

**From:** Jacobs, Chris (RPC)  
**Sent:** Saturday, August 20, 2011 11:31 AM  
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**Subject:** Latest Obamacare Gimmick: Waive the Waivers!

In a typical Friday afternoon “data dump,” the Administration quietly announced late last week it had [approved 106 new waivers](#) to Obamacare’s onerous insurance mandates. That now means that 1,472 plans with nearly 3.4 million people have obtained waivers from just some of Obamacare’s new federal requirements.

Once again, unions continue to receive a disproportionate share of the waivers being granted. **Two-thirds of all the individuals obtaining waivers in the past month were members of union plans. More than half of the total number of individuals who have received waivers overall – nearly 1.7 million – participate in union health plans.** The Administration has yet to explain why union members represent such a high proportion of those receiving waivers.

Just as interesting, the Administration sent an e-mail notification to Hill staff on Friday afternoon, which included the following statement:

In response to questions as to whether the restriction on annual limits applies to HRAs, CCIIO published [supplemental guidance](#) today clarifying that stand-alone HRAs in effect prior to September 23, 2010, as a class, are exempt from applying individually for an annual limit waiver. This policy applies to plan years beginning on or after September 23, 2010, but before January 1, 2014.

In other words, any and all firms operating Health Reimbursement Arrangements (HRAs) received a blanket waiver from having to apply for individual firm waivers of the Obamacare mandates. Reducing the paperwork requirements is undoubtedly a good thing for those particular businesses – indeed, some would argue that anyone should be able to obtain a waiver, not just those plans offering HRAs. But it also conveniently allows the Administration to reduce the number of firms having to apply for waivers – limiting the Administration’s political embarrassment on an issue that has drawn public scrutiny. Which factor – reducing paperwork for business, or engaging in political damage control – do YOU think was the prime motivation for this about-face...?

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