

REPEAL & REPLACE ACTIVITY REPORT
FOR THE WEEK PRIOR TO JULY 28th, 2017

ACA Repeal and Replace

Timeline of Senate's effort to repeal the ACA

Friday, July 21^{1,2}

- The Senate parliamentarian ruled whether number of provisions included in the GOP's ACA replacement bill, the Better Care Reconciliation Act (BCRA), are allowable under the rules of reconciliation. The parliamentarian's judgement can be overturned by the Senate, but this requires 60 votes. The provisions that the parliamentarian ruled against include:
 - Removing federal Medicaid funding for Planned Parenthood for a year
 - Banning the use of subsidies to purchase plans that cover abortions
 - Funding the ACA's cost-sharing reductions
 - The six-month waiting period for consumers who do not maintain continuous coverage
 - A New York-specific provision that changes the way the state funds Medicaid

Tuesday, July 25^{3,4,5}

- The Senate voted on a motion to proceed with debating the repeal of the ACA. The motion passed with a tie-breaking vote from Vice President Pence after two GOP Senators, Sen. Collins and Sen. Murkowski, voted "no." Sen. McCain returned to DC after a recent brain surgery to vote in support of the motion.
- The Senate parliamentarian ruled against two more provisions of the GOP's ACA replacement plan:
 - Allowing states to change age rating rules to be 5:1
 - Making it easier to create association health plans for small businesses
- Following the motion to proceed, the Senate began debating the House's American Health Care Act (AHCA). The next vote on the floor happened Tuesday evening and was a procedural vote to replace the AHCA with a slightly revised version of the Senate's BCRA. The vote needed 60 votes to pass because it included provisions ruled

¹ <http://www.politico.com/tipsheets/politico-pulse/2017/07/24/one-big-push-for-trumpcare-how-the-week-could-go-221485>

²

https://www.budget.senate.gov/imo/media/doc/Background%20on%20Byrd%20Rule%20decisions_7.21%5b1%5d.pdf

³ <https://www.nytimes.com/2017/07/25/us/politics/health-care-senate-vote.html>

⁴ <http://www.politico.com/story/2017/07/25/obamacare-repeal-vote-senate-republicans-240926>

⁵ <http://www.politico.com/tipsheets/politico-pulse/2017/07/26/whats-next-for-obamacare-repeal-complications-and-no-guarantees-221536>

inappropriate to the reconciliation process by the Senate parliamentarian. The vote failed 57-43, with 9 Republicans (Sens. Collins, Murkowski, Corker, Lee, Cotton, Moran, Heller, Graham, and Paul) joining Democrats to vote “no.”

Wednesday, July 26^{6,7,8,9}

- On Wednesday afternoon, the Obamacare Repeal Reconciliation Act (ORRA), went to the Senate floor for a vote. The legislation focused on repealing the ACA without a replacement plan in place (also known as the “repeal and delay” strategy). The bill needed 50 votes to pass (with VP Pence available to break a tie if needed). The ORRA failed to pass 55-45, with seven Republicans (Sens. Collins, Murkowski, McCain, Heller, Alexander, Capito, and Portman) joining all 48 Democrats to vote against the bill.
 - Interior Secretary Zinke reportedly called Sen. Murkowski after the vote and threatened to punish Alaska’s economy for her vote.
- Conversation shifted to focus on the potential of “skinny repeal,” the details of which were not known, but which was expected to focus on repealing the individual and employer mandates.
- The Blue Cross Blue Shield Association issued a press release opposing skinny repeal and indicating that a repeal of the individual mandate would lead to “steep premium increases and diminished choices” in the health insurance market.

Thursday, July 27^{10,11,12,13}

- Senators focused on discussing skinny repeal. Many came out against skinny repeal becoming law and looked for promises from the House that the bill would be brought to a conference committee and amended with input from both houses of Congress before its final passage. Although hesitant at first, after Sens. McCain, Graham, and Johnson threatened to not support the bill without a guarantee from the House, Speaker Ryan eventually said that the House was willing to go to conference should a skinny repeal bill pass the Senate.
- America’s Health Insurance Plans (AHIP) and the Alliance of Community Health Plans both came out against skinny repeal and pushed the Senate to instead focus on dealing with the uncertainty in the individual market and improving the ACA.
- At 10pm EST, the Senate finally released language for a skinny repeal bill, titled the Health Care Freedom Act (HCFA). The bill would:
 - Repeal the ACA’s individual mandate

⁶ <https://www.vox.com/policy-and-politics/2017/7/26/16034020/senate-health-care-bill-clean-obamacare-repeal-fails>

⁷ <http://thehill.com/policy/healthcare/343896-gop-leader-senate-could-pass-scaled-down-obamacare-repeal>

⁸ <http://www.politico.com/tipsheets/politico-pulse/2017/07/27/gop-skinny-plan-not-getting-hefty-support-yet-221559>

⁹ <https://www.bcbs.com/news/press-releases/blue-cross-blue-shield-association-statement-senate-healthcare-reform>

¹⁰ <https://www.vox.com/2017/7/27/16054114/health-care-freedom-act-hcfa-obamacare-repeal>

¹¹ <https://www.cbo.gov/system/files/115th-congress-2017-2018/costestimate/s.a.667.pdf>

¹² <https://www.vox.com/health-care/2017/7/28/16055284/gop-massive-health-care-failures-explained>

¹³ <http://www.politico.com/tipsheets/politico-pulse/2017/07/28/gops-shocking-fail-what-happened-and-whats-next-221589>

- Repeal for 8 years the ACA's employer mandate
- Repeal the ACA's medical device tax
- Provide funding for grants to states for waivers under section 1332 of the ACA
- Eliminate the Prevention and Public Health Fund
- Increase the amount of funding appropriated to community Health Center Fund
- Remove federal Medicaid funding for Planned Parenthood for one year
- The CBO released its score of the HCFA, estimating that 16 million fewer Americans would have coverage by 2021. The score also estimated that premiums would raise 20 percent every year between 2018 and 2026. The bill did meet the reconciliation requirement in terms of reducing the deficit by as much as the AHCA.

Friday, July 28^{14,15,16,17,18}

- After a midnight vote failed to return the HCFA to committee, the vote to pass the HCFA opened. The bill needed 50 votes to pass, with Vice President Pence available to cast a tie-breaker. The vote became stalled for an hour on the Senate floor and it became clear that Republicans did not have the votes to pass the bill. Eventually the vote began and Sens. Murkowski and Collins were joined by Sen. McCain to vote “no” with all Democratic senators on the bill, defeating it 51-49.
- At 1:38am Friday morning, Majority Leader McConnell returned the AHCA to the calendar and admitted defeat of the GOP's attempt to repeal the ACA. McConnell said he wanted to see what ideas Democrats had as “the way forward” with health care.
- President Trump tweeted not long after the failed vote that he planned to “let ObamaCare implode, then deal.” It is not yet clear if the President will instruct HHS to pay out the August cost-sharing reductions.

Commonwealth Fund: Extending premium subsidies would increase insured by 1.2 million^{19,20}

A new report from researchers at the RAND Corporation examined the effects of dropping the income requirement for premium subsidies. Using the RAND Compare model, researchers found that the number of insured individuals would increase by 1.2 million people in 2020. 900,000 of these individuals would have incomes above 400 percent of the federal poverty level (the current cutoff for premium subsidies). Another 200,000 would have incomes below 400 percent of the poverty level but would newly enter the market because of its improved risk pool and lower costs. The analysis estimates that the net effect to the deficit in 2020 would be \$6 billion. Democratic Sens. Feinstein (CA), Leahy (VT), Warren (MA), Baldwin (WI), Harris (CA), and Hassan (NH) put forward legislation in early June that would eliminate the income requirement.

¹⁴ <http://www.politico.com/story/2017/07/27/obamacare-repeal-republicans-status-241025>

¹⁵ https://www.nytimes.com/2017/07/28/us/john-mccains-real-return.html?_r=0

¹⁶ <https://www.vox.com/policy-and-politics/2017/7/28/16055132/murkowski-collins-mccain>

¹⁷ <https://www.nytimes.com/2017/07/27/us/politics/senate-health-care-vote.html>

¹⁸ <http://www.politico.com/tipsheets/politico-pulse/2017/07/28/gops-shocking-fail-what-happened-and-whats-next-221589>

¹⁹ <http://www.commonwealthfund.org/publications/issue-briefs/2017/jul/marketplace-tax-credit-extension>

²⁰ <https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=4C0AEAD4-E27C-4F38-A7E9-FFF34A506E54>