



Written by [Raven Clabough](#) on November 12, 2015

GOP Turns to Budget Reconciliation to Repeal Parts of ObamaCare, Defund Planned Parenthood

Congressional Republicans have met with obstacles to defund and/or repeal ObamaCare since the healthcare bill was passed into law in 2010. They've had an equally difficult time defunding Planned Parenthood, despite the release of controversial videos that showcased Planned Parenthood's involvement in an infant organ harvesting scheme. Even with the Republicans holding a majority of both the House and Senate, they do not have the necessary votes to defeat a filibuster. Frustrated, Republicans are now considering a more controversial tactic to repeal parts of ObamaCare, as well as defund Planned Parenthood: budget reconciliation. Unfortunately for the GOP, even that is not without its difficulties.

The controversy behind budget reconciliation is that it only requires a simple majority to approve the measure. With a Republican majority in the House and Senate, Republicans are now in a position to create a reconciliation measure that can eliminate portions of the healthcare law and defund Planned Parenthood.

Fox News writes, "Lawmakers get one shot at crafting a reconciliation package and install various legislative priorities which have trouble vaulting the 60 vote threshold."

Since the Constitution states that "revenue" related issues must originate in the House of Representatives, the House created a reconciliation package last month, which was approved 240-189. The package includes language to repeal the individual mandate, as well as the mandate that requires employers of a certain size to provide health coverage for their employees. The package also included provisions to cut a tax on medical devices, Fox News reports.

Enter the "Byrd Rule." Fox News indicates that the "Byrd Rule," named for the late Senator Robert Byrd, prohibits provisions related to changes in revenue or those that compound the deficit from a reconciliation package.

The Byrd Rule imposes a test to reconciliation measures, administered by Senate Parliamentarian Elizabeth MacDonough. MacDonough has indicated that the reconciliation package cannot touch taxes on the so-called Cadillac health plans, or those on medical devices.

She also ruled that the package's language to repeal the individual mandate and the employer mandate needed to be changed, *The Hill* reports. Don Stewart, a spokesman for Senate Majority Leader Mitch McConnell (R-Ky.) contends, however, that the language can be changed without altering the intent or the provisions. "When the Senate begins debate on the ObamaCare repeal bill, there will be a substitute

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amendment that preserves the provisions of the House-passed bill, while ensuring that the underlying bill complies with rules that apply only in the Senate," he said.

The Hill writes that a senior Senate GOP aide even referred to the changes to the mandate repeals as "tweaks."

One controversial provision to survive the aptly dubbed "Byrd Bath" is the one that defunds Planned Parenthood, which miraculously survived.

But according to *Politico*, the fact that the Planned Parenthood provision survived places some of the more moderate Republicans in a difficult position. "Several GOP moderates were hoping the Senate parliamentarian would help them avoid a tough election-year vote on the Planned Parenthood provisions by forcing Republican leaders to remove the defunding language," *Politico* writes.

Senator Susan Collins of Maine has already expressed her discomfort with supporting a reconciliation package that defunds Planned Parenthood, even as she voted in support of a procedural measure to defund the organization in August. "I'm still concerned about the complete defunding of Planned Parenthood that is in the House bill," said Collins, who in the past has also supported federal funding for Planned Parenthood. "This is difficult to come together under the constraints of reconciliation because the procedural requirements are very strict."

According to *Politico*, the Heritage Foundation recommends that Senate leaders remove the Planned Parenthood provision and save defunding that organization for a budget or appropriations measure, and focus solely on ObamaCare in the budget reconciliation bill. It's likely that Republicans do not want to miss this opportunity, however.

Meanwhile, resistance to the reconciliation package is not only coming from moderate Republicans. Some of the more conservative Republicans have taken issue with the reconciliation package as well. Senators Ted Cruz (R-Texas), Mike Lee (R-Utah), and Marco Rubio (R-Fla.) published a joint statement wherein they opined that the reconciliation plan "simply isn't good enough." They stated that anything that falls short of a "full repeal" of ObamaCare simply will not suffice.

Without those three lawmakers, there remain 51 votes in favor of the package, just enough to pass the Senate, but that assumes that all other Republicans will vote in favor of the package. That is a big assumption, however, as moderate Republicans such as Senators Collins, Lisa Murkowski of Alaska, and Mark Kirk of Illinois are hesitant to pass a measure that defunds Planned Parenthood.

With the package facing some pushback from both conservative and moderate Republicans, reaching the 51-vote threshold may be difficult for the GOP.

"There are some of our folks who don't like what the House did, some who want to go farther than the House did, some who do like what the House did," said Senator John Thune of South Dakota, the third-ranking Senate Republican. "So it's all part of the process of trying to figure out the best path forward to pass it here."

The reconciliation package is back in the House where it will be altered via amendment. It will then return to the Senate, where leadership is willing to pass a package that adheres to the Byrd Rule, however impotent it may be.

Once the bill makes it to the floor, it is still subject to unlimited amendments.

And still, even if the Republicans manage to pass a package that defunds Planned Parenthood and makes changes to ObamaCare, President Obama will not likely sign it.



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