taxes by approximately \$1.1 trillion over the ten year period.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. It eliminates federal mandates and taxes on health care providers, insurers, employers, hospitals, states, and private individuals.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states: "Congress has the power to enact this legislation pursuant to the following: This bill makes specific changes to existing law in a manner that returns power to the States and to the People, in accordance with Amendment X of the United States Constitution."

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