



ObamaCare subsidy fight gets personal

By Elise Viebeck

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Consumer advocates are mounting a new campaign to highlight how a Supreme Court ruling invalidating billions of dollars in ObamaCare subsidies would harm individuals.

Advocacy group Families USA, a lead defender of the healthcare law, is planning a media blitz next week surrounding its move to file amicus briefs in the *King v. Burwell* case.

The organization will hold a press conference on Capitol Hill featuring Rep. Sander Levin (D-Mich.), ranking member of the House Ways and Means Committee, and Sister Carol Keehan, president and CEO of the Catholic Health Association.

Four individuals who have benefited from subsidized insurance under the healthcare law will also participate. The speakers will make the case that losing premium tax credits will put their lives at risk.

Efforts to shape debate over *King v. Burwell* are intensifying in the lead up to Supreme Court oral arguments on March 4. State officials, pundits and policy experts are poised to weigh in with a flurry of amicus briefs.

Many have already been filed in support of the plaintiffs.

The states of Oklahoma, Alabama, Georgia, Nebraska, South Carolina and West Virginia, the libertarian Cato Institute, conservative radio host Mark Levin, and a slew of Republican lawmakers have argued in briefs that ObamaCare does not permit the federal exchanges to issue tax credits.

The justices should rule for the plaintiffs because of the "executive's deliberate indifference toward the congressionally designed [Affordable Care Act], the separation of powers, and the rule of law itself," the Cato Institute wrote in its brief.

Republican lawmakers pointed to previous comments made by ObamaCare consultant Jonathan Gruber that appear to support their case. Videos surfaced last year of Gruber crediting a lack of transparency with ObamaCare's passage.

"Gruber has attempted to disavow these earlier statements ... But this post-hoc and self-serving attempt to recharacterize his interpretation of the [Affordable Care Act] rings hollow," they wrote.

The *King v. Burwell* case is a major topic of conversation on Capitol Hill. Lawmakers on both sides acknowledge that the future success of the Affordable Care Act is at stake.

Without subsidies on the federally run exchanges, the new system would plunge into chaos and millions would lose their health plans. The decline in the uninsured rate under ObamaCare would almost certainly be reversed.

Families USA plans to emphasize this potential outcome next week. Without tax credits, the group will argue, health insurance will become unaffordable for many people with chronic conditions whose lives would be at risk without medical care.

Other policy analysts are supplying their own projections. The Urban Institute, a social and economic policy think-tank, recently reported that the people most likely to suffer if the Supreme Court rules for the plaintiffs are white, fully employed Southerners.

"Average premiums would increase by an estimated 35 percent and 8.2 million more Americans would become uninsured compared with the law as currently implemented," researchers wrote in an issue brief.

Administration officials — including President Obama — have largely avoided talking about what's at stake in the *King* decision.

Cato Institute Health Policy Director Michael Cannon, who supports the plaintiffs, argued this is unfair to people who received subsidized coverage under the law.

"The people with whom the president most needs to be honest are the millions of Americans who enrolled in HealthCare.gov," Cannon wrote in a Jan. 20 blog post.

"If the court finds those subsidies are illegal, then enrollees receiving subsidies would see their health insurance bills quadruple (on average). They would be hit with a new tax bill of up to \$5,000. Their plans could disappear, and they may not be able to find a replacement."

—This post was changed on Monday at 10:50 a.m. An earlier version incorrectly suggested that the Urban Institute takes institutional positions on legislation.