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Senate Votes to Repeal Much of ObamaCare, Defund Planned Parenthood

The Senate passed a bill Thursday that would both repeal significant portions of ObamaCare and defund Planned Parenthood. This marks the first time that chamber of Congress has approved any type of ObamaCare repeal, in contrast to the dozens of such bills passed by the House of Representatives.

"Middle-class Americans continue to call on Washington to build a bridge away from ObamaCare. They want better care. They want real health reform," said Senate Majority Leader Mitch McConnell (R-Ky.). "For too long, Democrats did everything to prevent Congress from passing the type of legislation necessary to help these Americans who are hurting. Today, that ends."

Democrats, of course, controlled the Senate from 2010, when the Affordable Care Act (ACA) was passed, through 2014 and blocked all attempts at ObamaCare repeal during that period. Even after Republicans took charge, the minority was still able to stall repeal by threatening a filibuster. But the GOP outflanked them this time by using a parliamentary maneuver known as budget reconciliation to bring the bill, already passed by the House, to the floor for a vote. Ironically, this is the same tactic the Democrats, despite possessing a filibuster-proof majority at the time, utilized to ram the ACA through the Senate in late 2009.

The bill passed 52-47, with all Democrats plus two Republicans opposed. Senators Susan Collins (R-Maine) and Mark Kirk (R-Ill.) voted against the bill because of the amendment defunding Planned Parenthood, which they tried unsuccessfully to get removed. Senator Bernie Sanders (I-Vt.) missed the vote because he was out campaigning for the Democratic Party's presidential nomination.

The presidential contest itself seems to have improved the legislation. The original bill, which the House approved in October, repealed only the individual and employer mandates, the "Cadillac tax" on expensive health plans, and a few other taxes. However, because of concerns that Senators Ted Cruz (R-Texas) and Marco Rubio (R-Fla.), both of whom are running for president, would not vote for such a weak bill, McConnell beefed it up and won their votes. According to *The Hill*, the Senate bill also rescinds "authority for the federal government to run healthcare exchanges"; eliminates subsidies for exchange plans; phases out the ACA's Medicaid expansion over a two-year period; "cuts funding for the Prevention and Public Health Fund"; scraps the law's programs to recoup insurers' exchange-plan losses; "repeals the over-the-counter medicine tax, the prescription drug tax, an annual fee on health insurers and the tax on indoor tanning services"; and "reduces the threshold of healthcare costs that

can be deducted from 10 percent to 7.5 percent of adjusted gross income.”

In addition, Republicans beat back proposed gun-control amendments, including the worrisome background-check legislation continually being pushed by Senators Pat Toomey (R-Pa.) and Joe Manchin (D-W.V.), while two amendments sponsored by Senator Rand Paul (R-Ky.) — one loosening restrictions on concealed-weapons permits, the other clamping down on the immigration of Syrian refugees — failed. Paul, too, is seeking the GOP presidential nomination.

“The vote we took today is a significant step towards repealing every word of Obamacare,” Cruz said in a statement. “This bill repeals as much of that failed law as we can under arcane Senate rules and the narrow guidelines of the budget. I am also encouraged that this bill prohibits taxpayer funds from going to abortion-providers. This bill is a substantial improvement over the original House bill, and I’m grateful to Senate conservatives and Senate leadership for joining me in making it so.”

The improvements made to the bill might also serve as a lesson to the House leadership. “I’m guessing the House leaders who said, ‘we have to pass this weak partial-repeal bill because nothing more could withstand the Senate’s budget-reconciliation rules,’ are going to have some ‘splaining to do at the next caucus meeting,” observed *Forbes* contributor Michael Cannon.

Still, the portions of the ACA left standing by the Senate version of the bill indicate that congressional Republicans aren’t prepared to employ “tough love” with voters. Provisions that regulate insurers seemingly in consumers’ interests, such as keeping children on parents’ policies until age 26, forbidding discrimination against those with pre-existing conditions, and forcing premiums to be set by community rating rather than individual risk, are among the few parts of the law that are genuinely popular with a wide cross-section of Americans, and this bill would not repeal them. Yet these provisions are just as unconstitutional and unwise as the rest of ObamaCare; and without the rest of the law, their effects on insurers would be even more devastating than they already are, setting the insurance “death spiral” in motion more rapidly than under the entire ACA. For that, Republicans — and the free market they claim to support — would then take the blame.

Assuming the bill is passed — having been amended in the Senate, it will have to undergo another vote in the House — Republicans will be able to claim they have kept their 2014 campaign promises to put an ObamaCare repeal bill on the president’s desk. But that is as far as the bill is likely to go; President Barack Obama has already said he will veto it, and Republicans don’t have enough votes in Congress to override him.

Was the Senate’s action, therefore, purely symbolic? Yes, but what it symbolizes surely has Democrats concerned, noted Cannon:

> Putting a majority-repeal bill on the president’s desk moves the ball farther down the field than ever before. Everyone now knows Obamacare is just one presidential election away from oblivion. Never in their worst nightmares did Democrats think five years ago that they would be in this position, with Obamacare unpopular and clunky, and Congress eager to repeal it. They can say whatever they want, but that has to make them nervous.

Americans outside the Beltway still have reason to be concerned, too. Even if the GOP were to take the White House and repeal ObamaCare in its entirety, that would not be the end of the story. House Speaker Paul Ryan (R-Wis.) said Thursday that next year Republicans “are going to unveil a plan to replace every word of ObamaCare.” If that replacement plan seeks to accomplish many of the ACA’s ends via other unconstitutional means, Americans will be no better off than they are now. The only

proper replacement for ObamaCare is repeal of all the federal government's other unconstitutional interventions into healthcare and insurance. They, after all, are what brought the system to the point that passing ObamaCare was possible in the first place.

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