

# United States Senate

WASHINGTON, DC 20510

February 12, 2014

President Barack Obama  
1600 Pennsylvania Avenue, NW  
Washington DC 20500

Mr. President:

Just this week the Department of Treasury issued yet another notice delaying the employer mandate for businesses with 50 to 99 employees. This is the second time your Administration delayed the Obamacare requirements for these businesses. While we agree that small and medium size businesses should not be subject to the overly burdensome requirements of Obamacare, we are deeply concerned that your Administration is simply ruling by executive fiat to make changes to the law.

Your Administration's actions this week continue a troubling trend of using Executive Orders and Agency Regulations to advance policies you are unable to sell to the American people and their representatives in Congress. From delaying aspects of a health care law that you know doesn't work, to your use of the Environmental Protection Agency (EPA) and the National Labor Relations Board (NLRB), you are expanding Executive Power in ways that are unprecedented. When you look at the scope and nature of the Executive Orders you have issued, you have usurped an extraordinary amount of authority from the Legislative Branch; far exceeding the previous Administration. We find it difficult to believe you would support these actions when you were a sitting senator.

In another example, due to the disastrous roll-out of the Obamacare websites, the Department of Health and Human Services (HHS) announced on November 27, 2013, the small business exchange would not accept online enrollments for one year. Additionally, on July 15, 2013, HHS attempted to delay the requirement until 2015 that state-based exchanges verify applicant's income information regarding eligibility for premium tax credits. This could have left the system vulnerable and open to enormous fraud. Please help us understand what legal basis your Administration is acting under when it decrees these delays. What legal authority does the Department of Treasury and Health and Human Services have to effectively delay numerous mandates within Obamacare? If your health plan does not work, you should come to Congress and start over.

Additionally, is it your interpretation that future Administrations will have similar legal authority to that which your Administration has exercised during your two terms as President? Would this authority grant an Administration the ability to delay, perhaps indefinitely, any statutory requirements that it finds troubling, politically or otherwise? For example, could a

Republican President permanently delay portions of Dodd-Frank or Obamacare? You have crossed a line that will not only have negative consequences in the near term but for generations yet to come.

We await the answers to our questions. Thank you.

Sincerely,

Lu Ha

Michelle McConnell

Ray Hunt

Tom Roberts

Conny Anzures

Jeff Flake

Steven Hatch

John Cornyn

Richard Shelby

Kelly Ayotte

John Boozman

Jim Inhofe

Susan Collins

Mike Lee

Scott Wittman

Jeff Sessions

Dan Coats

Mike Cruz

Pat Horney

John Horney

Ron Johnson

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John Thuma

Jerry Moran

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Don Clark

Art Fischer

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