

ONE HUNDRED THIRTEENTH CONGRESS
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Statement of Rep. Henry A. Waxman
Committee on Energy and Commerce
Subcommittee on Health
Hearing on “Protecting Americans from Illegal Bailouts and Plan Cancellations
Under the President’s Health Care Law”
July 28, 2014

Thank you very much, Mr. Chairman. We have three bills before us today, we have a hearing on them. But all three bills are intended to undermine the Affordable Care Act, that’s exactly what they would do. I’d just want to point out, that we’ve had over 50 votes on the House Floor to repeal or undermine, effectively repealing the Affordable Care Act; don’t we have anything better to do?

We were promised by the Republicans that they would come up with their replacement when they took over in 2011. Then we heard it would come in 2012. Then it was some time in 2013. Then it was supposed to be in early 2014. Then we were assured there would be a vote this summer. Then it was the fall. And now we hear we may not see a replacement until 2015 or even 2017.

It is clear to me that they do not have any productive ideas of their own to offer, it appears they have decided to add to their 50 votes to repeal or undermine the ACA. They are certainly working hard to secure their place in history as the least productive Congress in the history of the nation.

I oppose all three of these bills before us today.

The first bill, H.R. 3522, says that any group health insurance plan on the market in 2013 can be sold in perpetuity, they don’t have to change it. Now they wouldn’t have to adopt all the key protections for consumers in the ACA, protections that went into place this year – such as the ban on annual limits, insurance companies used to do that. They would put a limit on how much you can spend each year and then after that limit you pay for it all. Well, they want to go back and continue those plans that have those limits. They want to continue to allow plans that would charge a small business a higher premium because an employee has a pre-existing condition.

Those were changes we intended to make and did make in the ACA. We said if you want to keep your plan, you could keep it, and we provided for grandfathering in existing individual

insurance plans that were for sale when the law passed. If they liked that coverage they could keep it, even though that insurance might be inadequate by not covering all of the things that were required under the ACA.

Earlier this year, the President went a step further and said if a small business had changed plans or purchased a new plan after the law passed, they could keep that new coverage, unchanged, into 2016.

Now, they're supposed to going into the Affordable Care options and choosing an insurance plan that protects the consumers and that is offering a rate consistent with competition by other insurance plans that have to meet all those protections.

The other two bills before us today relate to a premium stabilization program in the ACA known as risk corridors. This is modeled off a nearly identical program in Medicare Part D that redistributes a portion of profits and losses between insurance companies.

This was drafted by the Republicans on this Committee as part of their Part D legislation. Republican leaders and Bush Administration officials have praised it repeatedly. It has helped keep Part D premiums stable and it has saved taxpayers money.

But now that it's being used by the plans under the ACA, now we can't continue these risk corridors, let's repeal them.

Before the Administration announced they would implement the risk corridors in a budget neutral fashion, the Congressional Budget Office said the program would save taxpayers \$8 billion in just three years. The provision in the law makes sense; it will help keep premiums stable and we should not repeal it or tie the Administration's hands in implementing it.

Well, Mr. Chairman, I think what we're seeing is more politics. Maybe it is the stuff that saves you in primaries from the extremists and so called Tea Party voters, whatever. We ought to do something worthwhile on this Committee, instead of just passing bills that just undermine the ACA. It's working, finally, millions of people now have insurance, we ought to leave it alone. If it ain't broke, don't fix it.