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Obama Mandate Imposes Burdensome Penalty that is Unfair, Unreasonable, and Unconscionable

Mr. SMITH of New Jersey...Mr. Speaker, I, like my colleagues, am grateful that the U.S. Supreme Court took up this critical case for religious liberty; and I--we, Mr. Speaker, are hopeful that the court will provide much-needed relief from this discriminatory ObamaCare policy.

Under the Obama administration's coercive mandate, family-owned businesses like Hobby Lobby and Conestoga Wood have found themselves in the impossible situation of being forced to violate their moral or religious beliefs or face crippling fines. This not only puts businesses in serious and unnecessary risk, but also employees who may lose their jobs, as well as their health care.

It is the height of hypocrisy, Mr. Speaker, for the Obama administration to coerce family businesses that provide generous health care for their employees into a situation that may force them to close and to shutter their businesses.

The ObamaCare financial penalties are draconian, egregious, and without precedent in U.S. law. Under ObamaCare, family businesses that do provide health care for employees, like the Hobby Lobby, but object to covering certain drugs and devices--in their case, that provide for abortions--will be fined up to \$36,500 per year, per employee. That is outrageous.

For the Green family of Hobby Lobby, this could mean an amount to nearly half a billion dollars in fines every year. There is no way they can absorb that kind of body blow without closing their doors.

I would note, parenthetically, that a company that does not provide any health care insurance will be fined some \$2,000 per year, clearly, an unfair burden, but far less than the \$36,500 per year, per employee, if they refuse, again, to include certain drugs or devices that violate their moral or religious tenets.

When you calculate that out for the Green family of Hobby Lobby, dumping their existing health care coverage for employees could result in fines up to \$26 million per year; again, a huge penalty, but that is still \$448 million less than if they actually provided health insurance and remained true to their core convictions, which they will do.

Mr. Speaker, this burdensome penalty is completely unfair, unreasonable. It is unworkable, and it is unconscionable. The Obama administration is saying: we will punish you, we will hurt you, we will even put you out of business for providing health care to your employees, unless you provide health care according to the government's conscience.

Also, employees currently on their business health plan could lose their coverage that they desperately need for their families, as well as for themselves. Secretary Sebelius and President Obama have no business whatsoever imposing their morality on people of faith, but that is exactly what their oppressive mandate does.

The Supreme Court, Mr. Speaker, has a duty to protect the religious and conscience rights of the Greens and the Hahns and everyone else suffering government-imposed harm. The U.S. high court must act to protect the First Amendment rights of these families. Protecting these rights also protects their employees.

Let's make no mistake about it, Mr. Speaker. This mandate and its deleterious effects and consequences are very much Obama's willful intention. The imposition of this attack on religious freedom is no accident. It comes straight from the pages of ObamaCare.

In December of 2009, in the runup to the passage of that legislation, Senator *Mikulski* offered an amendment which provided the authorizing language for this oppressive mandate.

In 2009, the same year, when President Obama spoke at Notre Dame University, which parenthetically is also suing over the mandate, he spoke about drafting a sensible conscience clause--his words--and yet, today, protection of conscience is another highly visible broken promise of ObamaCare.

Mr. Speaker, to tell people that their conscience is irrelevant and that they must follow the Federal Government's conscience, rather than their own, is completely antithetical to the American principle of religious freedom and the First Amendment.

Unless reversed, Obama's attack on conscience rights will result in government-imposed discrimination against those who seek according to their faith and their moral code.

Under the weight of the mandate's ruinous fines and penalties, many businesses could be forced to shut down, eliminating jobs. I would never have believed that this kind of religious violation could occur in the United States of America, but it has. The Supreme Court must end this abuse.