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US House of Representatives possibly “injured” by ACA spending, judge OKs lawsuit

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Only the US House and Senate, “acting together, can pass laws—including the laws necessary to spend public money,” wrote United States District Court Judge Rosemary Collyer, providing the first of several civic lessons in her **decision**. The House claims “that it has been injured in several concrete ways, none of which can be ameliorated through the usual political processes.”

The House of Representatives has voted more than 50 times to repeal the ACA, despite Obama’s promised veto. Frustrated in the political realm, the House last year approved a resolution to sue the president. No Democrats supported it.

The money in question—about \$4 billion so far, says a House Republican staffer—goes to health insurance plans to lower what members qualifying for financial assistance contribute toward the cost of deductibles, drugs, and medical care.

In June, the US Supreme Court **upheld** another type of subsidy—reducing the cost of members’ monthly premiums—in states where the federal government operated online health insurance exchanges. Opponents claimed that only policies purchased through state-run exchanges were eligible for premium subsidies.

The House argues that the ACA provides a permanent appropriation for the premium subsidies but cost-sharing reductions spending must be approved each year. Administration officials say annual approval is unnecessary.

Although about 5.6 million low-income Americans could lose this financial assistance if the court eventually upholds the House claim, experts have said that is not enough to significantly dismantle the law.

While Judge Collyer did not take sides on funding question, she concluded that “The House of Representatives as an institution would suffer a concrete, particularized injury if the Executive were able to draw funds from the Treasury without a valid appropriation.”

However, she dismissed another complaint that the Administration acted without congressional approval by delayed enforcement of the requirement that most large employers provide workers with health insurance.

“Spending this money is one of the most lawless things this Administration has done,” said Rep. Paul Ryan, the House Committee on Ways and Means chairman and former Republican vice-presidential candidate. “It is a perfect symbol of the president’s disregard for Congress’s authority.”

But the Department of Justice, representing the Administration, plans to appeal the decision, which White House Deputy Press Secretary Jen Friedman called “unprecedented.”

“The law is clear that Congress cannot try to settle garden variety disputes with the Executive Branch in the courts,” she said. “This case is just another partisan attack—this one, paid for by the taxpayers—and we believe the courts will ultimately dismiss it.”