



Say what you mean, mean what you say.

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To use boxing parlance, the Obama administration got a split decision -- or decisions actually -- in the ongoing bout involving the president's controversial and convoluted health care law.

In the case of *Halbig v. Burwell*, the D.C. Circuit Court of Appeals held that the administration violated the Affordable Care Act by expanding subsidies to the 36 insurance exchanges run by the federal government.

"The irony is that on Tuesday the nation's second highest court ruled that ObamaCare is defined by what Congress enacted, not how his administration has rewritten it," the Wall Street Journal said in an editorial.

"Using straightforward textual construction, the court upheld the law the President signed but it vacated the illegitimate federal-exchange subsidies he tried to sneak in via regulation."

The decision was based on the words in the law that certain taxpayers can receive subsidized coverage if they enroll "through an exchange established by the state."

But the Obama administration has provided subsidies to nearly 5 million people who enrolled through the federal exchange, because 36 states have not set up exchanges.

States were encouraged to set up their own exchanges to boost acceptance of the health care law, just as Congress set up Medicaid as a federal-state partnership 50 years ago.

But because Democrats rammed through the health care law without any Republican support, many states are justifiably concerned about federal government overreach and have balked at following this administration's lead.

So the law has not been accepted as the President would like. But no bother, he's decided his administration is the sole interpreter and arbiter anyway.

To evade the specific language, "the Internal Revenue Service simply pumped out a rule in 2012 dispensing the subsidies to all," the Journal wrote. "The taxmen did not elaborate on niceties such as legal justification."

One of many problems with this unilateral action by the administration is it takes away the authority of Congress.

Congress has sole taxing authority, but Obama feels as if he can direct the IRS to do as he pleases.

"So when the president issued those subsidies in states where he had no authority to do so, he also imposed, on millions of employers and individuals, taxes that no Congress ever authorized," wrote Jonathan H. Adler and Michael F. Cannon of Case Western Reserve University and the Cato Institute, respectively.

Meanwhile, in Richmond, Va., on Tuesday, the 5th Circuit Court of Appeals issued an opposite decision in a similar case, meaning Obama's health care law is subject to further court challenges.

Wouldn't it have been better for the President and Democrats to show some actual leadership in 2010 and get bipartisan buy-in on a major new federal program and avoid the expensive blunder Obamacare has become?