The Daily Dish

October 1st Edition

DOUGLAS HOLTZ-EAKIN | OCTOBER 1, 2014

The FCC unanimously voted to end its involvement in the NFL's blackout rule. All five commissioners rebuked the NFL's claims that removing the rule would result in fewer ticket sales at the stadiums. Commissioner Pai, who first brought up the issue, said: "It is not the place of the federal government to intervene in the private marketplace and help sports leagues enforce their blackout policies. It is the commission's job to serve the public interest, not the private interests of team owners." The FCC's decision will take effect in about six weeks.

Congratulations to the Obama Administration on a new milestone! They have hit $150 billion in regulatory costs issued this year. With a quarter to go, they have already surpassed last year's total by 28 percent. An $8.8 billion regulation on efficiency standards for commercial air conditioners was the rule that pushed them over the top. Even more amazingly, the Department of Energy's own estimation of the regulation finds that it could result in eliminating up to half of the jobs in the industry.

Another federal judge has ruled against the ACA. From Politico, the Oklahoma judge ruled that "subsidies cannot go to residents of states that are not running their own insurance exchanges." This ruling echoes the DC District Court's Halbig decision.

Eakinomics: Happy Anniversary Obamacare

Today marks the 1-year anniversary of the "rollout" of Obamacare. (Calling *that* a rollout is like saying Thelma and Louise hit a pothole.) Skeptics of the law had been warning of its likely policy problems, but the opening of enrollment brought them to the surface. In the year since, Obamacare has suffered a series of administrative embarrassments. The White House was forced to extend open enrollment because of the failure of healthcare.gov. It did so until it hit its enrollment targets — not surprisingly — but now faces the dual difficulties of a slightly-too-thin mix of younger enrollees and the loss of insurance for hundreds of thousands due to incomplete or inaccurate information.

It waived (twice) the employer mandate when faced with the likelihood of creating a legion of part-time workers and *de facto* waived the individual mandate by allowing a myriad of reasons to acquire an exemption from it.

It forced insurers and states to invent an "if you like your policy you can keep it" escape clause when it became apparent that the president's pledge was simply false.

It spent the year "fixing" healthcare.gov, ultimately spending $1 billion on it, or over $10,000 per enrollee. Accounts are that it is still incomplete and that the second year of enrollment will be far from seamless. Shortly thereafter (April 2015), the 2014 inaugural fiasco will officially close with a tax-filing season likely to resemble the original enrollment period.

These are visible and painful, but are hardly the deepest of the issues. Obamacare remains under legal scrutiny with two courts ruling that the federal exchange may not be used to distribute subsidies. Stay tuned for more, perhaps from the Supreme Court. The decisions of the administration have balkanized insurance markets and the effects on premiums remain to be sorted out. The growth of health care spending has slowed, but the cost curve has not been definitively bent. And the ACA will contribute $2 trillion in insurance subsidies and $500 in new taxes over the next decade, putting to bed forever the notion that it is budget-neutral.

Happy Anniversary.

From the Forum

Efficiency Standards for Commercial Air Conditioners by Dan Goldbeck, AAF Research Analyst

Opportunities to Streamline Financial Regulation by Sam Batkins, AAF Director of Regulatory Policy