



Written by [Michael Tennant](#) on September 18, 2013

The ObamaCare Battle of Capitol Hill

Congress got itself exempted from part of ObamaCare in August, as [The New American](#) reported at the time. Now, with some senators trying to undo that exemption, their colleagues are stooping to new lows to ensure that they won't be forced to pay for their own health insurance.

Under ObamaCare, individuals whose employers do not offer them health insurance must purchase coverage out of their own pockets — albeit with subsidies for those with low incomes — on state exchanges. Under the theory that Congress should have to abide by the same laws it foists on the rest of the country, Sen. Charles Grassley (R-Iowa) got an amendment added to the healthcare law that requires all members of Congress and their staffs to buy insurance at their own expense through these same exchanges — a major hit to their pocketbooks given that Uncle Sam currently pays for about 75 percent of their insurance premiums and that individual insurance rates are set to [skyrocket](#) next year.

As the exchange implementation deadline approached, pampered politicians decided they'd made a mistake in voting for ObamaCare with the Grassley amendment attached. But instead of repealing the law or the amendment, they chose the [arguably illegal](#) approach of strong-arming the Office of Personnel Management (OPM) into ruling that the Grassley amendment doesn't mean what it actually says.

"OPM initially balked at such a ruling," writes [Politico](#), "but Speaker John Boehner (R-Ohio) and [Senate Majority Leader Harry] Reid [D-Nev.] — under fire from their rank-and-file lawmakers and staff — pressured President Barack Obama to get personally involved in the matter."

Given that Congress, with the president's assent, could slash OPM's budget or shutter it entirely, it comes as little surprise that the agency knuckled under and ruled that the federal government can indeed continue to subsidize the insurance premiums of congressmen, senators, and their staffs, effectively wiping the Grassley amendment from the books. (Reid later had the audacity to [claim](#) that OPM was merely affirming "what the law says"; but if that were the case, there would have been no need for anyone to pressure the office into offering such an interpretation in the first place.)

The ruling prompted a wave of outrage among pundits — Fox News' [Greta Van Susteren](#), for instance, called it "appalling" and "indecent" — and even got the attention of a few politicians. Most prominent





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among the ruling's opponents has been Sen. David Vitter (R-La.), who almost as soon as it was announced issued a [press release](#) saying, "This is exactly why America rightly hates Washington. Obamacare's a train wreck, even for Congress. So it gets fixed ... FOR CONGRESS ONLY. What the flip about fixing it for America?"

Vitter quickly introduced an [amendment](#) to an energy bill currently being debated in the Senate that would overturn the OPM's ruling and force members of Congress and their staff to pay for their own insurance on the exchanges. Vitter's amendment is cosponsored by five other Republican senators: Michael Enzi (Wyo.), Dean Heller (Nev.), James Inhofe (Okla.), Ron Johnson (Wis.), and Mike Lee (Utah).

Vitter spent much of last week trying to get the Senate to vote on his amendment, to no avail. He is, after all, battling the leadership of both parties in both houses of Congress. Democrats don't want to vote on it not just because it might do away with their subsidy but also because voting against it — thereby preserving their exemption — would demonstrate that they don't much care for ObamaCare. Republicans want the free lunch without the peril of going on the record in favor of it. "Multiple Republican offices," reports [Politico](#), "have reached out to Democrats to ensure that either the amendment doesn't get a vote or that if it does, it fails."

They probably needn't have bothered. Democrats are vehemently opposed to Vitter's amendment and are pulling out all the stops to make sure it doesn't become law. According to [Politico](#), Senate Democrats have drawn up three bills aimed at killing the Vitter amendment's chances, all in a very underhanded fashion.

The first bill under consideration targets Vitter personally. It would prohibit federal insurance subsidies to a member or aide if an ethics committee has "probable cause to determine" that the individual has "engaged in the solicitation of prostitution." That, of course, is a direct reference to the 2007 discovery of Vitter's telephone number in the records of the "D.C. Madam," who ran a prostitution ring in the nation's capital. After the find became public, Vitter apologized for an unspecified "very serious sin." The Senate Select Committee on Ethics later dropped a case against him because his alleged misconduct occurred before he became a senator. Vitter was subsequently reelected with 57 percent of the vote.

Democrats' second option, while clearly a reference to Vitter's "sin," casts a broader net. It would stop insurance subsidies to anyone found to have engaged in "improper conduct reflecting discreditably on the congressional office involved." Given the behavior of most members of Congress, who routinely violate their oaths to uphold the Constitution and sell their votes to the highest bidder, an honest and impartial application of this language would accomplish almost the same thing as Vitter's amendment. In practice, however, it would simply be a weapon to wield against political enemies.

Bill number three is the bluntest instrument of all — and the one likely to prove most effective if passed. It would cut off insurance subsidies for anyone who votes for Vitter's amendment, even if the amendment fails.

Determined not to see his amendment scuttled or his scandal resurrected, Vitter is fighting back. He sent a [letter](#) to the ethics committee requesting an investigation of Reid and Sen. Barbara Boxer (D-Calif.) for their part in "proposing and circulating through the press legislation that ties Members' personal healthcare benefits to their performance of specific acts and votes."

"Such an arrangement," Vitter wrote, "at worst constitutes bribery and a quid pro quo arrangement, and at best amounts to improper conduct reflecting discreditably on the Senate."



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He also noted that the legislation need not even be introduced to do its dirty work: The mere drafting and leaking of the bills “has already induced the intended intimidating effect.” He further asked Boxer, as chairwoman of the committee, to recuse herself from the investigation.

Whether or not Vitter gets his investigation — with Democrats controlling the Senate, chances are he won’t — it’s clear that he’s not backing down, which is all to the good. As *National Review*’s [John Fund](#) observes, “What Vitter’s opponents fear most is that this fight will penetrate the public’s consciousness.” The longer it takes to play out in Congress, the more likely it will come to voters’ attention, and thus the more likely the amendment will pass. “Most voters blame both parties equally for the exemption,” Fund points out, “which means Republicans will also be hurt politically if it stands.”

Politics aside, Vitter still has the best of the argument. “Washington shouldn’t be treated differently and better than us,” he said last week. “What’s good for America needs to be good for Washington, and if that rule is applied across the board, you will start getting a lot of things right in Congress and in Washington.”

Photo of David Vitter speaking against Washington politicians’ exemption from ObamaCare



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