Bachmann Exposes $105 Billion Secret

by Phyllis Schlafly March 18, 2011

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Rep. Michele Bachmann (R-MN) has again demonstrated her extraordinary leadership in the U.S. House. She discovered $105 billion of taxpayers' money that Barack Obama and Nancy Pelosi had hidden in ObamaCare.

Now Rep. Bachmann wants her colleagues to refuse to pass must-pass bills, such as the Continuing Resolution or raising the debt limit, unless they include recapturing that secret money. What a great idea!

After all, the new Congress was elected last November to cut spending and put the federal government back within the bounds of the Constitution. The new Members of Congress promised not only to cut overall spending but specifically to repeal and defund ObamaCare, so thank you, Michele, for showing the new Congress where to start.

When ObamaCare was passed by the Senate on Christmas Eve of 2009, Senators had less than 72 hours to compare a 383-page package of amendments to the 2,074-page bill. Public outrage over backroom deals (such as the Cornhusker Kickback and the Louisiana Purchase) led to the election of Scott Brown in Massachusetts.

Democrats then cooked up a plan to link the now-2409-page Senate-passed ObamaCare bill to dozens of amendments contained in a separate 150-page Budget Reconciliation bill which could pass both houses by a simple majority. That's when then-Speaker Nancy Pelosi famously told the then-Democratic majority, "We have to pass the bill so that you can find out what is in it."

When President Obama signed ObamaCare into law, that set in motion a series of funding triggers and money transfers that add up to $105,464,000,000 in pre-

authorized appropriations that are scheduled to be paid up through FY2019. In laymens's language, that means writing post-dated checks that are guaranteed to be paid out over the next eight years.

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This money was divided into dozens of smaller amounts so the big total would not be apparent. For example, Section 2953 of ObamaCare included a pre-funded appropriation of $75 million a year for five years to "educate adolescents" in "adult preparation subjects" such as "stress management" and "the development of healthy attitudes and values about adolescent growth and development, body image, racial and ethnic diversity, and other related subjects."

Section 4101(a) of ObamaCare prefunded $200 million over four years for the construction of school-based health centers. In Section 4002, a total of $17,750,000,000 will be deposited over 10 years to a discretionary account controlled by the HHS Secretary (currently Kathleen Sebelius), who may spend that money "to provide for expanded and sustained national investment in prevention" and to "help restrain the rate of growth in private and public sector health care costs."

At a hearing last week before the House Health Subcommittee, former Congressman Ernest Istook (R-OK) likened ObamaCare to a 2700-page haystack in which a lot of needles are still being discovered. He urged Congress to place a stop payment order on the massive post-dated checks hidden in ObamaCare.

The Pelosi bunch's strategy was devious and highhanded. They bypassed the customary appropriations process and prefunded ObamaCare on passage, knowing that House Rules would restrict a future Congress from defunding an already-enacted law.

This makes it more difficult for Congress to deal with, but not impossible. Congress will both have to include the defunding language in the FY2011 Continuing Resolution and also pass a rule that makes this defunding language OK under House Rules.

There is not only adequate precedent for this procedure but it also is common sense. Congress, in its constitutional role, can completely stop this secret funding of discretionary funds.

What Pelosi did was like setting up online a way to pay your monthly utility bills out of your bank checking account. Each new date triggers the bank to pay the bill out of your bank account.

ObamaCare is very similar. The law Congress passed without reading it lists the dates up to 2019 on which payments totaling $105 billion are to be paid out of the U.S. Treasury.

Rep. Bachmann and Rep. Steve King (R-IA) are asking their colleagues to join them in signing a letter to the House leadership stating that the $105 billion in post-dated checks drawn on the U.S. Treasury must be stopped, and stopped now, by including the necessary language in the continuing resolution.

It is an insult to the U.S. Constitution, which gives the House the power to originate all revenue bills, and to current and future Congresses, for ObamaCare to try to handcuff Congress in regard to future appropriations up through 2019.

We are fortunate that Rep. Bachmann is smart enough to figure out the cost of the secret money in ObamaCare. One of the smartest Members of Congess, she was a tax attorney before being elected to Congress.