

Federal Health Care Legislation Update



The ACA repeal bill was defeated by a vote of 51-49, with all Democratic Senators and Republican Senators Murkowski, Collins, and McCain voting no.

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Here's what happened:

Affordable Care Act repeal was attempted through an expedited process called the budget reconciliation process.

What is a budget reconciliation bill?

It's a type of bill that has a 'privileged' status - it can move through the legislature faster than most bills, requiring less votes and less debate time.

- It only requires a simple majority of the Senate to pass, or 51 votes, compared to the requisite 60 votes in the Senate's regular legislative process.
- It only gets 20 hours of debate - which can be paused and spread over multiple days.
 - After 20 hours of debate, Vote-A-Rama begins: A high pressure, rapid-fire way to extend the debate time by proposing a limitless number of amendments - sometimes through the night.

For a bill to maintain its 'privileged' status as a budget reconciliation bill, it must abide by these rules:

- It can only include provisions that have an effect on federal spending or revenue.
 - This rule is called the Byrd Rule. Recently, the Senate Parliamentarian (the non-partisan overseer of Senate rules) determined that provisions to defund Planned Parenthood and place restrictions on abortion coverage would violate this rule.
- It must reduce the deficit by a specific amount, predetermined at the start of the budget reconciliation process.

Where is the bill now?

- **May 4:** The House first voted on the reconciliation bill, HR. 1628, on May 4, in the form of the so-called American Health Care Act - a bill that would take health care away from 24 million people. The bill passed by 217-213, with 20 Republicans and all Democrats voting no.
- **July 25:** The Senate voted to proceed on the same reconciliation bill, H.R. 1628 - but, this time, without any content specified. In other words, Senators voted on an empty bill - and now they're trying to insert substance. The bill passed by 51-50, with 2 Republicans and all Democrats voting no. Vice President Mike Pence cast the tie-breaking vote.
- **July 25:** After the motion to proceed vote, the Senate voted on a repeal-and-replace framing for the reconciliation bill, in the form of the Better Care Reconciliation Act (BCRA). This vote failed by 43-57, with 9 Republicans and all Democrats voting no.
- **July 26:** The Senate voted on a repeal-and-delay framing - a proposal lead by Rand Paul that would take care away from 32 million people. The 'Paul Amendment' sought to extend



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Obamacare for 2 years until a replacement was decided on and included a ban on federal funding of abortion. The amendment failed by 45-55, with 7 Republicans and all Democrats voting no.

- **July 27:** The Senate used its final hours of debate on ‘Skinny Repeal’ bill – a bill that started out as a bare-bones proposal, but ultimately would have increased the number of people without insurance by 16 million, increased premiums by 20%, defunded Planned Parenthood, and overall destabilized the insurance marketplace. **The bill was defeated, with three Republicans and all Democrats voting no.** If the bill had passed, two outcomes would have followed: either the House would have passed the bill as-is, or it would have been altered in a conference committee to include a number of other harmful provisions: gutting Medicaid, removing protections for people with pre-existing conditions, restricting abortion coverage, or other harmful provisions found in other House and Senate ACA repeal iterations.

What’s next?

ACA repeal efforts have been stalled for now. The failure of this bill may have paved the way to the development of a bipartisan bill to improve healthcare access. It is still possible for the ACA to be weakened through administrative and other legislative processes.