



Written by [Steve Byas](#) on July 3, 2017

Lee and Cruz Offer Repeal of ObamaCare

“It’ll make it much easier for conservatives in the House,” asserted Representative Mark Meadows (R-N.C.), chairman of the House Freedom Caucus, of the effort by Senators Mike Lee (R-Utah; shown on left) and Ted Cruz (R-Texas; right) to develop a compromise piece of legislation on repealing ObamaCare in the Senate.



“Really, the greatest flux you have with getting 218 in the House is probably more with conservatives than it is moderates,” Meadows explained.

“We’re very proud to see these folks leading the way toward real repeal,” added Ken Cuccinelli, president of the Senate Conservatives Fund.

Cruz made enemies of several of his fellow congressional Republicans four years ago when he engineered a 16-day government shutdown, in an effort to defund the Affordable Care Act, better known as ObamaCare. But now, Cruz has joined with his good friend Mike Lee in a behind-the-scenes effort to develop legislation that will fulfill Republican campaign promises to repeal the controversial health care law.

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The duo made news recently, along with Senators Ron Johnson (R-Wis.) and Rand Paul (R-Ky.), in their refusal to support the legislation that had squeaked through the House by a narrow margin. With the Republicans holding only 52 seats in the Senate, the loss of these four Republicans guaranteed defeat of the bill, and so Senate Majority Leader Mitch McConnell (R-Ky.) delayed the vote until after the Independence Day congressional break.

The Cruz-Lee effort is known as the Consumer Freedom Act. It proposes to create two health insurance markets in the states. One would contain provisions for those with pre-existing conditions. The other would legalize the sale of plans outside of ObamaCare’s restrictions, with no subsidies. It would end the mandate to buy health insurance.

The goal is to reduce premiums for younger, healthier people, which, of course, would lead to more members of this group purchasing health insurance plans. Presently, the ObamaCare law forces them to buy health insurance, which, not surprisingly, drives up the price of health care. The National Federation of Independent Business (NFIB) challenged the constitutionality of mandating that individuals purchase health insurance, and the case eventually wound up in the Supreme Court.

It was there that the court, led by Chief Justice John Roberts, rejected the Obama administration’s argument that the government could force an individual American to buy a product — in this case, government-approved health insurance — under the “commerce clause” of the Constitution. But, in an apparent effort to save the law, Roberts and four other members of the Supreme Court decided, in the case known as *NFIB v. Sebelius*, that the mandate was just another tax.

Once that happened, and ObamaCare was allowed to go into effect, the chances of ever reversing the



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law were greatly reduced. Despite the Republicans' announced goal of "repealing and replacing" the law, the reality is that any new federal entitlement (such as the generous subsidies of ObamaCare, paid for by other Americans) is going to have legions of jealous defenders. In this case, that would include not only congressional Democrats, but also their allies in the Congressional Budget Office (CBO), and in the mainstream media. The media can be counted on to trot out "losers" under any such repeal, while mostly ignoring the winners.

Lee asserted, "We campaigned on repealing ObamaCare for eight years. At a bare minimum we should allow those Americans who want to opt out of ObamaCare to do so."

"We are making steady progress [in] bringing the conference towards agreement. I'm hopeful we can come together," Cruz said.

Cruz's fellow senator from Texas, Majority Whip John Cornyn, was not optimistic. "He'd like to move it in a more conservative direction," Cornyn said of Cruz's efforts. "When you have a conference as diverse as ours, how do you get 50 people on the same bill?"

If Cruz and Lee, along with Johnson and Paul, were able to craft a true repeal of ObamaCare, the dirty little secret is that they would then probably lose some Republican senators who would rather keep ObamaCare much as it is, with only some marginal changes.

Regardless of the ruling of Chief Justice Roberts, there exists nothing in the enumerated powers given to Congress by the Constitution that would allow its members to mandate the purchase of a product such as health insurance by individual American citizens. Every member of Congress took an oath to uphold the Constitution of the United States — and they are certainly not to uphold the circumventing of that document by five members of the Supreme Court.

And, since ObamaCare is neither good economics nor good politics (the Democrats have lost both house of Congress and the White House since its passage), it should be easy to vote according to the Constitution and really repeal ObamaCare.

But as Ronald Reagan once observed, "A federal program is the closest thing we have on this earth to eternal life."

Photo of Senators Mike Lee and Ted Cruz: AP Images



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