



**THE AMERICAN
SPECTATOR**
Edited by R. Emmett Tyrrell, Jr.

Why the GOP Is in No Rush to Repeal Obamacare

David Catron

April 24, 2017

President Trump recently stated that he would like the House of Representatives to move forward on its revised Obamacare “repeal and replace” bill immediately after Congress returns from its spring recess. On Saturday, however, Speaker Paul Ryan announced that no vote was scheduled on the measure. The Trump administration would like to chalk up a legislative win before it crosses the symbolic “first 100 days” mark, but GOP conservatives and moderates are still squabbling over the details of the bill. Neither camp seems to be in any hurry to get repeal done. Why not? The answer is both simple and disgusting.

Congress was granted, and still enjoys, an illegal exemption from Obamacare.

That exemption protects every member of Congress, including those representatives who sanctimoniously style themselves the “House Freedom Caucus,” from the pain their constituents experience every day pursuant to the “Affordable Care Act.” Who granted this exemption? President Trump’s scofflaw predecessor, of course. Obama instructed the Office of Personnel Management (OPM) in 2013 to permit Congress to be classified as a small business — a designation that requires an enterprise to attest that it employs fewer than 50 employees. The House and the Senate obviously employ *thousands* of people.

But it isn’t the illegal directive to OPM, which was all too typical of the lawless Obama administration, that should outrage the voters. It is, rather, the complicity of Congress — Republicans and Democrats alike. The directive to OPM would have been meaningless, if Congress had not submitted a fraudulent application to the District of Columbia’s Small Business Health Options Program (SHOP) exchange. John Malcolm, a former deputy assistant attorney general in the DOJ’s Criminal Division and Michael F. Cannon of the Cato Institute explain in the *Hill* that the term “fraudulent” in this instance is no metaphor:

Documents obtained under the Freedom of Information Act show that unnamed officials who administer benefits for Congress made clearly false statements when they originally applied to have the House and Senate participate in D.C.’s “SHOP” Exchange for 2014. Notably, they claimed the 435-member House had only 45 members and 45 staffers, while the 100-member Senate had only 45 employees total.... Knowingly making even a single false statement in a matter concerning congressional compensation is punishable by up to five years in prison.

Among the most suspicious features of this lesson in congressional skullduggery involves who exactly submitted the fraudulent application. If you open the document, you will see why Malcolm and Cannon use the term “unnamed officials.” All of the names have been redacted. And when the Chairman of the Senate Small Business and Entrepreneurship Committee attempted to subpoena the D.C. SHOP exchange for an unexpurgated copy revealing who

submitted and signed it, he was thwarted by none other than “Grandstand Rand” Paul. Senator Paul voted with the committee’s Democrats to quash the subpoena.

Unfortunately, Senator Paul is by no means the only Republican hypocrite on this issue, despite overwhelming public disapproval of the special dispensation. A poll by the Independent Women’s Voice revealed that 94 percent of the voters oppose special treatment for Congress on Obamacare, but only a tiny handful of our alleged representatives have refused the exemption. Senator Ted Cruz was among these few: “I strongly oppose the exemption that President Obama illegally put in place for members of Congress because Harry Reid and the Senate Democrats didn’t want to be under the same rules as the American people.”

All of which raises the following question: If former President Obama created the congressional exemption from Obamacare with a directive to the Office of Personnel Management, why can’t President Trump revoke it with his own directive to OPM? The answer is that he can. This wouldn’t improve his relationship with the GOP establishment, but they aren’t cooperating with him anyway. The revocation of this special dispensation from the “Affordable Care Act” would get their attention and almost certainly increase his leverage with recalcitrant congressional Republicans. As Phil Kerpen puts it at *AmericanCommitment*:

Fortunately, what President Obama did in directing the Office of Personnel Management to authorize Congress’s illegal exemption can be reversed by President Trump directing them to enforce the law as written. By doing so, Trump can send a clear message to Congress that their failure to move a repeal bill forward will impose very personal, very costly consequences on themselves and their staff — consequences from which they have been illegally shielded for years.

In other words, the president can put all members of Congress in a position to honestly say “I feel your pain” to their constituents. It’s a good bet that this pain will force refractory Republicans to deal in good faith with the White House and put a stop to the kind of political posturing and empty rhetoric we have had from frauds like Rep. Mark Meadows and Sen. Rand Paul. They have been stalling, because it costs them nothing. Let them deal with the same agony most Americans endure under Obamacare, and they are likely to suddenly feel the need to move forward with greater alacrity on repeal and replace.