



Written by [Joe Wolverton, II, J.D.](#) on March 14, 2014

Obama Declares Budget Cuts Don't Apply to ACA

Remember the pen President Obama promised to use if he needed a new law and couldn't count on Congress to pass it? He's using it.

In his proposed budget for 2015, the president removed his healthcare plan from the list of federal programs that will be subject to the automatic cuts triggered by the sequester.

A [report published Wednesday](#) by the Committee for a Responsible Federal Budget (CRFP) first revealed the president's plan.

The blog post reports:

The administration's Office of Management and Budget (OMB) released its report to Congress on Monday detailing the sequester's impact on mandatory spending programs for Fiscal Year (FY) 2015, and it shows a notable about-face on the fate of the ACA's cost-sharing subsidies. The OMB had previously indicated that they were subject to sequestration just last year.

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The estimated \$8 billion in cost-sharing subsidies scheduled to be paid to insurers in FY 2015 will therefore be spared the sequester's roughly 7 percent haircut, as will the \$156 billion projected to be spent over the following nine years.

How will the president make up the difference? By making deeper cuts in other federal programs. CRFP's report indicates:

Importantly, this exemption slightly increases the percentage reduction that other mandatory programs will face, including two of the three R's intended to protect insurers against adverse selection in the health exchanges — risk adjustment and reinsurance payments. Together, these two programs, which help plans that end up with higher-cost enrollees, are set to be cut by nearly a billion dollars in FY 2015 as a result of the sequester.

Remember the grants the president promised to send states to help them set up the exchanges required under the Affordable Care Act? Those, curiously, will not be spared the sequester's scythe. The CRFP blog claims that "The sequester would also reduce funding for grants to help states run their ACA insurance exchanges, by \$61 million in FY 2015."

Putting aside for a moment the manifold ways the ObamaCare behemoth violates the Constitution, the president's usurpation of the right to make laws is yet another leap along his path toward tyranny of the executive.

President Obama may claim that his executive actions to protect his pet legislation are necessary and proper, in reality, however, he is usurping legislative powers belonging to Congress every time he changes so much as a comma, let alone makes substantive changes such as those announced last week regarding the sequester exemption.





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The very first sentence in Article I, Section 1 of the Constitution states that “all legislative Powers herein granted shall be vested in a Congress of the United States,” which means of course that the president has no legislative powers, despite whatever claims or rationale Obama may provide to the contrary.

President Obama, in “tweaking” a law or saving ObamaCare from mandatory budget cuts is making a new law and that is an outright, unapologetic assumption of powers that do not belong to him or to any president. As one observer wrote, the president cannot “change a single semicolon of a federal law by himself.”

Who will try to stop him from step by step consolidating all power until he is the de facto dictator of the once free United States?

It is up to the states, the states that created the federal government, to interpose and defend the liberties and rule of law that have guaranteed the right of all men to be free from the dictates of despots.

Nullification by state legislators and governors of every unconstitutional act, every time one is passed by Congress and signed by the president, is the best and surest way for state lawmakers to discharge their constitutional duty to “preserve, protect, and defend” the Constitution of the United States.

And, as the ultimate sovereigns, we, the people, must demand that our elected officials uphold their oaths and prevent the president or anyone from making law without the constitutional authority to do so.

Although ObamaCare certainly isn’t a “law” in that it was a usurpation of power and deserves to be treated as such, states must begin to fight the battle against it on all fronts.

Finally, an administration official claimed that the changes made by the president are “designed to help low-income people reduce their out-of-pocket spending.” This is not an excuse for the unlawful exercise of power.

Furthermore, when the government forcibly takes the property (money) of one person to whom it rightly belongs and gives it to another to whom it does not rightly belong in the name of “charity” or “philanthropy,” it commits nothing less than “legalized” thievery, an act that would send an individual to prison.

Imagine, for example, if one person were to go to his neighbor’s house, take a few thousand dollars to help another person pay for a hospital bill. Once the theft was discovered, no amount of appeal to “charity” or “philanthropy” would keep the thief from being arrested and sent to jail for his crime.

If the president does this, though, it is an acceptable expression of executive power and he is praised for his concern for the poor.

If something isn’t done soon to rein in this dictatorial president, James Madison’s predictions might come to pass. In *The Federalist*, No. 16, Madison writes that if state governments allow federal programs to be directly imposed on the people without the interference of the state legislatures, the result would be an “open and violent exertion of an unconstitutional power.”

Rather than refuse to cooperate in the federal program, though, [states are begging the Obama](#) administration for more time to fall in line.

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