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5 on 45:  
On congressional rift over ACA

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PITA: You're listening to 5 on 45 from the Brookings Podcast Network: analysis and commentary by Brookings experts on today's news regarding the Trump administration.

REYNOLDS: My name is Molly Reynolds, and I'm a fellow in the Governance Studies program at the Brookings Institution. On Monday night, House Republicans released long-awaited legislative text for repealing and replacing parts of the Affordable Care Act. The draft came in two parts, one drafted by the House Energy and Commerce committee, one drafted by the House Ways and Means Committee. Consideration of both parts is scheduled to begin today, which each committee beginning what's called a markup, where the committee works through the text of the bill and considers various amendments to it from members of both parties.

Around the same time the legislative text was released on Monday, a letter from four Republican senators who represent states that expanded Medicaid under the Affordable Care Act, Rob Portman of Ohio, Cory Gardner of Colorado, Shelley Moore Capito of West Virginia, and Lisa Murkowski of Alaska, to Senate Majority Leader Mitch McConnell was released, indicating that these senators would oppose any measure in the Senate that does not maintain the Medicaid expansion. The next day, a number of other Republicans led by the House Freedom Caucus, and Rand Paul and Mike Lee in the Senate, indicated that they would not support the bill in its present form. Among their concerns about the bill are the fact that it maintains the Medicaid expansion in some form and that it provides for refundable, advanceable tax credits to help people purchase insurance coverage, a feature some have referred to as a new welfare entitlement.

Right now, this is the key cleavage. A group of members, primarily but not exclusively in the House, feel the current draft does not go far enough in dismantling the ACA, and the second set of members, principally in the Senate, are concerned about the consequences for their constituents of changes in Medicaid.

Where do we go from here? Specifics of the bill could change, and we don't yet know the Congressional Budget Office's estimates of the bill's costs or, perhaps more importantly, its projected effects on the number of people with health insurance. But if things stay the way they are right now, Republican leaders have a prospective vote-counting problem in both chambers. House Republicans could at present lose 21 votes, and Senate Republicans could lose 2 votes, and still pass the bill. The Freedom Caucus numbers roughly 40, so if that group is united it could be difficult to pass the bill in the House, since no Democratic votes in support of the bill are expected. Indeed, this choice by Republicans to use the expedited budget reconciliation procedures, which prevents the possibility of a filibuster in the Senate, has turned this into a strict party line fight, where all of the focus is on whether Republicans can solve their internal divisions as opposed to emphasizing the divides between the parties that we've gotten so used to highlighting in this era of polarization.

What to watch going forward? First, pay attention to key interest groups. A number of prominent conservative groups, including Heritage Action, the Club for Growth, Americans for Prosperity, and Freedom Partners, have come out against the bill. Two key hospital groups, the American Hospital Association and the Federation for American Hospitals, have also raised questions, and the AARP has also raised skepticism about the bill. Support from major interest groups was a key dynamic of the

original adoption of the ACA in 2009 and 2010, and we will see whether the same applies in the other direction this year.

Also watch to see if other organized groups of opposition emerge from within Congress. Are there House members who'd share the concerns of some Medicaid expansion-state senators? Do other Republican senators join their colleagues in expressing these concerns about Medicaid? What about moderate Republicans in the Senate, like Susan Collins of Maine, who might be concerned about the current draft's provision that eliminates funding for Planned Parenthood for one year? Can groups that have come out against the bill, like the AARP, mobilize their members across the country quickly enough to put meaningful pressure on these elected representatives?

At the end of the day, the most important question may be whether Republican members who don't like the bill are willing to vote against what they've spent years promising their constituents they would do: repeal the ACA. Interest groups may be able to give these members political cover, or they may threaten them into falling in line. We may also see President Trump get involved and help Republicans close their internal gaps, which could help some of these reluctant Republicans get on board.

This week's bill release was an important step in the process of adopting changes to the ACA, but it was just the first of many steps, and there are plenty of places the endeavor could still go off the rails.

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