

# ACA Watch | July 25, 2017

posted on 7/25/2017 3:47:00 PM

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Today the Senate cast a special procedural vote of 51-50 in favor of the Senate to be able to continue debate concerning repeal or repeal-and-replace of the Affordable Care Act (ACA).

It is important to understand that there was no bill passed as a result of today's vote, and current ACA law is in effect.

One key to this outcome was Senator John McCain's return after being hospitalized, to cast his vote in favor of continued debate. Senators were able to see voting results in real-time as votes were cast. Senators Ron Johnson (R-WI), Dean Heller (R-NV), Shelley Moore Capito (R-WV), and Rob Portman (R-OH) announced their support for the motion to back their party just minutes prior to voting, which was also key to this outcome. Vice President Mike Pence then cast the tie-breaking vote.

## Outcome

The Senate will now be able to continue discussion of whether the ACA can be repealed without an immediate replacement plan. As a result of today's outcome, the GOP has essentially been given another chance at reviving components of their previously unsuccessful American Health Care Act (AHCA) and Better Care Reconciliation Act (BCRA) bills.

Today's procedural vote also allows the bill HR 1628 (AHCA) open to debate in the Senate. We can expect 20 hours of debate on the AHCA beginning today. (*via ECFC*)

## Compromise

After casting the 49th vote supporting Mitch McConnell's motion to proceed, Senator McCain remarked "I will not vote for this bill as it is today." McCain urged his fellow Senators to stop avoiding compromise with one another and to do what is best for Americans. Today's vote to continue the debate may prove to be an opportunity for Democrat and Republican Senators to negotiate a "middle ground" on which both parties can agree.

## The skinny bill

In an effort to make some progress, the Senate may turn to an ACA repeal-only bill. If such a bill does not pass, a “skinny bill,” or scaled-down version of the vote may be offered. It would provide the divided GOP with points of agreement sufficient to gain enough votes. Such a bill would provide a means of opening the door to negotiations with the House of Representatives.

Consensus may build around repealing of the individual and employer mandate and the medical device tax, but no formal skinny bill has surfaced.

## Time will tell

Some experts believe that repealing the individual mandate without an ACA replacement will destabilize the insurance market and dramatically raise premiums.

GOP legislation is likely to undergo various amendments as Congress works towards an agreement. On Wednesday, July 26 the “Vote-a-rama” on various amendments is anticipated to commence, continuing into Thursday or Friday of this week. *(via ECFC)*

Under budget rules, all Senator can bring unlimited amendments to the bill (as long as they would not add to the budget deficit.) It remains largely unclear if other legislation will be brought forward.

Employee Benefits Corporation will continue to monitor these ACA repeal and replace efforts as they become available, providing updates most relevant to the benefits industry.

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*As a long-time member of the Employers Council for Flexible Compensation (ECFC), Employee Benefits Corporation will continue to provide ACA Watch updates as legislation continues to evolve.*