

# The Washington Post

## The 'quiet victory' that Marco Rubio can't stop talking about

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On Nov. 30, Rep. Darrell Issa (R-Calif.) dialed in to "Fox and Friends" to break some personal news. He was endorsing Sen. Marco Rubio (R-Fla.) for president.

He was doing so for a few big reasons, and one important, specific reason: Rubio had made sure an amendment got into the 2014 so-called "CRomnibus" spending bill. That amendment prevented the Department of Health and Human Services from shuffling around money to pay insurers that were taking losses from new Affordable Care Act exchange clients.

"He saved us money on Obamacare where others have simply wanted to repeal it," Issa said. "He has already saved \$2.5 billion by eliminating an unreasonable backstop by the taxpayers for a failed program. He's been fighting for a lot of things I believe in."

Nine days later, the New York Times's Robert Pear broke some news to readers. "A little-noticed health care provision that Senator Marco Rubio of Florida slipped into a giant spending law last year has tangled up the Obama administration," he wrote. "Mr. Rubio's efforts against the so-called risk corridor provision of the health law has hardly risen to the forefront of the race for the Republican presidential nomination, but his plan limiting how much the government can spend to protect insurance companies against financial losses has shown the effectiveness of quiet legislative sabotage."

A paradox emerges. A "quiet" sabotage would seem to be one the saboteurs do not discuss. Rubio, by contrast, went after risk corridors with all the subtlety of Auric Goldfinger talking to a captured James Bond. Two years ago, when Democrats controlled the Senate, Rubio introduced a stand-alone bill, the "ObamaCare Bailout Prevention Act," to end risk corridors altogether. Rubio's talking points have hardly changed since then; letting HHS make up the difference in cost for insurers amounted to "Washington picking winners and losers." When the CRomnibus passed, health care wonks rang alarm bells about the risk corridor amendment.

This year, after the amendment became law and insurers started reporting losses, Rubio was quick to claim credit. In speeches and in messages from his Senate offices, he cited conservative

news stories about how (to quote an Oct. 6 story in the Weekly Standard) "one of the least-reported substantial policy victories in recent years was stopping Obamacare's insurer bailout through last fall's CRomnibus bill." On Nov. 25, my Washington Post colleague Jennifer Rubin suggested that "if more insurers exit because they cannot sustain losses and the exchanges collapse as the death spiral of rising costs push all but very sick people out, then Rubio will get a good deal of the credit."

(Worth noting: PolitiFact has rated the \$2.5 billion claim made by Issa and by Rubio himself as "mostly false," saying Rubio "oversimplified a complex process that is still largely unresolved.")

In a Nov. 27 interview with Breitbart, Rubio took a little credit for UnitedHealth's announcement that \$425 million in losses might force it to quit the exchanges. "Once these companies can't get bailed out, many of them are deciding they no longer want to participate in the Obamacare exchange," he said. In the days since, Rubio has drummed up support for the idea of ending risk corridors altogether in the must-pass year-end spending bill. (The CRomnibus only prevented HHS from dipping into other accounts.)

There's a question for the political press here: How could something so vital to the health of the defining government program of our age remain obscure? There are a few answers, none of them particularly flattering to the press. One is that Rubio's peers, who had little personal interest in either praising him for his cleverness or admitting that they failed to see the impact of his amendment. Another is that the press corps that covers politics is not always equally concerned with explaining policy -- or finding a way to cover it that does not seem slanted. This is the part when I raise my hand and thank the fickle gods of journalism for people like Robert Pear.

"When Jonathan Gruber said ObamaCare's complexity is a deliberate attempt to deceive people, he meant the media too," said Michael Cannon, a Cato Institute scholar who has backed efforts to legislatively or legally undermine the law.

Another answer, or a corollary to the last one, is five letters long: T-R-U-M-P. Correctly, the political story of the year has been the success of a mogul-turned-demagogue who has dominated the polls and the narratives of the Republican primary. The people who blame the media for focusing on Trump too much -- *b-b-b-but the data shows he is unlikely to win!* -- don't appreciate that Trump's success has genuinely surprised the media.

In May, people in this profession generally expected to cover the most ideologically diverse and talented Republican field in memory, one where governors and members of the Senate would fight over their records. We did not expect Donald Trump to make much of that irrelevant. Coverage of Trump's ability to sew chaos sometimes obscures that the Republican Party runs both houses of Congress and a historic number of state houses -- beachheads from which it can dramatically undermine the ACA.

That's an answer, not an excuse. Rubio's fight against risk corridors is finally getting the attention he's asked for. At the moment, Democrats are giddy about Trump's ability to dominate the

Republican conversation. But in the short term, they need to save risk corridors; in the long term, they need to join an argument, already in progress. They've seen what happens when a program becomes defined as a "bailout" for losers, and it doesn't end well for them.