



## Judge says Boehner can sue president over Obamacare

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A federal judge ruled on Wednesday that House Speaker John Boehner's lawsuit over the implementation of Obamacare can move forward, setting the stage for another high-stakes legal battle over President Obama's signature legislative accomplishment.

Though the judge ruled that House leaders do have legal standing and thus can sue Obama, it wasn't a complete victory for Republicans. Some legal experts questioned whether the ruling puts the court in the middle of a "political food fight."

The lawsuit focused on whether President Obama improperly and unilaterally delayed implementation of the law's employer mandate, and funneled payments to insurers for lowering co-pays for low-income people with insurance.

Federal Judge Rosemary Collyer decided that the House can sue over the cost-sharing payments but not the mandate delay.

The administration argued earlier this year that the House couldn't sue over existing federal law.

But Collyer said that the ruling will "open no floodgates." She wrote that the ruling is inherently limited to just this case.

Boehner cheered the ruling, saying that Obama made "unilateral" changes to Obamacare that overstepped the bounds of the presidency.

"The House will continue our effort to ensure the separation of powers to create or change the law," he said in a statement.

The next step in the lawsuit is in flux right now. Technically the next step would be a hearing on the merits of the lawsuit, but the administration could appeal Collyer's decision, said Timothy Jost, health law professor for Washington & Lee University and a leading academic proponent of Obama's healthcare law.

Jost believed that the ruling was wrong as there is "ample precedence" that at least members of Congress can't sue the president.

Nick Bagley, a University of Michigan law professor, said it's not an "earth shattering surprise" that the court is allowing part of the lawsuit to go forward.

But the judge also opened a pathway to the part of the lawsuit that could be most damaging to the law, he said.

"Holding that the administration lacks the authority to cover the cost of those reductions would create a real mess on the ground," Bagley said.

"It inserts the court into the middle of a political food fight," he said.

Other experts believed it was the right call.

"Only Congress can appropriate funds for federal programs and so Congress faces a unique institutional injury when the executive branch decides to take that particular prerogative upon itself," according to a [blog post](#) from Ilya Shapiro, a legal scholar for the libertarian think tank Cato Institute and an outspoken Obamacare critic.

"Obamacare implementation has been a seat-of-the-pants executive frolic from the get-go," he added.

While it could have a lasting impact on the law, the lawsuit won't gut Obamacare entirely.

Obamacare required insurers to reduce the cost of insurance for low income Americans in exchange for compensation from the federal government.

However, the lawsuit charged that Congress never appropriated the funding for the repayment program.

If the court eliminates cost sharing repayments then it could mean insurers raise premiums dramatically, Jost said.

Another option is the cost-sharing reduction funding gets rolled in to the annual appropriations spending bills to get funded by Congress.