Healthcare Bill: Pay for a Plan or Go to Jail

Speaker of the House Nancy Pelosi is prepared to jail any American who does not buy a qualifying health insurance plan if the healthcare bill she sponsored (H.R. 3962, as amended) is passed into law.

On November 6, Congressman Dave Camp (R-Mich.), the senior member of the House Ways and Means Committee, released a letter he received from the Joint Committee on Taxation (JCT) in response to his inquiry as to potential penalties for failing to comply with mandates set forth in the so-called "Affordable Health Care for America Act." The information set out in the response should be shocking, but such unconstitutional abuses of power are becoming *de rigueur* and have almost lost their ability to stupefy. Still, the details are sinister, and as the old saying goes, the devil is definitely in them.

In a letter dated November 5, the Joint Committee on Taxation informed Congressman Camp that there is a broad range of civil and criminal penalties applicable to any American who fails to purchase a health insurance policy that passes legislative muster, or as euphemistically styled in the bill itself: "acceptable health insurance coverage." As reported by the Congressional Budget Office, the lowest annual cost of an approved family non-group policy would be approximately $15,000. That is to say, as currently written in the bill under consideration, if a family's health insurance plan doesn't cost at least $15,000 a year, then you are breaking the law and will be held accountable.

As for just exactly what a "qualified plan" will require, no one is quite sure and those who should be (the elected representatives who will be voting for or against the bill) probably haven't read the complete text because they can't fit the bill in their briefcases as it comes in at a hefty 1,990 pages.

On page 118, we're told that 18 months *after* the bill becomes law, the Secretary of Health and Human Services will inform us what exactly a "qualified plan" is and how much we'll have to pay for it. As Betsy McCaughey wrote in the *Wall Street Journal*, "That's like a banker telling you to sign the loan agreement now, then filling in the interest rate and repayment terms 18 months later." That's true, but to follow her analogy, if you decide not to sign the loan documents, the banker has no power over you, whereas the federal government doesn't care whether you sign or not or whether you agree with the terms or not. If you don't pay what you are ordered to pay, they will not hesitate to send you to jail for it.

Turn with me now to page 167 of the bill. There you will find Section 303, which states that even though the precise pattern for the "qualified plan" won't be hammered out for another year and a half, you can count on one size fitting all when it is announced. Whether the government pays for your policy

or you and your employer do, everybody will have the same benefits and the same coverage. The only difference will be the amount of co-pays and deductibles. The blanket of socialized medicine is magical and will be of whatever size the man behind the curtain says it is — whether it really covers you or not.

If any illegal aliens happen to read the bill, they will be overjoyed by the concessions they have received from Congress. First, on pages 297-299, we learn that proof of enrollment in a qualified plan must be attached to your tax return in order to avoid the penalties described below. That is, unless you are here illegally, for according to the companion section in the new tax code, the penalties only apply to "United States citizens and resident aliens." Second, the bill requires that all federal, state, and local schemes created under the directives of this bill "provide services in the cultural context most appropriate for the individual served by the program." Furthermore, if the non-English-speaking illegal alien needs an interpreter or transportation to and from a doctor's appointment, then the appropriate state or local agency must reimburse the patient for any expenses associated with those services. Not only that, but the bill requires that the healthcare provider inform the "beneficiary" of his right to receive these services and reimbursement of the same.

Our last selection in this abridgement comes from page 756. There we are told: "The Center [the Center for Comparative Effectiveness Research] shall develop protocols and strategies for the appropriate dissemination of research findings in order to ensure effective communication of findings and the use and incorporation of such findings into relevant activities for the purpose of informing higher quality and more effective and efficient decisions regarding medical items and services." That little nugget of weasel words is a lawyer's fantasy. There are so many ambiguous terms — "relevant," "appropriate," "effective," etc. — the act requires an entire bureaucracy devoted to defining them. What it boils down to, however, is that the agency set up to run this aspect of the healthcare behemoth will inform doctors what procedures they are permitted to perform and how they may perform them.

While the full text of the Pelosi healthcare bill may be purposely impenetrable and realistically too long for anyone to effectively read and comprehend, the memo sent to Congressman Camp from the JCT is brief (four pages) and the content is chilling in its matter-of-fact tone. "H.R. 3962 provides that an individual (or a husband and wife in the case of a joint return) who does not, at any time during the taxable year, maintain acceptable health insurance coverage for himself or herself and each of his or her qualifying children is subject to an additional tax." The "additional tax" amounts to (a) the national average of a family premium as determined by the Secretary of Treasure in cooperation with the legislatively-created Health Choices Commissioner (essentially a "Health Care Czar" empowered as the arbiter for what is or is not acceptable health care coverage for your family), or (b) 2.5% of the person's adjusted gross income.

Then, imagine that your insurance doesn't comply and that you don't pay the extra tax penalty to make up the difference. Then you'd better pack your toothbrush because the punishment for open rebellion is stiff and your future health care could be provided by the jailhouse physician.

According to the black letter of the bill and the explanation thereof provided by the JCT, non-compliant "taxpayers" are liable for severe civil and criminal penalties. These penalties will be applied separately meaning that someone found guilty of non-compliance with the mandates could be sued civilly and prosecuted criminally for the act. The JCT assures Congressman Camp, however, that the kind and generous IRS would never "pursue both [forms of penalty] simultaneously," but would wait for the criminal proceedings to play out before serving you with the civil summons. Thanks.

The civil penalties are laid out in various sections of the Internal Revenue Code (IRC) that would be

modified by the terms of the new law. For example, Section 6662(a) would assess a penalty of 20% of the amount of the underpayment of the tax. Section 6663 of the IRC would raise the penalty to 75% if the government can prove an attempt by the taxpayer to avoid paying the tax. If you make an underpayment that is "substantially incorrect," then the penalty is a set $5,000.00. The government is a ruthless debt collector, as well, for it will charge a .5% interest rate compounded monthly for every month the tax is underpaid.

Not content with robbing you of your money, however, under the Pelosi plan, the IRS will rob you of your liberty, as well. Criminal prosecution is provided under the IRC (as amended by the terms of HR 3962) for failure to comply. There is a misdemeanor level of disobedience and a felony level. The punishment for a minor violation is set forth in Section 7203. "Misdemeanor willful failure to pay is punishable by a fine of up to $25,000 and/or imprisonment for up to one year." For those really hardcore healthcare criminals, the punishment is a fine up to $250,000 and/or five years in jail. You've read it right. If the Health Care Commissioner decides your policy isn't Pelosi-friendly and you don't make the appropriate changes to it, then you may do time.

Although other similar provisions in earlier iterations of the healthcare bill contained language that prevented the imposition of civil or criminal penalties for non-compliance, Speaker Pelosi's bill is no paper tiger. The bill she is preparing to unleash has sharp teeth that will clamp down quickly and viciously eviscerate any who dare oppose it. As Congressman Camp said in a press release, "The Senate Finance Committee had the good sense to eliminate the extreme penalty of incarceration. Speaker Pelosi's decision to leave in the jail time provision is a threat to every family who cannot afford the $15,000 premium her plan creates."

Be forewarned. This bill is a violation of innumerable principles of freedom upon which this country was founded. The Constitution does not endow Congress with power to establish a healthcare plan. Period. Moreover, the Tenth Amendment expressly forbids Congress from legislating in any area outside of its enumerated zones, as principally contained in the Constitution's Article I. There is yet time for the American people to re-assert our rights as the ultimate sovereigns in this mighty republic by firmly impressing upon our elected representatives our steadfast and determined opposition to any bill, health care or otherwise, that gnaws through the Constitutional fetters designed to restrain the ignoble quest for power.

The time to register opposition to the House healthcare bill is now. Americans can communicate with their representative about H.R. 3962 by clicking here

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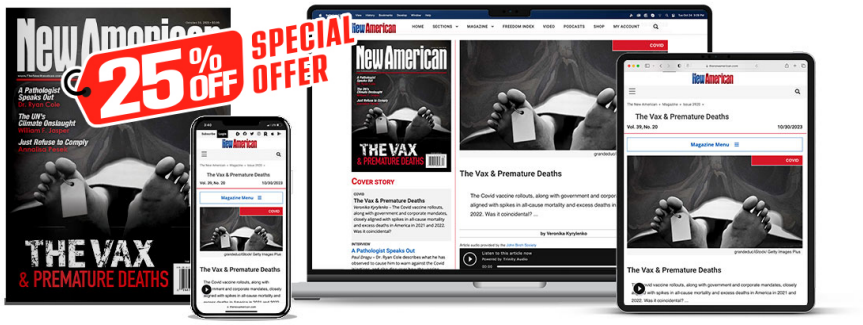

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