
Health Law Daily Wrap Up

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By Kathryn S. Beard, J.D.

At deadline for today’s Health Law Daily, House of Representatives Speaker Paul Ryan (R-Wis) announced that there would be no vote on H.R. 1628, the American Health Care Act of 2017 (AHCA). The AHCA was pulled from consideration because it did not have enough votes to pass in the House despite changes made to the legislation over the past week to gain votes. The House Republican leadership initially hoped to bring the AHCA to a vote yesterday, March 23, 2017, as a symbolic measure to begin dismantling the Patient Protection and Affordable Care Act (ACA) (P.L. 111-148) on the seventh anniversary of the enactment of President Barack Obama’s signature health care reform law. However, that vote was delayed while amendments were negotiated, ultimately unsuccessfully. Ryan said, "We came really close today, but we came up short," and said that he told President Donald Trump that the best option was to pull the bill. Ryan added that the Trump Administration and Congressional leadership are still concerned about the ACA, and will continue working toward consensus despite this "setback."

Earlier today, the House passed a resolution waiving a House rule requiring a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House. Under H. Res. 221, the same-day consideration rule is suspended through the end of the legislative day that begins next Monday, March 27, 2017, which would have allowed the House to vote on the AHCA immediately. The House completed four hours of open debate on the AHCA, during which many representatives spoke in favor of and against the bill, many of whom referred to two reports from the Congressional Budget Office (see CBO: Republican plan saves billions as 24M lose coverage, March 14, 2017; see also Revised AHCA costlier with same number of uninsured, in this issue). In addition to making changes to the ACA, the AHCA would have significantly altered federal Medicaid funding.

The AHCA was announced by Ryan on March 6, 2017 (see Republicans present health reform that is neither repeal nor replacement, March 7, 2017); the House Committees on Ways & Means and Energy & Commerce approved the bill in markup three days later (see ‘American Health Care Act’ earns first stamp of approval, March 9, 2017). One week after that, the House Budget Committee also approved the AHCA (see Trump budget slashes HHS funding; AHCA ready for floor vote after passing Budget Committee, March 16, 2017). After the bill received criticism from some conservative members of the House of Representatives, most notably the House Freedom Caucus, the GOP provided two types of Manager’s Amendments—Technical Changes and Policy Changes (see AHCA modified to bolster conservative support, March 21, 2017).

Late last night, a new document, Policy Amendment to the Manager’s Amendment (Policy Changes), was released. The most recent document changed the rules covering the ACA’s essential health benefits (EHBs), to further encourage members of the House Freedom Caucus to vote for the bill. However, there were questions whether changes to EHBs would be eligible for inclusion in the bill, which was being passed under the budget reconciliation process, which would have allowed Congress to pass changes to the fiscal aspects of the ACA by a bare majority, not subject to Senate filibuster.