

**Testimony**  
**Rep Todd Young (R-IN)**  
**House Rules Committee**  
**July 16, 2013**  
**The Authority for Mandate Delay Act (H.R. 2667)**  
**Fairness for American Families Act (H.R. 2668)**

Mr. Chairman, late in the afternoon of July 2nd, after the financial markets had closed, the Treasury Department released a blog post announcing that the Administration was delaying enforcement of the employer mandate until 2015. The Treasury blog was referring to the Affordable Care Act's (ACA) tax penalties for employers with more than 50 full time employees who do not make an offer of government-approved health care to their full time employees.

According to the ACA statute, those penalties begin "in the months following December 31, 2013." The Democrat-controlled Congress was quite clear – the employer mandate begins January 1, 2014. The Administration's intent was clear when it signed that provision into law. However, NOW, the Administration, via a blog post, announced it was ignoring clear Congressional direction and was choosing to delay this part of the law for one year.

This is not how the Administration should govern. Congress writes the laws and the Executive Branch enforces the law. If it is wise to delay the employer mandate because it has become too complicated and burdensome, then the Administration should tell us, and ask the Congress to delay the mandate. They would have found a very receptive audience amongst my colleagues – I believe on both sides of the aisle.

We have all heard from our local businesses and local employers, including schools and colleges and local governments about how the employer mandate was increasing costs and impacting hiring. We have read the reports from the GAO, and independent experts detailing how the Administration as a whole, and the IRS in particular, is behind schedule in implementing the law and is struggling to operationalize the new mandates and responsibilities. As H.R. 2667, the *Authority for Mandate Delay Act*, makes clear – the employer mandate is ill considered policy and we can and should come together on delaying its implementation for one year.

Frankly, I think it should be fully repealed, but at the very least, it should be delayed. But Congress needs to enact the delay – we are a nation of laws, not a nation of blog posts.

But, a government by the people, of the people and for the people must be a government that is fair to all its citizens. And, it is fundamentally unfair for the Administration to grant relief to big business, but not give individuals and families the same relief. Who is this Administration listening too – the American people, or the lobbyists for the business community?

The individual mandate is just as confusing to hardworking Americans as the employer mandate is to businesses. Public polls for over three years have underscored this point – the public’s understanding of the law is very low. The Administration said the complexity of the employer requirements led to the need to delay. I guess the difference for this Administration is that the American people don’t have a bunch of lobbyists working on their behalf.

Well, that’s where they got it wrong – again. I am proud to report that the American people do have an army of folks working on their behalf and it is the Republican Party standing up for them today. Let me be clear: the American people deserve the same relief from the individual mandate tax penalties that the Administration saw fit to give to big business. H.R. 2668, the *Fairness for American Families Act*, provides that fairness with Congress delaying the individual mandate for one year.

The Ways and Means Committee’s Health Subcommittee heard testimony last week from employers struggling with the complexity and costs of a fundamentally unworkable mandate. As the NFIB testified before the Ways and Means Health Subcommittee, the “one-year delay in the employer mandate somewhat improves a bad situation.”

But the consequences of the mandate still remain:

- Employers are still required to provide government-mandated coverage or pay a substantial tax;
- Many local businesses continue to cut worker’s hours – and worker’s paychecks – as they grapple to meet the ACA’s definition of a “full time employee”;
- Many businesses are laboring to find more money for rising health care costs for themselves and their workers as costs increase;
- And jobs are still at risk – up to 3.2 million in the franchise industry alone - as local companies struggle with the onerous ObamaCare requirements.

A one-year delay does not solve these problems and does not end business’s uncertainty. A repeal of the employer mandate and of the whole law is preferable. But I strongly suspect this one year delay will lead to next year’s delay – because the law is too complicated and too confusing. Congress should step in now, and delay the mandate and make clear the question of delay is our responsibility, not a Treasury bureaucrat’s choice.

Only Congress has authority to delay the mandate. Rep. Griffin’s bill, the *Authority for Mandate Delay Act* (HR 2667) provides for a statutory delay of the employer mandate and the employer/insurer reporting requirements for 2014, versus simply delaying the enforcement.

The Administration’s recent regulatory barrage made complying with the law even more complicated for individuals and families. Individuals are now responsible for self-

attesting to income and whether they were given an offer of affordable employer sponsored insurance. As Timothy Jost, a constitutional scholar and the Democrat's witness before the Ways and Means Health Subcommittee testified, "there are serious consequences for applicants who misrepresent their employer- coverage ...Applicants who receive tax credits for which they are ineligible will have to pay them back when they file their taxes ... Negligent misrepresentation of eligibility information can result in a \$25,000 fine."

ObamaCare has made health insurance more expensive for individuals. President Obama promised a \$2,500 premium decrease, but states that have released premium rate filings in the ObamaCare exchanges for 2014 are seeing massive premium increases. For example, Ohioans are facing an 88 percent premium increase, Californians an 81 percent increase, and Marylanders a 100-150 percent increase. A report by the House Energy and Commerce Committee reveals "consumers purchasing health insurance on the individual market may face premium increases of nearly 100 percent on average, with potential highs eclipsing 400 percent."

Given the increased cost and complexity for individuals caused by ObamaCare's failed implementation, individuals and families need some relief.

The bill I introduced, *Fairness for American Families Act* (H.R. 2668) provides the same relief to America's families that the Obama Administration granted to big business. The bill delays for one year the individual mandate and the penalties associated with choosing to not purchase government-approved insurance. That's only fair.