

The Honorable Pete Stark, Statement for the Record

Chairman Herger,

Thank you for holding this hearing today; though, I must say that it seems to be a bit after the fact. The Supreme Court spent the last three days considering the constitutionality of ObamaCare with all of America watching the media circus that surrounded it. Today's hearing won't affect that outcome at all. And I might point out that – while I look forward to the discussion -- the Committee already had a hearing on the economic effects of the employer mandate in January, 2011. Nothing has changed on that front since the provisions in question are still not in effect.

Having spent three hours at the Supreme Court on Tuesday listening to the debate about the constitutionality of the individual mandate, I must also admit that I'm not sure how anxious I am to hear it all again. But, here we are.

I was disappointed in the press advisory announcing this hearing. It is fine to label a bill in Congress as a "Democratic" bill or a "Republican" bill. But, once those bills become law, they don't belong to one party. Whether folks like it or not, health reform is America's law, not the "Democrats' Law," as the Ways and Means Press Advisory labeled it.

It is a law that is already benefitting tens of millions of Americans. Just this week, I heard from a constituent of mine, Marilyn, who contacted me via Facebook to say that she's grateful that her 24-year-old daughter is able to be covered on her insurance plan. For her, and the millions like her, it is simply the law, it is protecting her families' health, and she is grateful.

I'd also note that Democrats don't hold the patent on an individual mandate. Many leading Republican elected officials and policy experts -- ranging from Newt Gingrich to Mitt Romney to the Heritage Foundation's Stuart Butler have all advocated an individual responsibility requirement for the purchase of health insurance. In fact, it is rooted in Republican ideology of "personal responsibility." Why is it fair to have free-riders in the system who impose costs on all of the rest of us? New found Republican opposition to this concept at times makes it seem as though we have all fallen down the rabbit hole. The simple reality is that you can't guarantee affordable, quality health insurance in the private health care marketplace without an individual responsibility requirement.

The second panel of this hearing deals with the potential effect of the employer mandate.

The facts counter Republican claims about the employer responsibility requirements. . Employer sponsored insurance will remain a strong source of coverage under the Affordable Care Act with many analysts from a variety of think tanks and government sources projecting minimal changes in the number of people who will have employer coverage under the ACA. I ask for unanimous consent to submit for the record studies from the Congressional Budget Office, CMS Office of the Actuary, RAND, Lewin, and Urban Institute, all of which project minimal changes in employer coverage under the ACA. Let's remember that the employer mandate only applies to companies with 50 or more full-time employees. The data show that in our purely voluntary health insurance system today, virtually all – 94 percent -- of employers at this size already offer coverage to their workers. Thus, the mandate doesn't negatively affect them. Instead, it levels the playing field among employers by making sure that each pay their share of health care costs for their workers. From an employee perspective, the ACA enables workers to make employment choices based on the job they are offered, not the health benefits that are attached to it, thus freeing workers from job lock and promoting entrepreneurship and job satisfaction.

In closing, I'd note that we're pleased to have Neil Siegel, a professor of law at Duke University and Stephen LaMontagne of Georgetown Cupcake with us today. Georgetown Cupcakes is a relatively new, but quickly growing, business in this cupcake-crazed world. They provide coverage to their workers and are not afraid of the ACA and its implications. I look forward to their comments about how ObamaCare will affect them.

With that, I yield back my time.