

Congressman Phil Roe, M.D. (R-TN), Chairman

April 18, 2012

## Obamacare Supreme Court Lawsuit Recap with Professor Randy Barnett TOMORROW April 19th @ 10AM in Cannon 210

RSC Health Care Working Group Chairman Phil Roe will host Georgetown University Law Center [Professor Randy Barnett](#) to provide RSC Members and staff a perspective on the recently-concluded Supreme Court oral arguments. Professor Barnett played a key role in formulating the constitutional arguments that led to successful federal district court rulings in Virginia and Florida. He is also one of the lawyers that represented the National Federation of Independent Business (NFIB), which jointly filed suit with 26 state Attorneys General against Obamacare. He has previously testified on the unconstitutionality of the individual mandate before both the House and Senate Judiciary Committees and was recently profiled in the [New York Times](#). We hope you are able to join Dr. Roe and Professor Barnett at this briefing:

### Recent Health Care News, Reports, & Studies

**Report on Medicare's Forthcoming Insolvency.** Senators Tom Coburn and John Barrasso, joined by Representatives Phil Gingrey and Phil Roe, released a [report](#) on April 17 warning that Medicare may not be able to pay health care providers as early as 2016 when the Medicare Trustees' estimate that the Hospital Insurance Trust Fund could become insolvent. As the Congressional Research Service notes, "[T]here are no provisions in the Social Security Act that govern what would happen if [insolvency] were to occur. For example, there is no authority in law for the program to use general revenue to fund Part A services in the event of such a shortfall."

**Medicare Trustee Estimates Obamacare will increase the federal deficit by \$346 to \$527 Billion.** Last week, Medicare Trustee Charles Blahous released an [analysis](#) entitled, "The Fiscal Consequences of the Affordable Care Act," which estimates that Obamacare will add between \$346 billion and \$527 billion to the federal deficit during the 2012-2021 window.

**Chairman Dave Camp and Subcommittee Chairman Charles Boustany Question the IRS on Obamacare Funding.** In response to a recent [article](#) in *The Hill* reporting that the Obama administration is "quietly" diverting approximately a half a billion to the IRS for Obamacare implementation outside of the normal appropriations process, Chairman Dave Camp and Subcommittee Chairman Charles Boustany sent IRS Commissioner Douglas Shulman a [letter](#) inquiring about this new transfer for implementation of the law. One of the questions specifically asks Commissioner Shulman to "Detail the total amount of additional money and new employees the IRS anticipates needing over the next ten years to implement ACA [Obamacare] provisions."

**Obamacare More Unpopular than Ever.** A recent Washington Post [poll](#) shows that support for Obamacare is at the lowest point (39%, conducted April 5th-8th from 1,103 adult sampling) since the Post-ABC began asking Americans this question. The U.S. Chamber of Commerce explained in their quarterly small business [survey](#) that nearly three out of four (73%) of small businesses cite Obamacare as an obstacle to growing their business and hiring more employees. Reuters [reported](#) last week that 57% of doctors under the age of 40 years old responded to a survey that Obamacare would have a negative impact on their practices.

## Upcoming Health Care Legislation

The House Energy and Commerce and Senate Health, Education, Labor, and Pension (HELP) Committees are currently drafting legislation to reauthorize user-fee authority for the Food and Drug Administration (FDA) regarding applications for prescription drugs, medical devices, generic drugs, and biosimilars. Look for the RSC Health Care Working Group to help educate Members and staff about this legislation which reports indicate will be voted on in the House sometime in the next few weeks.

Also, with the impending Obamacare Supreme Court decision forthcoming at the end of June, ideas have been developing about what a legislative replacement to it should look like. More on this front in later newsletters.

**For more information, please contact Joe Murray with the RSC at x6-0678 or John Martin with Dr. Roe at x5-6356**