



Written by [Michael Tennant](#) on July 19, 2013

House Votes to Delay Key ObamaCare Mandates

In a move Republicans portrayed as fair play for individuals and Democrats called a political stunt, the House of Representatives voted Wednesday to delay ObamaCare's employer and individual mandates by a year.

Under the 2010 Affordable Care Act (ACA), both mandates are to take effect in January. Two weeks ago, however, the Obama administration announced that employers would get a one-year reprieve from the requirement that they offer "affordable" health insurance to their employees or pay a tax penalty. Individuals, who must have coverage or pay a penalty, will get no such breaks.



"I get to look at the Constitution once in a while. The Constitution makes it clear that Congress writes the law, and the president takes the oath of office to faithfully discharge the laws that are on the books," [said](#) House Speaker John Boehner (R-Ohio). "The idea that the president can merely go out there and make a decision about what he's going to enforce and he isn't going to enforce is fundamentally wrong."

Thus, Republicans argued that they were only trying to make the president's decision legal by passing the bill postponing the employer mandate. They hoped to attract a large number of Democrats to this cause and then use that as leverage to get those same congressmen to vote for delaying the individual mandate on the grounds that it would be unfair to treat businesses and individuals differently under the same law.

"What we really ought to do is to make it clear that individuals should be treated just like businesses," Boehner [said](#). "To say that, 'well, we're going to, we're going to relax this mandate for a year on American business, but we're going to continue to stick it to individuals and families' is strictly, and simply, unfair to the American people."

"Under the president's policy, million-dollar corporations with access to the White House can be excused from Obamacare, but the struggling family gets left out," [said](#) Rep. Pete Olson (R-Texas). "That's unfair. That's wrong."

Rep. Luke Messer (R-Ind.), while playing the fairness card, also suggested another reason for the votes. "Fundamental fairness dictates that individuals get the same reprieve," he averred. "Each day this law is delayed gives us more time to seek its total repeal."

The GOP's gambit largely failed. Only 35 Democrats voted for the employer mandate delay, which passed 264-161, and just 22 supported the individual mandate reprieve, which was approved 251-174.

One Republican, Rep. Morgan Griffith of Virginia, voted against both bills because he believed they didn't go far enough. "Obamacare," he declared in a [statement](#), "is like an abscessed tooth — delaying fixing the problem is not going to make it better; it only makes it worse."



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Many Democrats dismissed the votes as meaningless grandstanding. House Minority Leader Nancy Pelosi (D-Calif.) called them “political stunts,” while Minority Whip Steny Hoyer (D-Md.) said the bills were “not real” but “purely partisan politics.”

Given the number of times the House has tried to repeal, delay, or defund all or part of the ACA — Wednesday’s votes bring the count to 39 — only to be thwarted by the Senate and the White House, there is a real sense in which these attempts are meaningless. The Senate, controlled by Democrats, is not likely even to consider, much less pass, the bills postponing the mandates; and if it did, those bills would surely be vetoed by President Barack Obama, who has already stated as much.

The president, after all, cannot afford to have either bill become law. If he signed the employer mandate delay, he would be admitting that he does not, in fact, have the authority to choose which laws to enforce. If he signed the individual mandate delay, insurance rates would rise even faster than [already expected](#).

Premiums are bound to go up under the ACA because the law encourages the sickest individuals — those with expensive, chronic conditions — to buy coverage; insurers are forbidden to turn them down, cap their benefits, or charge them rates commensurate with the risks they present. ObamaCare, therefore, needs a large pool of healthy people also to buy insurance in order to mitigate these risks and keep rates down. But since the healthy, too, know they can obtain coverage whenever they need it and not be charged more, the only way to guarantee that they will act against their own best interests is to force them to maintain coverage. Take away the individual mandate without simultaneously waiving the mandates on insurers, and the whole system collapses.

That’s one reason insurance companies also oppose delaying the individual mandate. The other reason, noted the [New York Times](#), is that the mandate “is, in essence, a requirement that people buy their products.”

Thus, Obama will continue to flout a law he signed — but only to the extent that he perceives there to be a political payoff from doing so. The best Republicans and constitutionalists can hope for is that the law of diminishing returns eventually catches up with him, making piecemeal or — better still — total dismantling of ObamaCare possible.



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