

The Commissioner

The Hidden Danger of Health Care Reform

Within the text of the America's Affordable Health Choices Act of 2009, provision is made for the appointment of a Health Choices Commissioner¹. This commissioner will be granted such power as to make him a threat to the security of every American citizen. Please consider the following analysis of this great threat and do all within your power to help prevent this bill from becoming law.

According to this bill, the Health Choices Commissioner will have the authority to overrule portions of the Public Health Service Act and the Employee Retirement Income Security Act of 1974. Any contracts that he signs with health insurance companies will not be bound by the Federal Acquisitions Regulation², and he will be empowered with the authority to overrule all state laws³. Such broad permissions will give the commissioner unprecedented autonomy, allowing him to operate outside of the law. Placing the commissioner above state law is a direct violation of the tenth Amendment, which guarantees to the states the right to reject any federal power that is not specifically designated within the Constitution.

This section of the bill reveals a pattern that is mimicked in several other sections. It first states that the bill will not overrule any of the laws that I just listed, but that statement is immediately followed by the phrase "except...as determined by the commissioner." This format allows the supporters of this bill to deny many of the charges presented by their opponents. All they have to do is quote the first half of the section without referring to the exception found in the second half, which completely nullifies the assurances given in the first half.

This legislation also grants the commissioner unrestricted access to records and information pertaining to individual citizens including genetic information and mental health records⁴, medical and insurance records⁵, tax records⁶, and employment records⁷. The commissioner is granted permission to seek compliance from Congress⁸, the Department of Labor, the Treasury Department, and the Department of Health and Human Services⁹. He is also granted the power to force his policies upon the general populace¹⁰. That enforcement will include compliance screenings¹¹, unrestricted penalties for non-compliance¹², and the mobilization of state and federal forces¹³.

The combination of access to private records and public servants with the authorization to commandeer forces would make the Health Choices Commissioner the most powerful man in the country. This bill would grant him full permission to determine that the mentally unstable are an unnecessary drain upon this nation's resources. He could either influence Congress to pass laws that deny all rights to the mentally ill or mobilize the military, the National Guard, or local police forces to eliminate the drain on the health care budget.

Complete and unregulated control will be granted to the commissioner over all monetary contributions to the Health Insurance Exchange¹⁴, and he alone will have the final say in all matters involving the exchange¹⁵, insurance companies¹⁶, and individual health¹⁷. The freedom of the press and the freedom of speech will be denied¹⁸, and provision has been made for the commissioner to discriminate against the elderly¹⁹, the wealthy²⁰, large families²¹, the disabled²², and any other such group as the commissioner may define²³.

The power granted to the commissioner by this bill has not been wielded in this land since the king of England withdrew his troops over 230 years ago, and it will allow for the heinous mistreatment of millions of Americans, but I have not yet mentioned the greatest danger to be found within the text of this bill. That dubious honor is reserved for a single line tucked away in section 114. In paragraph e of that section, the commissioner is granted the power to "provide for the development of standards for the definition of terms used in health insurance coverage, including insurance related terms."

This granting of the power of definition is the greatest danger our country has ever faced. The bill lists a few specific terms that the commissioner will define such as “dependent”²⁴, “discrimination”²⁵, and “full-time employee”²⁶, but there are several terms used in health care the definition of which can become highly dangerous if subject to the whim of a single individual. With this power, the commissioner may, like his Russian predecessors, decide that belief in a Deity marks one as insane. He may define citizenship by one’s level of income as the Romans did, or he may even choose to follow the Nazi example and define humanity according to the color of one’s skin. Such power is too great to be vested in a single man, and all past attempts at doing so have resulted in disaster.

The passing of this bill would place our beloved nation but a single breath away from the totalitarian rule of a fascist dictator. I urge you to use every means within your power to make this information public and prevent this ill-conceived bill from becoming law.

¹ Section 141.b

² Section 133.a.1

³ Section 151.a.1

⁴ Section 151.b.1.A

⁵ Section 133.a.1; Section 204.b.2; Section 204.c.1

⁶ Section 241.d

⁷ Section 312.a.3

⁸ Section 113.b

⁹ Section 324.a.1-2

¹⁰ Section 142.a.1; Section 205.b.3.A

¹¹ Section 142.b.2.A-B; Section 202.g

¹² Section 202.f; Section 142.d.1-2

¹³ Section 143.b.1

¹⁴ Section 207.b; Section 313.a.1

¹⁵ Section 142.a.2; Section 201.b.1; Section 203.a

¹⁶ Section 142.d.1-2; Section 102.b.1.A; Section 115.a; Section 116.a; Section 134

¹⁷ Section 142.a.3; Section 132.a-b; Section 202.d.4.B.i.III; Section 205.a.2-3; Section 205.b.3.A; Section 241.b.1

¹⁸ Section 131; Section 314

¹⁹ Section 113.a.1

²⁰ Section 113.a.2; Section 222.a.1

²¹ Section 113.a.3

²² Section 151.b.1.A; Section 205.a.1

²³ Section 102.b.1.B.iii

²⁴ Section 100.c.5

²⁵ Section 114.a

²⁶ Section 312.b.3.B