



Insight

# Senate Health Care Debate Amendment Tracker

TARA O'NEILL HAYES | JULY 26, 2017

The Senate is currently considering legislation to repeal and (possibly) replace the Affordable Care Act (ACA). As debate moves forward, any Senator will be able to offer any number of amendments until the allowed 20 hours of debate expires. The most widely discussed amendments are explained [here](#), but others will be offered over the next few days. This list will briefly explain (to the best of our ability given that legislative text is not typically available to us during this process) the additional amendments offered; it will be updated as debate continues.

## Amendments Offered

Senator Ron Johnson (R-WI) offered an amendment that would disallow any future enrollment into Medicaid under the ACA's eligibility expansion and redistribute the funds saved from the reduced enrollment to the traditional Medicaid population. The Senator's office claims the amendment would not change overall spending levels in the underlying bill.

Senator Johnson also offered an amendment to require Members of Congress to purchase their health insurance through the ACA exchanges. Members are currently required to purchase their insurance through the ACA's SHOP Exchange—D.C.'s small business exchange—and receive an employer subsidy, just as most other employees of a business do. This amendment would end the availability of the employer subsidy for Members of Congress.

Finally, Senator Johnson offered a “one-sentence” amendment to fully repeal the ACA. This amendment will likely not receive a vote as such action is not allowed under the rules of the [reconciliation](#) process.

Senators Bill Cassidy (R-LA) and Lindsey Graham (R-SC) offered an amendment that would provide each state a block grant equal to the amount of funding they currently receive for Medicaid and Exchange coverage. Between 2020 and 2026, payments will be equalized on a per capita basis such that states which spend significantly more than other states will have their block grant reduced over time and states that have historically spent less will receive additional funding until federal expenditures nationwide are equal for each person.

## Votes Taken

The Better Care Reconciliation Act (BCRA) including the [Cruz Amendment](#) (R-TX) and an amendment from Senator Rob Portman (R-OH) (adding \$100 billion in [Medicaid](#) expenditures over the next ten years) failed on Tuesday evening (43-57) to be granted a waiver from a point of order. This was required because of the legislation's violations of the Budget Act's [reconciliation](#) rules. The BCRA may still be considered without the Cruz and Portman amendments.

A vote on a substitute amendment offered by Sen. Rand Paul (R-KY) to repeal significant portions of the ACA in 2020 (with the intention of providing Congress an additional two years to implement a replacement plan) and immediately repeal the ACA's taxes failed on Wednesday afternoon by a vote of 45-55.

The Motion to Commit offered by Senator Joe Donnelly (D-IN) would commit the underlying legislation to the Committee on Finance and require the Committee to resubmit the legislation after striking any provisions which would reduce or eliminate benefits to Medicaid recipients and prevent or discourage a state from expanding their Medicaid programs as allowed under the ACA. The Motion failed Wednesday afternoon by a vote of 48-52.

Senator Bob Casey (D-PA) offered a Motion to Commit to require the Senate Committee on Finance to amend the legislation and return it to the Senate after striking any provisions within the [American Health Care Act](#) that would limit or reduce benefits to any individuals with disabilities either in Medicaid or in the private insurance market. The Motion failed 48-51.

Senator Dean Heller (R-NV) offered an amendment to express a “sense of the Senate” that Medicaid expansion is a priority and Obamacare must be improved. However, because there was no budgetary impact, this amendment failed to meet budget reconciliation rules and was voted down 10-90.

Senator Steve Daines (R-MT) offered an amendment that is reported to be identical to legislation introduced in the U.S. House of Representatives by Rep. John Conyers (D-MI), the Expanded and Improved Medicare for All Act. This legislation would establish a single-payer health care program funded through increased income taxes on high-income earners, a “progressive excise tax” on payroll and self-employment income, a “modest tax” on unearned income, and a “small tax” on stock and bond transactions, as well as existing sources of federal revenue for health care. This amendment failed by a vote of 0-57, with 43 Senators voting present.

Senator Luther Strange (R-LA) offered an amendment that would require 90 percent of the premium tax credits, beginning in 2019, to pass through the State Innovation and Stability Fund such that the requirements of the Hyde amendment—which prohibit federal funding of abortions—would apply. The amendment did not meet the requirements of the rules of reconciliation and thus needed 60 votes to pass; the amendment failed 50-50.

The Motion to Commit offered by Senator Chuck Schumer (D-NY) would commit the underlying legislation to the Committee on Finance. The Motion failed Thursday night by a vote of 43-57.

Senator Dean Heller (R-NV) offered an amendment repeal the ACA's excise tax on high-cost employer plans or the “Cadillac Tax”. The amendment passed Thursday night by a vote of 52-48.

The Motion to Commit offered by Senator Patty Murray (D-WA) would commit the underlying legislation to the HELP Committee. The Motion failed Thursday night by a vote of 48-52.

A vote on a substitute amendment offered by Senator Mitch McConnell (R-KY) to repeal the individual and employer mandates, extend the moratorium on the medical device tax, provide more funding and flexibility for states implementing 1332 waivers, and increase maximum contributions to HSAs—among other things—failed early Friday morning 49-51.