



American Health Care Act Moves Forward, Faces Challenges

Now that the U.S. House of Representatives Energy and Commerce Committee and Ways and Means Committee have completed the markups of their respective portions of the American Health Care Act (AHCA), the legislation proceeds to the House Budget Committee to be combined into a single bill. The Budget Committee is expected to hold its markup on Thursday, March 16.

Over the next few weeks, House staff will work with U.S. Senate staff to address outstanding issues related to the Byrd Rule before the legislation is brought to the House floor for a vote. The Byrd Rule allows Senators to block legislation from being passed under the budget reconciliation process if it contains language that is not germane to the federal budget. Once this negotiation is complete, the House is expected to vote on the repeal legislation, which may be in the next two to three weeks, according to House Speaker Paul Ryan, R-Wisc.

The Senate is likely to pass the repeal bill before it recesses for the Easter break, according to Senate Majority Leader Mitch McConnell, R-Ky. The Majority Leader has warned members that he expects the Senate to approve the House-passed version of the legislation with minimal changes. It is therefore expected that the legislation will bypass markup in the Senate Finance and Senate Health, Education, Labor and Pensions committees. Instead, Senators will debate and make changes to the legislation on the floor during vote-a-rama. That being said, a number of Senators have expressed concerns about the fast pace of this process as well as bill's substance.

Indeed, maintaining support among Senate Republicans appears to be increasingly difficult, as more than half a dozen GOP Senators have raised concerns with the bill. For example, Sens. Rand Paul, R-Ky., and Mike Lee, R-Utah, joined conservative leaders in the House Freedom Caucus this week to oppose the House bill because they do not believe the legislation does enough to repeal the Affordable Care Act (ACA). Other Senators, including Tom Cotton, R-Ark., and Lindsey Graham, R-S.C., called on leadership to slow down the repeal-and-replace process.

In addition, a provision to defund Planned Parenthood has drawn ire from Sens. Lisa Murkowski, R-Alaska, and Susan Collins, R-Maine, while provisions to significantly reduce the ACA's enhanced federal funding for the Medicaid expansion population are proving unpopular with Republican Senators from the expansion

states of Ohio, West Virginia, Colorado and Alaska. The Majority Leader can lose no more than two Republican votes (presuming all Democrats oppose the bill) if he hopes to pass the AHCA through the budget reconciliation process.

If you have any questions regarding this Sidley Update, please contact the Sidley lawyer with whom you usually work or

Stephanie P. Hales
Partner
shales@sidley.com
+1 202 736 8349

Dora Hughes, M.D., M.P.H.
Senior Policy Advisor
dhughes@sidley.com
+1 202 736 8653

Laura R. Cohen
Policy Attorney
laura.cohen@sidley.com
+1 202 736 8127

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