



Written by [Joe Wolverton, II, J.D.](#) on September 27, 2013

Rand Paul Offers Bill to Block Feds From Taking ObamaCare Subsidies

When laws do not apply to the lawmakers, we have entered an era of despotism. The choking grip of this type of tyranny is tightened when the people are forced to pay for the lawmakers' exemptions.

This is the situation facing citizens of the United States of America in the age of ObamaCare. Federal employees — be they congressmen or judges — are to be spared the economic ravages of the president's hallmark healthcare act. Each of these "public servants" will receive subsidies aimed at offsetting the cost of complying with the myriad mandates of ObamaCare.



One senator recognizes the wrongness of this arrangement and plans to do something about it.

[An article in *The Daily Caller*](#) highlighted the plan of Senator Rand Paul (R-Ky., shown) to "start pushing a constitutional amendment" that would prevent federal employees — he singled out Supreme Court Chief Justice John Roberts — from benefiting from taxpayer-funded ObamaCare subsidies.

"My amendment says basically that everybody including Justice Roberts — who seems to be such a fan of ObamaCare — gets it too," Paul told *The Daily Caller* during a phone interview from Michigan, where, the article reports, [he recently won a 2016 presidential straw poll](#).

"See, right now, Justice Roberts is still continuing to have federal employee health insurance subsidized by the taxpayer," Paul said. "And if he likes ObamaCare so much, I'm going to give him an amendment that gives ObamaCare to Justice Roberts."

Undoubtedly, Roberts received the distinction of being called out by name by Senator Paul because he authored [the Supreme Court opinion](#) that cleared the road for the enforcement of ObamaCare. A brief recap of Roberts' ruling will help make Paul's point.

Chief Justice Roberts, writing for the Court, held while the "individual mandate is not a valid exercise of Congress's power under the Commerce Clause and the Necessary and Proper Clause," it is valid as an exercise of the taxing power granted the federal government by the Constitution.

In her partial dissent, Justice Ruth Bader Ginsberg disagreed with the Chief Justice's interpretation of the constitutional limits of the Commerce Clause. Ginsberg wrote:

When contemplated in its extreme, almost any power looks dangerous. The commerce power, hypothetically, would enable Congress to prohibit the purchase and home production of all meat, fish, and dairy goods, effectively compelling Americans to eat only vegetables. Cf. *Raich*, 545 U. S., at 9; *Wickard*, 317 U. S., at 127-129. Yet no one would offer the "hypothetical and unreal possibilit[y]," *Pullman Co. v. Knott*, 235 U. S. 23, 26 (1914), of a vegetarian state as a credible reason to deny Congress the authority ever to ban the possession and sale of goods.



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Ginsberg, therefore, believes that concerned citizens and constitutionalists should not worry about the future imposition of a “vegetarian state” because it’s just “hypothetical” (at least for now). That isn’t to say, however, that Congress couldn’t make such a mandate under its broad Commerce Clause power, she insists.

Furthermore, don’t be fooled by the chief justice’s narrower reading of the Commerce Clause. While he rightly reasons that the power of Congress to regulate commerce is limited and not intended to place all behavior within the power of Congress to control, his analysis of the individual mandate as an expression of the taxing power makes it clear that the taxation clause gives Congress that immense and unlimited power, even if the Commerce Clause does not.

Then, lest anyone misunderstand exactly what is now to be required under ObamaCare, the Court declared: “The most straightforward reading of the individual mandate is that it commands individuals to purchase insurance.” Your federal overlords now command you to purchase a qualifying healthcare plan and will impose an additional tax should you refuse to obey.

In a fair reading of the decision, the Supreme Court says that the penalty for failure to purchase healthcare insurance is not a tax for the purpose of the application of the Anti-Injunction Act, but it is a tax for the purpose of interpreting the taxing power of the Constitution. The relevant portion of the majority opinion reads:

The Affordable Care Act describes the payment as a “penalty,” not a “tax.” That label cannot control whether the payment is a tax for purposes of the Constitution, but it does determine the application of the Anti-Injunction Act. The Anti-Injunction Act therefore does not bar this suit.

The reasoning upholding the individual mandate as a tax expressly contradicts President Obama’s public defense of his pet legislation. In an interview with George Stephanopoulos of ABC News in 2009, President Obama adamantly denied that the individual mandate was a tax. “I absolutely reject that notion,” the president said.

One doubts, however, that the president will quibble now over the labels. A penalty or a tax, ObamaCare is unconstitutional regardless of how many black-robed tyrants say otherwise.

Later, Chief Justice Roberts displayed a deplorable disregard for principles of freedom and individual liberty. In his opinion, Roberts wrote, “Neither the Affordable Care Act nor any other law attaches negative legal consequences to not buying health insurance, beyond requiring a payment to the IRS.” That’s it. The chief justice of the Supreme Court is telling Americans that having to pay the IRS a tax penalty for not buying a health insurance policy is no big deal and not a “negative legal consequence.”

Should Senator Paul’s proposal ever be enacted, Justice Roberts will, ironically, find out just what “a big deal” the ObamaCare train wreck really is when he is no longer able to count on taxpayer money to cushion the blow.

Paul’s plan would prohibit federal employees from receiving any “special exemptions” and would require them to get their healthcare insurance policies from the ObamaCare “exchanges” rather than siphon subsidies from the tanks of taxpayers.

The exchanges will be open for business on October 1.

How did Washington come by this special treatment? The *Daily Caller* article summarizes the sordid story:

What’s being referred to as the “Obamacare fix” for lawmakers and staff was made because the



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Affordable Care Act includes an amendment from a Republican senator that changes how the government currently covers most of the cost of health-care premiums for members of Congress and their staffers. The new law mandates that members and staff must enter into exchanges or be covered by insurance “created” by law.

But after concerns about the cost of healthcare going up for congressional employees, the Office of Personnel Management announced in August that it would provide a subsidy of about 75 percent of the cost for the healthcare of members and staff.

Although it is the most aggressive, Senator Paul’s subsidy-busting plan isn’t the only proposal aiming to block government workers from taking advantage of involuntary taxpayer largesse.

On Thursday, Senator David Vitter (R-La.) [filed his No Washington Exemption from Obamacare amendment](#) to the Continuing Resolution being debated by the Senate. He also called up the amendment to be approved by unanimous consent, which was objected to by the Senate Democrats.

“Unless we make a change, Washington insiders will get a special exemption from ObamaCare when it goes into effect on October 1,” Vitter said. “If Democrats in Washington are going to force ObamaCare on the rest of America, they need to live by its provisions, too. Maybe then they’d see what a train wreck the law really is — and exempt all of America from it.”

Much like the Paul proposal, Vitter’s legislation will require that all congressmen, congressional staffers, the president, vice president, and “all political appointees in the Administration” go to the ObamaCare exchanges to get their health insurance, and will prohibit them from getting any taxpayer-funded subsidies.

When asked by *The Daily Caller* what he thought of Vitter’s effort, Paul said, “I support any effort to make all laws applicable to Congress that we pass.” He supports the bill, but thinks his own effort is the stronger medicine the country needs to cure itself of at least one of the many ObamaCare diseases.

“I think mine is a little more inclusive,” Paul explained. “Mine — compared to Vitter’s — would include all federal employees, and save billions of dollars.... Why don’t we do it for all federal employees? And mine would save quite a bit more money,” Paul explained.

Senate Majority Leader Harry Reid (D-Nev.) sees nothing wrong with adding to the tax burdens of middle-class Americans so that federal employees can get cheap healthcare.

“That’s what the law says, and we’ll be part of that,” Reid declared, as quoted in *The Daily Caller* piece.

“We’ll be treated like the rest of the federal employees,” Reid said. “It’s nothing unique that employers help pay for health care.”

There’s also nothing unique about the federal government behaving in every particular like an elected aristocracy, believing themselves entitled to bloating themselves on feasts funded by the American people. Then, when the table is set, they demand that we, the people, serve them and then feed ourselves on whatever scraps fall from the tables of the privileged.

Photo of Sen. Rand Paul (R-Ky.): AP Images

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