



RSC Policy Brief: RSC Member Health Care Initiatives in the 112th Congress

February 25, 2011

Background: Building upon the efforts of last [Congress](#), Republican Study Committee Members have been actively promoting market-based health care related legislation as alternatives to the federal government takeover of our health care system by the Patient Protection and Affordable Care Act (a.k.a., “Obamacare”). This policy brief describes Members’ legislation, as well as the health care amendments offered to the Full Year Continuing Appropriations Act (H.R.1), that passed the House last Saturday morning, February 19, 2011.

Legislative Responses to ObamaCare

Rep. Cantor (R-VA) – H.R. 2: Repealing the Job-Killing Health Care Law Act – This legislation repeals ObamaCare. [Passed](#) the House on January 19, 2011.

Rep. Lungren (R-CA) – H.R. 4: The Small Business Paperwork Mandate Elimination Act of 2011 – This legislation would repeal section 9006 of the Obamacare, which requires every corporation to file a 1099 form for each payment of over \$600 made to individuals or corporations.

Rep. Garrett (R-NJ) – H.R. 21: The Reclaiming Individual Liberty Act – This legislation would repeal the mandate included in ObamaCare that individuals purchase health insurance.

Rep. Fleming (R-LA) – H.R. 38: To Rescind Funds Appropriated to the Health Insurance Reform Implementation Fund under the Health Care and Education Reconciliation Act of 2010 – This legislation would rescind any funds remaining of those appropriated for the implementation of ObamaCare.

Rep. Scalise (R-LA) – H.R. 60: To Repeal the Expansion of Information Reporting Requirements for Payments of \$600 or More to Corporations – This legislation would repeal section 9006 of the Obamacare, which requires every corporation to file a 1099 form for each payment of over \$600 made to individuals or corporations.

Rep. Graves (R-GA) – H.R. 127: To Deauthorize Appropriation of Funds to Carry Out the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act – This legislation would deauthorize the appropriation of funds to carry out any of the provisions ObamaCare.

Rep. King (R-IA) – H.R. 141: To Repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 – This legislation would repeal ObamaCare.

Rep. Mack (R-FL) – H.R. 145: To Repeal the Patient Protection and Affordable Care Act and Related Health-Care Provisions – This legislation would repeal ObamaCare.

Rep. Poe (R-TX) – H.R. 154: Defund the Individual Mandate Act – This legislation would prohibit the use of any federal funds to implement or enforce any federal mandate to purchase health insurance.

Rep. Broun (R-GA) – H.R. 299: To Repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, and for other purposes – This legislation would repeal ObamaCare, repeal the 7.5 percent threshold on the deduction for medical expenses, provide for increased funding for high-risk pools, allow individuals to acquire health insurance across State lines, and allow for the creation of association health plans.

Rep. Forbes (R-VA) – H.R. 334: The Prevent IRS Overreach Act of 2011 – This legislation would prohibit the Internal Revenue Service from hiring new employees to enforce Obamacare or the Health Care and Education Reconciliation Act of 2010.

Rep. Joe Pitts (R-PA) – H.R. 358: The Protect Life Act – This legislation would prohibit funding for abortion and abortion coverage under Obamacare. It also protects conscience rights for health care providers by specifying that Federal agencies and State or local governments funded by Obamacare may not discriminate against health care entities that refuse to be involved in abortion.

Rep. Blackburn (R-TN) – H.R. 371: Health Care Choice Act of 2011 – This legislation would repeal Title I of ObamaCare, which includes the health insurance provisions of the law. It also provides for the purchase of health insurance across state lines.

Rep. Cathy McMorris Rodgers (R-WA) – H.R. 434 – A bill to prevent the IRS from hiring workers to enforce the individual mandate created by Obamacare.

Rep. Kevin Brady (R-TX) – H.R. 663: Save Our States Act – This legislation would delay the implementation of Obamacare until the Supreme Court of the United States determines the Constitutionality of the individual mandate. Companion legislation (S.281) was introduced in the U.S. Senate by Senator Kay Bailey Hutchison.

Rep. Tim Scott (R-SC) –H.R. 698 –A bill to deauthorize and rescind funding for Obamacare and the health care related provisions of the Health Care and Education Reconciliation Act of 2010.

Rep. Brian Bilbray (R-CA) –H.R. 734 –A bill to amend the Internal Revenue Code of 1986 to repeal the medical device tax created in Obamacare and subsections (a), (b), and (c) of Section 1405 of the Health Care and Education Reconciliation Act of 2010.

Rep. Phil Gingrey (R-GA) –H.R. 816: Provider Shield Act of 2011 –This legislation prevents Obamacare from establishing health care provider standards of care in medical malpractice or medical product liability cases.

Other Health Care Initiatives

Rep. Phil Gingrey (R-GA) –H.R. 5: Help Efficient, Accessible, Low-cost, Timely Health Care (HEALTH) Act of 2011 –This legislation addresses the current crisis in health care by reigning in unlimited lawsuits and thereby making health care delivery more accessible and cost-effective in the United States by capping non-economic damages at \$250,000; limiting contingency fees attorneys can charge; requiring authorization for defendants to introduce evidence showing the plaintiff received compensation for losses from outside sources (to prevent double-recoveries); authorizing courts to provide for periodic payments for future damages instead of lump sum awards creating a “fair share” rule, by which damages are allocated in direct proportion to fault; creating guidelines on punitive damage awards; and does not preempt any State law addressing medical liability reform.

Rep. Burton (R-IN) – H.R. 105: The Empowering Patients First Act –This legislation is the reintroduction of the Republican Study Committee’s health care reform bill from the 111th Congress. Further information and short and extended summaries are available [here](#).

Rep. Pete Sessions (R-TX) –H.R. 157: Health Care Safety Net Enhancement Act of 2011 –This legislation would amend the Public Health Service Act to deem on call and emergency room physicians to be employees of the Public Health Sector for purposes of any civil action that may arise during medical treatment. This bill would provide liability protection for those who provide medical services under the federal Emergency Medical Treatment and Labor Act (EMTALA).

Rep. Stearns (R-FL) – H.R. 171: The Health Care Tax Deduction Act of 2011 – This legislation would allow individuals to annually deduct the combined sum of all qualified health insurance costs and any unreimbursed prescription drug expense paid for by the individual for themselves or their spouse and dependents.

Rep. Thornberry (R-TX) – H.R. 314: The Medical Liability Procedural Reform Act of 2011 – This legislation would provide grants to several states for the development, implementation, and evaluation of health care tribunals. A health care tribunal is a trial

court or administrative tribunal whose sole function is to adjudicate disputes over injuries allegedly caused by health care providers. The judges for such a tribunal have health care expertise and rely on independent expert witnesses.

Rep. Thornberry (R-TX) – H.R. 315: The Health Care Paperwork Reduction and Fraud Prevention Act – This legislation would reduce the amount of paperwork and improve payment policies for health care services, and prevent fraud and abuse through health care provider education. It would establish a National Bipartisan Commission on Billing Codes and Forms Simplification, create a simple process for physicians and providers to receive assistance with questionable codes and procedures, and reforms the implementation process for new evaluation and management guidelines under the Medicare program and the treatment of physician overpayments by the Department of Health and Human Services.

Rep. Pearce (R-NM) – H.R. 346: Health Care Choice Act of 2011 – This legislation would allow for the purchase of health insurance across state lines and provide a procedure for independent external appeals.

Rep. Austria (R-OH) – H.R. 369: The Health Savings and Affordability Act of 2011 – This legislation would allow individuals to annually deduct the combined sum of all qualified health insurance costs. It would also grant an increase in health savings account (HSA) contribution limits and allow both spouses to make catch-up contributions to an HSA.

Health Care Amendments Offered to the Full Year Continuing Appropriations Act (H.R. 1)

Rep. John Fleming (R-LA) – Amendment #54 – This amendment restricts funds from being used to finalize the proposed rule entitled “Ensuring that Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law” published in the Federal Register on March 10, 2009 or otherwise rescind or modify any provision of part 88 of Subtitle A of title 45, Code of Federal Regulations. *Withdrawn.*

Rep. John Fleming (R-LA) – Amendment #55 – This amendment rescinds unobligated funds in the \$1 billion Health Insurance Reform Implementation Fund established in Obamacare. *Withdrawn.*

Rep. Corey Gardner (R-CO) – Amendment #79 – This amendment prohibits any funds from being used to pay the salary of any employee or officer of the Department of Health and Human Services who develops or promulgates regulations or guidelines regarding the State-based Insurance Exchanges created under Obamacare. [Passed 241-184.](#)

Rep. Corey Gardner (R-CO) –Amendment #82 –This amendment rescinds unobligated funds in the \$1billion Health Insurance Reform Implementation Fund established by Obamacare. *Withdrawn.*

Rep. Louie Gohmert (R-TX) –Amendment #119 –This amendment prohibits any funds to be used to carry out any program under, promulgate any regulation pursuant to, or defend against any lawsuit challenging any provision of Obamacare. *Withdrawn.*

Rep. Phil Gingrey (R-GA) –Amendment #182 –This amendment prohibits any funds to be used to establish or implement any requirement that individuals receive vaccination for human papillomavirus (HPV) as a condition of school admittance or matriculation. *Withdrawn.*

Rep. Michael Burgess (R-TX) –Amendment #200 –This amendment prohibits any funds to be used to pay the salary of any officer or employee of the Center for Consumer Information and Insurance Oversight created by Obamacare. [Passed 239-182.](#)

Rep. Steve Scalise (R-LA) –Amendment #204 –This amendment prohibits any funds to be used to pay the salaries and expenses of the Director of the White House Office of Health Reform (“Health Care Czar”) and other White House positions. [Passed 249-179.](#)

Rep. Steve Stivers (R-OH) –Amendment #247 –This amendment strikes a provision in H.R. 1 regarding the Reagan-Udall Foundation, a non-profit organization charged with advancing the Food and Drug Administration’s mission to modernize medical, veterinary, food, food ingredient, and cosmetic product development, accelerate innovation, and enhance product safety. *Withdrawn.*

Rep. Steve King (R-IA) –Amendment #267 –This amendment prohibits funds from being used to carry out the provisions of Obamacare, or any amendment made to such law. In other words, this amendment would prohibit funds from being used for Obamacare implementation this year (saving approximately \$2.8 billion). [Passed 241-187.](#)

Rep. Steve King (R-IA) –Amendment #268 –This amendment prohibits funds from being used to pay the salary of any officer or employee of any federal department or agency with respect to carrying out the provisions of Obamacare, or any amendment made by Obamacare. In other words, this amendment would prohibit any government employee from getting paid to implement Obamacare (saving approximately \$2.8 billion). [Passed 237-191.](#)

Rep. Steve King (R-IA) –Amendment #269 –This amendment rescinds all unobligated balances of the appropriations made by Obamacare. *Withdrawn.*

Rep. Steve King (R-IA) –Amendment #270 –This amendment reduces the funding for the Centers for Disease Control and Prevention and for the Strategic National Stockpile under Section 319F-2 of the Public Health Service Act by \$750 million. *Withdrawn.*

Rep. Steve King (R-IA) –Amendment #271 –This amendment reduces the funding for the Centers for Disease Control and Prevention, Disease Control, Research and Training by \$750 million. *Withdrawn.*

Rep. Steve King (R-IA) –Amendment #272 –This amendment reduces funding for various Department of Health and Human Services agencies. *Withdrawn.*

Rep. Cathy McMorris Rodgers (R-WA) –Amendment #274 –This amendment prohibits any funds to pay any employee, contractor, or grantee of the Internal Revenue Service to implement or enforce provisions of Obamacare. *Withdrawn due to a Point of Order.*

Rep. Ted Poe (R-TX) –Amendment #403 –This amendment prohibits any funds to any agency for any activities in anticipation of, or related to, implementing, administering, or enforcing the individual mandate to purchase health insurance coverage. *Withdrawn.*

Rep. Glenn Thompson (R-PA) –Amendment #405 –This amendment amends Obamacare to provide that payments made for standard power wheelchairs furnished in 2011 are subject to a 1 percent reduction in the covered item update made under the Social Security Act. *Withdrawn.*

Rep. Tom Price (R-GA) –Amendment #409 –This amendment would prohibit the funds to be used by the Department of Health and Human Services to implement and enforce section 2718 of the Public Health Service Act, as added by section 1001 (5) and replaced by section 10101(f) of Obamacare (a.k.a., the medical loss ratio provision). [Passed 241-185.](#)

Rep. Darrell Issa (R-CA) –Amendment #417 –This amendment prohibits any funds to be used by the National Institute of Health to examine the potential impact of integral yoga on hot flashes in menopausal women. *Withdrawn.*

Rep. Darrell Issa (R-CA) –Amendment #418 –This amendment prohibits any funds to be used by the National Institutes of Health to examine the potential impact of a soda tax on population health. *Withdrawn.*

Rep. Darrell Issa (R-CA) –Amendment #419 –This amendment prohibits any funds to be used by the National Institutes of Health to research the use of marijuana in conjunction with opioid medications, such as morphine. *Withdrawn.*

Rep. Darrell Issa (R-CA) –Amendment #420 –This amendment prohibits any funds to be used by the Department of Health and Human Services to study condom use skills in adult males. *Withdrawn.*

Rep. Darrell Issa (R-CA) –Amendment #421 –This amendment prohibits any funds to be used by the Department of Health and Human Services to study the concurrent and separate use of malt liquor and marijuana among young adults. *Withdrawn.*

Rep. Joe Pitts (R-PA) –Amendment #430 –This amendment prohibits funds to pay the salary of any officer or employee of the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury who takes any action to specify or define through regulations, guidelines, or otherwise the essential health benefits applicable under Obamacare. [Passed 239-183.](#)

Rep. Steve King (R-IA) –Amendment #550 –This amendment would reduce the funding levels for the Centers for Disease Controls and Prevention by \$750 million. *Withdrawn.*

Rep. Cathy McMorris Rodgers (R-WA) –Amendment #553 –This amendment would prohibit any funds to pay the salary of any officer or employee of the Department of the Treasury who implements the individual mandate and other provisions of Obamacare. *Withdrawn.*

Rep. Steve Pearce (R-NM) –Amendment #463 –This amendment would rescind certain unobligated appropriations and fund transfers included in Obamacare. *Withdrawn.*

Rep. Ted Poe (R-TX) –Amendment #465 –This amendment would prohibit funds to be used to implement, enforce, or administer the individual mandate in Obamacare. *Withdrawn.*

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