



May 7, 2010

CRS: New Constitutional Questions About Obamacare

This week, the nonpartisan Congressional Research Service (CRS) released a memo which raises new constitutional concerns about a provision in the Democrats' government-run health-care law that could impose tens of millions of dollars in fines on Congress, state and local governments. Under the legislation, employers that do not offer health care coverage or 'affordable' health care coverage are subject to fines ranging from \$2,000 - \$3,000 per full time employee. Although the new government-run health care law does not explicitly call federal, state, and local governments 'employers,' it is assumed that they are. Under this assumption, if Congress does not meet its own expectations of appropriate health care coverage, it could be fined up to \$50 million annually if employees apply for government subsidies to help pay their health care costs. The CRS memo also states that state and local governments would be subject to such fines as well, but argues those fines may be unconstitutional under Supreme Court precedents on federalism. Congressman Miller is deeply concerned about these, as well as other, constitutionality questions and will continue working in Congress to repeal and replace the bill with real, market-based solutions.

House Subcommittee Holds Hearing on Ports of Los Angeles' Clean Truck Program

On Wednesday, the House Transportation and Infrastructure Subcommittee on Highways and Transit held a hearing to discuss the very important issues surrounding the Clean Truck Program at the Port of Los Angeles and the Port of Long Beach. In late 2008, the Ports of Los Angeles and Long Beach each launched clean truck programs in order to reduce the emissions of trucks servicing the ports by more than 80 percent below pre-program emissions levels by 2012. These reductions are to be achieved through a phased-in ban of older, polluting trucks that have not been retrofitted with emissions control technologies. The Clean Truck Program also includes a controversial provision establishing a truck concession program, effectively banning independent owner-operator drivers from the ports. Currently, independent owner-operated trucks make up roughly 90 percent of the trucks doing business in the port complex. Since the air quality achievements at the Ports are already taking place under current law and without banning independent drivers, Congressman Miller believes that compliance with air quality standards should be determined on a truck by truck basis without regard to the employee or ownership status of the driver of that truck. To view his opening statement at the hearing, [click here](#). To watch him ask questions about the Clean Truck Program's controversial provision, [click here](#).

\$6.6 Billion "Cash for Caulkers" Bill Approved by House

The House on Thursday approved a bill to create a new Home Star Retrofit Rebate Program, popularly known as "Cash for Caulkers." This new Department of Energy program comes with a price tag of \$6.6 billion to provide rebates to contractors for energy-efficient remodeling on existing homes. Under the program, contractors will give consumers discounts for the retrofits and the contractors would then be reimbursed by the federal government via rebates. The bill specifies two categories of rebates, ranging from \$3,000 to \$8,000, and the program is set to expire on December 31, 2012. While energy efficiency is a laudable goal, this new government-run program is questionable on several accounts. First, under the so-called stimulus package, the Department of Energy received \$4.7 billion for weatherization programs but has only used 10 percent of the available funds. Second, the Congressional Budget Office has called our nation's fiscal path 'unsustainable' and adding several billion dollars to the deficit will only exacerbate this problem. Congressman Miller opposed the bill because he believes we must cut back on spending to address our nation's debt crisis.

IRS to Host Nationwide Open House

On Saturday, May 15 from 9:00 am to 2:00 pm, the Internal Revenue Service (IRS) will host a special nationwide open house for either walk-in or telephone inquiries. During the open house, IRS locations will be equipped to handle issues involving notices, payments, offers in compromise, return preparation, audits, and a variety of other issues. Two more open houses are also planned for June 5 and June 26. To receive more information on the open house or to find the phone number and nearest location, contact the IRS by phone at (800) 829-1040 or visit them on the web at www.irs.gov. For other issues with federal agencies, contact Congressman Miller's Brea office at (714) 257-1142.