

Yesterday morning, I had the opportunity to sit down with a San Antonian who had traveled all the way to Washington, DC, to share with me his concerns about the [Affordable Health Care for America Act \(HR 3962\)](#)

. This gentleman, whom I'll call Tom, stopped by my office on Thursday as part of the ["House Call" protest encouraged and promoted by many of my Republican colleagues](#)

. I wasn't in the office when he stopped by on Thursday, but he agreed to come back on Friday and he, and I, and a number of young college students who are interning in my office, had the chance to sit down and talk about what the passage of HR 3962 would mean for Americans. There weren't many points on which we agreed, at the beginning or at the end, but this seemed to me an example of the best of American democracy, as we debated our disagreements in a polite and sensible manner. I'd like to take a moment to share with you some of the concerns that Tom raised and some of the debate that we had.

One big point Tom raised was his concern that HR 3962 would preempt Texas's cap on medical malpractice awards. As I explained to Tom, this was a subject of much debate in the Energy & Commerce Committee when we were crafting the precursor to HR 3962. Now, Tom and I disagree greatly over what effect Texas's cap has had. While Texas doctors' malpractice insurance premiums have decreased somewhat, that decrease has not resulted in either lowering the costs of medical care nor cheaper health insurance premiums for Texans. Unfortunately, medical costs to Texas Medicare recipients has increased 23% faster than the national average and our state has the unenviable position of having [a higher rate of uninsured residents](#) than any other.

Regardless, not only doesn't HR 3962 as written touch such laws as Texas's, but the [Manager's Amendment](#) explicitly states that the bill won't "modify or impair State law governing legal standards or procedures used in medical malpractice cases". (Page 9)

An article Tom had read told him that private insurance companies would all be put out of business in 2013 when the public option goes into effect. I was very happy to be able to reassure him that the authors of that article misunderstood the bill. Not only can't the public option put private insurance out of business, but HR 3962 would actually be good for them. (A lot of people aren't happy about this!) Insurance companies make money because most people's medical bills are much smaller than their premiums, especially the young and healthy. You see, HR 3962's mandate would add young people to the pool. (I told Tom that 75% of the uninsured were between the ages of 18 and 54; [actually, it's 78%](#) ; I didn't tell him that another 21% are children under 18.) And relatively few Americans would be eligible for and choose the public option; the [CBO estimates 6 million](#)

. So that means tens of millions of relatively healthy new customers will be signing up for private insurance . As I put it to Tom, "I can guarantee you, that in 2013, that's the exchange's effective

date, private insurance sector will be thriving.”

Tom used to run a small restaurant in San Antonio. One of the points that he raised was that he had heard that small businesses would be punished by the plan, and taxed out of business. Tom had read this online that morning, and he’s not alone. What he hadn’t seen, as I explained to him, is that small businesses with payrolls under \$500,000 are wholly exempt from the requirement to help pay for their employees’ health insurance. My staff printed out a copy of the section of the bill that dealt with that issue. (Sec. 413, for those reading along at home) Even for those with payrolls over \$500,000, HR 3962 caps employer contributions at eight percent of the payroll or less, with only [14% of small businesses](#) being large enough to pay even the 8%. Actually, HR 3962 would help small business owners. By allowing them to join together to negotiate with private insurance for reduced rates on the health care exchange. I didn’t mention to Tom but I’ll tell you that, despite what you may have heard, [98.8% of small business owners](#) won’t be subject to health surcharges either.

Tom and I talked about a number of other topics, from constituent services to the size of the national debt. Tom’s no fan of the Obama Administration and greatly enjoys Glenn Beck’s work. We disagree on both of those points and many others. But one thing Tom and I both agree on is that it’s a great thing that we live in a country in which any American can sit down with his or her congressional representative and say, “Here’s what I think of you and of the job you’re doing. If you don’t change what you’re doing, I’m going to vote against you.” That freedom is what allows our government to tackle such important issues, because every Member of Congress knows that the men and women in their districts will judge them based on how they act. That brings the voices of the people into every deliberation we undertake.

When the time comes for me to vote on HR 3962, or any other bill, I will be thinking about what’s best for the people of the 20th District. You won’t all agree with the conclusions I reach. I know Tom probably won’t. But I want you to know that I will always be doing my best to vote in the best interests of the people whom I am honored to represent.

