



# *Health Care Weekly Preview*

*Week of July 24<sup>th</sup>*

We head into the last week of July with the [findings](#) of the Senate Parliamentarian in hand, who ruled late Friday that several provisions in the Better Care Reconciliation Act (BCRA) released on June 26<sup>th</sup> would be subject to the 60-vote Byrd rule requirement. The Byrd rule prohibits provisions from being considered under reconciliation that do not directly affect federal revenue and spending. Among the provisions that will be subject to the Byrd rule: defunding Planned Parenthood, abortion restrictions for tax credits, repeal of essential health benefits requirements, funding for cost-sharing reduction subsidies, continuous coverage provisions, medical loss ratio requirements, availability of rollover funds, HCBS waiver provisions, reporting of CMS-64 data, and Medicaid coordination with states requirements. Also of note, the so-called “Buffalo Buyout” which was included in the House bill to win over upstate New York Republicans would also be subject to the Byrd rule. The Parliamentarian did not however evaluate the Cruz amendment, which is crucial to the process moving forward as it currently stands.

This week Senate Republicans will make another attempt to repeal the Affordable Care Act (ACA). It is still not exactly clear what they are voting on, but we should have some sense of the game plan this afternoon. Procedurally, the Senate is poised to have a motion-to-proceed vote on Tuesday afternoon, at which point we will know whether we are heading for 20-hours of debate or back to the drawing board. While the informal Byrd bath ruling puts the stake in a number of BCRA provisions, there is a possibility that Republican Leadership upend Senate procedure to ensure BCRA provisions necessary for key conservative votes remain in the package.

## **THIS WEEK IN THE HOUSE**

On Wednesday (7/26), the House Energy & Commerce Health Subcommittee will host a hearing titled, “Examining the Extension of the Special Needs Plans.” Click [here](#) for more information.

## **THIS WEEK IN THE SENATE**

No hearings in the Senate this week.

## **THIS IS THE END?**

If the Senate’s efforts fail this week, where do we go from here? The sustained efforts by Republicans to repeal the ACA exposed deep divisions on health care within the Republican conference. In the immediate short-term, the Senate needs to move to the User Fee Act Reauthorization, bipartisan legislation, following the conclusion of this latest repeal effort. The health care [Minibus](#) package will require working with Democrats as well. Should repeal come up short, will Republicans be willing to consider bipartisan legislation to stabilize the ACA as part of the health care Minibus, or will they continue down the path of partisan repeal and neglect?

As of this moment, the signs do not point to Republicans passing a health care bill through the Senate this week. But that doesn’t mean we are done with health care. The last seven months have exposed the significant rift between the Republican ideologues and the more pragmatic Republicans. For seven years, Republicans have touted ‘repeal and replace’ while never agreeing on what replace meant. Will a ‘repair and rebrand’ caucus form after this week? We shall see.

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