

This week, as the Supreme Court examined the constitutionality of the individual mandate in the President's health care law, I also chaired a Ways and Means Health Subcommittee hearing to examine the law's mandates. We heard from a distinguished panel of attorneys involved in filing briefs for the historic case on the constitutional questions raised by the coercive individual mandate. Beginning in 2014, the individual mandate will require people in Northern California and across the nation to buy government-approved health insurance even if they cannot afford it or else pay a penalty. This mandate fundamentally changes the relationship between the individual and the federal government. If Congress has the power to compel commerce, its power becomes virtually unlimited.

The subcommittee also listened to job creators and expert witnesses explain the economic problems caused by the law's requirement that employers must provide government-approved health insurance or pay a penalty. This "employer mandate" raises the cost of hiring workers, particularly those at the lower end of the wage scale, which is the last thing job creators need during these tough economic times. For employers who do offer health benefits, the mandate actually encourages them to drop their health plans because the penalty associated with not offering coverage is far cheaper than the cost of providing health insurance coverage that complies with the government's mandates. I know from talking to Northern California small business owners that the new costs from this mandate are directly preventing them from hiring more workers in our area.

In summary, the cornerstones of the Democrats' health care law are crumbling under the weight of scrutiny. The Supreme Court is scheduled to rule by the end of June on whether the law is constitutional. Regardless of the Court's decision, the evidence is clear that the entire law needs to be repealed and replaced with real, constitutional reforms that reduce the cost of health care.