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Judge clears way for House lawsuit challenging health law

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A US judge on Wednesday said congressional Republicans could proceed with parts of a lawsuit that alleges executive overreach by President Barack Obama's administration in implementing the Democratic president's signature healthcare law.

The House argues that Congress never specifically approved spending that money, and denied the administration's request for it. The Obama administration insists it is instead relying on previously allocated money that it is allowed to use.

Jost did say, however, that if the House succeeds in the lawsuit, Congress might just have to appropriate the money for cost-sharing because it's mandated under the law.

Collyers acknowledged that *any* decision in the case would be politically explosive. Nonetheless, Collyer's initial ruling is a victory for House Speaker John A. Boehner, and it is likely to be seen as endorsing the GOP's view that Obama overstepped his authority.

Collyer did not rule on the merits of the claims, only on the administration's motion to dismiss the lawsuit on the issue of standing, a requirement in USA law whereby plaintiffs have to show they have been directly harmed. The challengers in that case argued that the law said insurance premium subsidies should only be available to Americans in states with their own exchanges.

A White House spokeswoman said the Justice Department plans to seek immediate appellate review of the decision, which she called "unprecedented". "The law is clear that Congress can not try to settle garden-variety disputes with the Executive Branch in the courts". Still, she maintained that the legal decision only signifies that courts have the right to hear the case, and does not weigh in on what she described as a "quintessentially political fight". Legal experts have also expressed doubts the GOP can prevail.

Without the reductions, "most of the people in the exchanges are not going to want to participate in the exchanges because most exchange participants are receiving cost-sharing subsidies", said Michael Cannon, a director of health policy studies for the libertarian Cato Institute and a key influence behind the lawsuit that led to the Supreme Court's *King v. Burwell* opinion in June. Boehner had first alleged that Obama's aides had violated the law when they waived several deadlines under the Affordable Care Act. The government pays insurers directly, on behalf of their customers.