

Statement of Rep Bill Posey (FI-15)
***Congressional Record* Statement on H.R. 3590**
March 21, 2010

I rise to express my strong objections to the health care legislation (H.R. 3590), and the unprecedented, process through which it is being considered. The overwhelming majority of Americans are telling Washington through their letters, calls and every poll that they don't want this bill. Nearly eight in ten of my constituents who have contacted me on this issue have asked that I vote against the bill.

Social Security is already unsustainable. Medicare is unsustainable. Medicaid is unsustainable and reimbursements are already so low that few doctors will even see Medicaid patients. These programs have tens of trillions of dollars in unfunded liabilities. Rather than fix these problems, the bill before us makes them worse. This bill takes over \$500 billion out of Medicare and spends it on this new health care plan. It adds millions of new enrollees to Medicaid – already one of the fastest growing federal and state budget line items. H.R. 3590 takes over \$53 billion out of the Social Security Trust Fund and spends it on this new health care plan. And, they say that this bill will save the taxpayers money.

The American people have figured it out and that is why they want this particular piece of legislation stopped. It's not that they don't want health care reform; it's just that they don't want this particular bill. No one is suggesting that the status quo is acceptable. In fact, I have cosponsored more than a dozen health care bills aimed at fixing the problems with our current system. I suggested in a meeting with Secretary of Health and Human Services Kathleen Sebelius, that we move forward with those things upon which we can reach agreement – like addressing pre-existing conditions and ending the practice of insurance companies dropping coverage for someone when they get sick. Unfortunately, she rejected that offer.

I want to talk just briefly about the cost of this bill. On Thursday, a preliminary Congressional Budget Office (CBO) cost estimate of the bill was released. But that budget included a number of gimmicks that hide the real costs of health care reform legislation. I believe the American people want and deserve honest budgeting because once the smoke and mirrors are removed, they will have to pay the costs of this bill.

Let's look at why we have the differences. It is important to remember that the CBO can only estimate the costs of the specific language that is presented to them. An analysis of the costs of the bill that was released by the Senate Budget Committee found that after you remove the budget gimmicks, this bill increases the budget deficit by nearly \$600 billion in the first ten years and \$1.6 trillion over the second ten years. This is a far cry from the preliminary budget estimate from the CBO, which put the net effect of the bill at reducing the deficit by \$118 billion over 10-years. So, what causes this discrepancy?

What are some of the reasons for the differences? CBO does not include in its calculation the \$53 billion that is borrowed from Social Security to pay for H.R. 3590. CBO assumes these monies will not have to be repaid to Social Security Trust Fund.

Likewise, the bill includes over \$500 Billion in cuts to Medicare program and assumes that future Congresses will allow these cuts to be fully implemented. Anyone remotely familiar with Congress knows that time and again Congress has stepped in to stop such Medicare cuts and may well do so

again in the future. Thus to assume that Medicare will be cut by nearly \$500 billion is simply not realistic. Furthermore, rather than take these Medicare savings and spend them elsewhere these funds could have been used to help secure the long-term solvency of Medicare.

This bill creates a new long-term care entitlement benefit, known as the CLASS Act. This bill collects \$70 billion more in premiums than it will pay out in benefits over the first ten years of the program. Rather than keep this \$70 billion in the Trust Fund to pay future benefits, H.R. 3590 takes the money out of this trust fund and uses it to pay the costs of H.R. 3590.

H.R. 3590 creates dozens of new programs; however, the CBO cost estimate does not include any costs associated with these programs. The Senate Budget Committee estimates the ten-year costs of these programs at \$114 billion.

Medicare also faces more than a \$200 billion shortfall in the amount of funding needed to pay physicians. It would have been appropriate to use the Medicare savings in H.R. 3590 to fix this problem. However, H.R. 3590 leaves in place the 21% cut in payments to doctors. Speaker Pelosi has said that we can expect another bill to come to the House floor in a few weeks that fixes this shortfall. The cost of that bill will simply be added to the deficit and though no one will have to pay for it.

So, rather than saving \$118 billion over ten years as CBO estimates, the real costs will be hundreds of billions of dollars in deficit spending in just the first ten years. Between 2020 and 2029 the debt rises even more.

Our nation has lost millions of jobs since January of 2008. To restore these jobs, our nation would have to create 250,000 jobs per month for each of the next five years. Hundreds of billions of dollars in new taxes on small business and new costly mandates included in H.R. 3590 will only result in the loss of additional jobs and it will make it harder for businesses to hire new employees. In fact, it is estimate that this bill may result in the loss of more than two million additional jobs.

Not only does this bill have a costly impact on businesses, but it imposes tens of billions of dollars in unfunded mandates on the states. Our state budgets are already stretched thin and governors and state legislatures are cutting tens of billions of dollars just to balance their budgets – something many states are required to do, but not Washington. This bill makes that task harder for the states and will ultimately result in higher taxes on individuals and businesses.

H.R. 3590 lacks sufficient protections to ensure that American taxpayers are not forced to pay for the health care of millions of illegal immigrants.

I am further concerned that this bill fails to include protections, passed earlier this year in the House, that would ensure that taxpayer money is not used to pay for elective abortions. This bill also lacks sufficient conscience protections to ensure that health care providers, doctors, nurses, hospitals, and health plans are not required to participate or in any way support elective abortions.

Never before has Congress considered a bill that so fundamentally changes the relationship between the people and the government.

This bill gives the federal government unprecedented powers. H.R. 3590 empowers government panels to make coverage determinations. It also creates the Independent Medicare Advisory Board (IMAB), which is given broad authority to make cuts in Medicare.

Over 4,000 times in this bill, the word “shall” appears, and “shall” indicates a federal mandate. In more than a dozen places, the bill provides that there will be “no administrative or judicial review” of a federal bureaucrat’s decision.

It has been said that: “A democracy cannot exist as a permanent form of government... It can only exist until the voters discover they can vote themselves largess from the public treasury. From that moment on, the majority usually votes for the candidates promising them the most benefits. Therefore the average age of the world's greatest civilizations has been about 200 years. These nations have progressed through this sequence: From bondage to spiritual faith; from spiritual faith to great courage; from courage to liberty; from liberty to abundance; from abundance to selfishness; from selfishness to apathy; from apathy to dependence; from dependency back again into bondage.

This bill vastly expands the powers of the Internal Revenue Service (IRS). If this bill becomes law, the IRS may have to hire up to 16,500 additional employees just to enforce all the new taxes and penalties. The bill empowers the IRS to: (1) verify that Americans have government-approved health care coverage; (2) fine Americans up to \$2,085 or 2 percent of income (whichever is greater) for the failure to purchase government-approved plan; (3) confiscate tax refunds; and (4) increase audits.

Finally, I would be remiss if I did not express my deep disappointment with the process that has characterized this debate and the manner in which this legislation has been written. I come from the sunshine state, where we have very strict laws about transparency and openness in government – a process that is seriously lacking in Washington.

The House considered a bill in three committees last summer. A handful of Republican amendments were adopted in those committees. Unfortunately, when the bill was rewritten behind closed doors before coming to the House floor in November; those amendments were removed from the bill. When the House considered this bill in November 2009, over 200 amendments were filed to be offered, but the leaders in the majority allowed only one amendment to be voted on.

Likewise the Senate bill was written behind closed doors and no amendments were allowed to be offered when it was considered in the Senate in December 2009. It includes special earmarks meant to secure the votes of particular Senators. Now we are debating that bill today, and once again no amendments are allowed to be offered.

We are also debating a new bill was drafted by the majority in the House that purports to make changes to the Senate bill. Again, this bill was drafted behind closed doors over the last few days and includes yet again more special provisions intended to secure particular votes. Yesterday, at the House Rules Committee, Republicans presented over 80 amendments that they wanted to offer to this bill, but not a single one allowed an up or down vote.

Madam Speaker, is it any wonder that the American people have so much disdain for Washington and this body? This is a sad day characterized by a lack of openness and transparency. The American people deserve better.

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