

Editorial: Republicans waste energy fighting ACA

Obamacare is still worth fixing.

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Link: <http://www.sltrib.com/sltrib/opinion/58215831-82/court-federal-health-insurance.html.csp>



If Republicans, in Utah and across the country, had taken one-tenth of the energy they've devoted to trying to kill the Affordable Care Act — and, with it, the most viable hope this nation has of raising its health care availability to the level of the civilized world — and instead devoted it to fixing Obamacare's many rough edges, we'd have a pretty good system by now.

Instead, GOP stalwarts such as Sen. Orrin Hatch and Gov. Gary Herbert are doing an [I-told-you-do dance](#) over what they imagine to be the grave of Obamacare.

A ruling by a federal appeals court in Washington, D.C., told the government not to offer tax subsidies to American households that buy their health insurance through the federally operated exchange. That's the situation in the 36 states, including Utah, that refused to set up state insurance-buying exchanges and left their many uninsured and under-insured residents to the tender mercies of their arch-nemesis — [healthcare.gov](#).

The two judges ruling in the case of [Halbig v. Burwell](#) trained their judicial microscope on a passage in the ACA that says the IRS can offer tax benefits to people who buy their health insurance through a state exchange. The court decided, against all logic, that that means the tax benefits are not open to people covered via the federal exchange.

They did that even though the only possible way the insurance from the Affordable Care Act can be, well, affordable to most Americans is if the tax subsidies are available to all, whether they buy on a state's exchange or on the federal one.

The D.C. court's reasoning was so clearly unreasonable that another federal appeals court explicitly rejected it in a case decided the same day. The matter will be bounced around in the federal courts for many more months and, for now, nobody is losing their subsidies or their insurance.

In a sane world, Congress could easily pass a law fixing this flaw in the text and make the subsidies available to everyone. In this world, taking any aspect of Obamacare back to Congress is pointless. The Republicans who run the House and clog the Senate won't do anything to improve something they so strongly and irrationally hate.

Unless the Republicans' worst fear comes true. Unless enough people buy Obamacare policies, like them and resent any efforts by Republicans to take them away.

Like the 5 million Americans, and 72,000 Utahns, who have bought private-sector insurance — not government health care — they couldn't afford before.

Why the Republicans oppose that is easy to explain (Obamaphobia) but impossible to justify.