February 6, 2012

The Honorable John Boehner
Speaker
H-232, The Capitol
Washington, DC 20515

The Honorable Eric Cantor
Majority Leader
H-329, The Capitol
Washington, DC 20515

The Honorable Kevin McCarthy
Majority Whip
H-107, The Capitol
Washington, DC 20515

The Honorable Dave Camp
Chairman, Committee on Ways and Means
1102 Longworth House Office Building
Washington, DC 20515

Dear Speaker Boehner, Leader Cantor, Whip McCarthy and Chairman Camp:

As the most recently elected Republican members of the U.S. House of Representatives, we believe Americans sent us to Washington to reduce the size and scope of the federal government. Our country is facing a host of challenges: out of control government spending, an unemployment rate over 8 percent, regulatory overreach punishing innovation, and a burdensome tax code hurting American businesses. Congress needs to act now to begin reversing these trends.

One issue that we are particularly concerned with is the job-killing medical device tax included in the new health reform law. This new tax, slated to begin in 2013, would raise $2.2 billion annually on the backs of America’s medical device manufacturers. It is already costing American jobs — jobs we cannot afford to lose. The medical device industry is a true American success story, and adding to their tax burden is the wrong approach at the wrong time. As we have already seen, this new tax would severely hamper medical device innovation, patient access to new therapies and treatments, and job creation we desperately need.

Just last November, one medical device company — Stryker Corp. of Kalamazoo, Michigan — announced plans to lay off 5 percent of its workforce and reduce its operating budget by $100 million by 2013 because of this new tax. The company estimates the restructuring will cost between $150 and $175 million, of which approximately $85 to $95 million will be reflected in fourth quarter 2011 earnings. Stryker is just one example of the impact this tax would have on medical device manufacturers. A recent study conducted by Purschgott-Roth in September 2011 projected job losses in the device industry will be in excess of 10 percent of the device workforce. Further, the study suggests U.S. device manufacturers will be more likely to close plants in the U.S. and replace them with plants in foreign countries. According to the chairman of one major U.S. device maker, once these jobs go abroad, they will be nearly impossible to get back.

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While this provision was intended as a simple revenue-raiser, it is bad policy that will have severe consequences. The way the tax is structured, it applies only to sales—not profits, which will hit small businesses especially hard. As we all know, small business is the engine of the American economy, and we should not be raising taxes on them during these difficult economic times. Companies are obligated to pay this tax regardless of whether they yield a profit, and in some cases may pay more under this tax than they generate from operations.

We must act now to repeal this onerous and irresponsible tax. With so many jobs hanging in the balance, this should not be a political issue. While our overarching aim is to repeal Obamacare in its entirety, there are some provisions that are causing more and more damage with each passing day. This tax is one of those provisions.

Representative Erik Paulsen of Minnesota introduced H.R. 436, the Protect Medical Innovation Act of 2011, on January 25, 2011, to repeal this tax. Currently, there are 226 cosponsors of the bill, including 87 freshmen. As the vast majority of Republican freshmen in the 112th Congress, we believe this is exactly the kind of bill we were elected to pass. We should not wait to act until 2013. The harm is being done now. Companies are planning for this new tax and jobs are being lost in the process.

We respectfully request our Leadership to work with Chairman Camp by bringing H.R. 436 to the floor for a vote as soon as possible. Doing so would protect medical innovation, preserve patient access to care, and create desperately needed jobs.

Sincerely,

Todd Rokita
Member of Congress

Sandy Adams
Member of Congress

Justin Amash
Member of Congress

Mark Amodei
Member of Congress

Lou Barletta
Member of Congress

Charlie Bass
Member of Congress

Dan Benishek
Member of Congress

Rick Berg
Member of Congress
Paul Gosar
Member of Congress

Trey Gowdy
Member of Congress

Tim Griffin
Member of Congress

Frank Guinta
Member of Congress

Richard Hanna
Member of Congress

Andy Harris
Member of Congress

Vicky Hartzler
Member of Congress

Nan Hayworth
Member of Congress

Joseph Heck
Member of Congress

Tim Huelskamp
Member of Congress

Mike Kelly
Member of Congress

Adam Kinzinger
Member of Congress

Raul Labrador
Member of Congress

Jeff Landry
Member of Congress

James Lankford
Member of Congress

Billy Long
Member of Congress

Tom Marino
Member of Congress

David McKinley
Member of Congress
Patrick Meehan
Member of Congress

Kristi Noem
Member of Congress

Mike Pompeo
Member of Congress

Jim Renacci
Member of Congress

David Rivera
Member of Congress

Dennis Ross
Member of Congress

Bobby Schilling
Member of Congress

Steve Southerland
Member of Congress

Marlin Stutzman
Member of Congress

Mick Mulvaney
Member of Congress

Alan Nunnelee
Member of Congress

Ben Quayle
Member of Congress

Reid Ribble
Member of Congress

Martha Roby
Member of Congress

Jon Runyan
Member of Congress

David Schweikert
Member of Congress

Steve Stivers
Member of Congress

Scott Tipton
Member of Congress
Robert Turner  
Member of Congress

Joe Walsh  
Member of Congress

Rob Woodall  
Member of Congress

Todd Young  
Member of Congress

Jeff Denham  
Member of Congress

Austin Scott  
Member of Congress

Tim Walberg  
Member of Congress

Allen West  
Member of Congress

Kevin Yoder  
Member of Congress

Chuck Fleischmann  
Member of Congress

Scott Rigell  
Member of Congress