

REPEAL & REPLACE ACTIVITY REPORT **FOR THE WEEK OF JANUARY 6TH, 2017**

ACA Repeal and Delay

ACA repeal process begins in Congress^{1,2,3}

On Tuesday, Jan. 3rd, Senator Mike Enzi, Chair of the Senate Budget Committee, introduced a [concurrent budget resolution](#) in the Senate to begin the process of repealing the ACA. Because Republicans do not have enough votes to overcome a filibuster, they are using the budget resolution to repeal parts of the law that are affected by tax and budget changes. The resolution provides budget “reconciliation” instructions to the Senate Finance and Health, Education, Labor, and Pensions committees and the House Committees on Energy and Commerce and Ways and Means to submit their recommendations to the budget committees of the respective houses of Congress by January 27th, for changes in the laws within their jurisdiction to reduce the deficit by no less than \$1 billion for the years 2017 through 2026. This provision does not specifically refer to repeal of the ACA, but that is clearly its goal.

The concurrent resolution also establishes a “reserve fund for health care legislation,” which is intended to pocket any savings from repeal for subsequent replacement legislation, as well as a “deficit neutral reserve fund” to revise allocations within the budget resolution and adjustments to the pay-as-you-go ledger in the Senate to ensure that repeal legislation does not violate budget requirements. The reserve fund would allocate \$2 billion of savings from the repeal toward reducing the deficit, but hold the rest for eventual replacement legislation. Finally, the resolution would provide that a point of order would not be available to object that repeal provisions would raise budget deficits in decades beyond 2026.

It is likely that debate will be taken up on the legislation the week of January 9 after Congress organizes, if not sooner. [Debate on a budget resolution](#) in the Senate is limited to 50 hours, but beyond that time an unlimited number of amendments can still be offered without debate, the so-called vote-a-rama procedure.

On Thursday, January 5th, House Speaker Paul Ryan said that the House’s version of the repeal bill will include language defunding Planned Parenthood.⁴

¹ <http://healthaffairs.org/blog/2017/01/03/aca-repeal-process-begins-in-congress/>

² <http://www.npr.org/sections/health-shots/2017/01/03/508074966/republicans-take-the-first-step-to-repeal-obamacare>

³ <http://www.vox.com/policy-and-politics/2017/1/3/14154820/senate-obamacare-budget-resolution-reconciliation>

The process for ACA repeal through reconciliation is expected to be as follows and could take about two months⁵:

Senate votes on a budget resolution (which was done on January 4th); the House will then also vote on the budget resolution, something that could be done by the time Trump is inaugurated on January 20th.

Following these votes, the repeal bill can move forward, starting in the House as a revenue bill. This is one possible point where the bill could stall as Republicans are divided over how long of a transition period they want for ACA repeal, ranging from a few months to after 2020.

Once drafted, the repeal bill will go to the House floor for a vote. It is expected that this bill will look like the reconciliation bill Republicans passed in 2015 (which includes repealing Medicaid expansion, premium tax credits, and cost-sharing reduction payments and eliminating the employer and individual “mandates”)

If the House passes the bill, it will then go to the Senate floor, where it will be subject to a lengthy debate and a vote-a-rama.

If there are changes made to the House bill in the Senate, the changes will need to be approved either in a conference or through a House vote on the Senate-approved bill.

The final bill will go to the White House for the President’s signature.

Study estimates 2.6 million jobs could be lost under repeal⁶

According to new research from the Commonwealth Fund and the Milken Institute School of Public Health at the George Washington University, repeal of the federal premium tax credits and the Medicaid expansion could lead to significant disruption in the U.S. labor market. The study concludes that, in 2019 alone, 2.6 million people could lose their jobs. These losses could rise to nearly 3 million positions in health care and other sectors of the economy by 2021. In California, the study estimates that 334,000 jobs could be lost because of repeal.

Survey finds only 20 percent of Americans support health law repeal without replacement⁷

The latest Kaiser Health Tracking Poll from December 2016 (conducted December 13-19, 2016) found that only 20 percent of Americans support repealing the ACA without a replacement. 47

⁴ <http://thehill.com/blogs/floor-action/senate/312946-top-dem-senator-to-trump-weigh-in-on-planned-parenthood>

⁵ <http://www.politico.com/tipsheets/politico-pulse/2017/01/obamacare-repeal-heres-the-path-forward-218036>

⁶ <http://www.commonwealthfund.org/publications/issue-briefs/2017/jan/repealing-federal-health-reform>

⁷ <http://kff.org/health-costs/poll-finding/kaiser-health-tracking-poll-health-care-priorities-for-2017/>

percent of Americans said that lawmakers should not repeal the ACA and 28 percent said they should wait to repeal the law until the details of the replacement plan have been announced. The survey also found that lowering the amount individuals pay for health care is the top health care priority for Americans, with two-thirds (67%) of Americans listing it as a top priority. Only 37 percent said that repealing the ACA was a top priority.

HealthCare.gov sign-ups reach 8.8 million⁸

As of December 31st, about 8.8 million people had enrolled in individual insurance plans through HealthCare.gov. This is a 2.3 percent increase over last year at the same time. This only includes the 39 states that use the federal marketplace platform.

Medicaid

Obama administration OKs Hawaii ACA waiver program⁹

Hawaii was given permission to change the way the small-group market works because of an approval of a waiver, based on ACA Section 1332. Under this agreement, Hawaii can now use federal funds that would have been used to fund ACA small business tax credits for smaller employers into a small group premium subsidy fund. This section in the waiver was a way to give states more jurisdictions in deciding how the ACA works beginning in 2017. Hawaii had completed the waiver because the small group health coverage support system prior to the ACA was more generous than the ACA SHOP option.

North Carolina governor to expand Medicaid¹⁰

North Carolina's new democratic governor, Roy Cooper, has said he plans to take immediate action and expand the state's Medicaid program under the ACA. Gov. Cooper plans to expand the program through an amendment to the state Medicaid plan. In 2013, the North Carolina legislature passed legislation that bars the executive branch from expanding Medicaid. However, Gov. Cooper argues that the law infringes on the executive authority of the governor "to accept federal funds to look out for the health of the people." It is likely that the issue will end up in court.

⁸ <https://www.bloomberg.com/news/articles/2017-01-04/obamacare-sign-ups-reach-8-8-million-as-repeal-efforts-start>

⁹ <http://good-assurance.com/obama-administration-oks-hawaii-aca-waiver-program>

¹⁰ <http://www.newsobserver.com/news/business/article124491039.html>