

Townhall

Commentary: It's Unacceptable For Any Senate Republican to Block Healthcare Debate, Amendments, and Vote

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Senate Republican leadership has delayed this week's scheduled healthcare vote, as Sen. John McCain will be out of commission while recuperating from eye surgery -- and McConnell *et al* can't spare a single vote. But when the Arizonan returns to Washington, a vote will be presumably be called. At the moment, it appears the bill is in danger of never actually receiving an up-or-down vote because a handful of GOP members are threatening to join with Democrats to reject a "motion to proceed." This obstructionist tactic would effectively kill the legislation prior to a floor debate, an unlimited amendment process (as required for budget reconciliation bills), and a final vote.

Republican voters must make clear to wavering members that pursuing this tactic is unacceptable. The proposal on the table is deeply imperfect, which isn't surprising, given the complexity of the policy challenge, the wide ideological gaps within the Republican conference, and the relatively narrow strictures of reconciliation rules. Reasonable people can disagree on whether it constitutes a repeal (I think it's much closer to a conservative-flavored fix), or whether it represents an improvement over the failing Obamacare status quo(more on that shortly). But after *seven years* of promising voters that replacing the so-called "Affordable" Care Act would be a top governing priority for Republicans, it would be a galling and harmful failure if the party cannot even muster a proper vote on an Obamacare alternative. I made this point on Martha MacCallum's show Friday evening:

In spite of that tough assessment, it must be said that not every Senator flirting with blocking the motion to proceed is acting out of political cowardice. Kentucky's Rand Paul is plainly not scared of tough votes; he's more than happy to be the lone dissenter in lopsided 99-1 tallies, if need be. Utah's Mike Lee also doesn't fear bucking party bosses -- and it should be noted that his behind-the-scenes work with the Senate Parliamentarian expanded Republicans' options under reconciliation. Nevertheless, they shouldn't use the motion to proceed to derail the bill. Let's grant their contention that the Senate bill isn't a real repeal. I don't disagree. But is it an improvement over the current mess? If they truly believe that it's *not* -- and there are reasons to be concerned that certain provisions might make the individual markets even more dysfunctional -- that's fine. They should state their case during formal debate, offer amendments

to improve the structure of the bill (even if they think the fix is in, and they're all doomed to failure), and if they still remain unsatisfied, they can vote no.

The same applies to big government-defending centrists like Dean Heller, Rob Portman and Susan Collins. If the Maine moderate cannot abide redirecting taxpayer dollars away from soulless abortion giant Planned Parenthood, she can put forward an amendment to restore that funding. It might even pass. If she is intent on championing Obamacare's very recent and irresponsible expansion of Medicaid (even though she doesn't represent an expansion state, thanks to Gov. LePage), she can try to team up with fellow members who share similar concerns. I understand that holding out on a motion to proceed is a form of leverage; go ahead and use it, so long as tweaks and adjustments are still in the offing. But when it's finally time for a meaningful vote after seven long years of promises and posturing, obstruction is an indefensible course of action.

I also understand that entering a 'vote-a-rama' on endless amendments to legislation that may not even pass is a very uncomfortable political proposition. Democrats will serve up a series of painful "poison pill" votes specifically designed to give Republicans heartburn and to generate fodder for future attacks. Enduring that process will not be fun, but it's part of the job these people all signed up for. Plus, I'd imagine that the ever-wily Mitch McConnell can dream up some rather unpleasant amendment votes to hang on vulnerable Democrats who represent Trump-carried states, who are well aware that the president's approval rating is relatively strong in the counties that elected him. In other words, two can play at that game, if it comes to it. But will it? Or will a small coalition of Republicans team up with Chuck Schumer to kill this bill before each Senator has an opportunity to vote on a plan to replace Obamacare? Let's return to the question of whether the Senate bill is an improvement -- even a modest one -- over Democrats' collapsing scheme. The editors of the *Wall Street Journal* believe so, as do the (slightly more reticent) editors of *National Review*. After correctly stating that the proposal can't credibly be sold as a true repeal, they make the argument for incrementalism over perfectionism:

There are two further questions that conservatives should ask about the legislation. **The first is whether the bill, disappointing as it is, represents a substantial improvement over the status quo. The second is whether modifying the bill in a House–Senate conference would be likely to yield better results than letting it die. In both cases, we think the answer is yes.** The bill cuts taxes, restrains spending, and — courtesy of the tireless efforts of Senators Ted Cruz and Mike Lee — modestly deregulates. It ends Obamacare's obnoxious fines on people who go without health insurance. **It would be likely to yield lower premiums than keeping Obamacare as it is — although supporters of the bill should be careful not to promise too much on this front. Its Medicaid reforms would control the growth of that program, give states a stronger incentive to police fraud and seek efficiency, equalize funding between Medicaid's new beneficiaries and its poorer traditional ones, and provide some help for people who wish to move from Medicaid to private insurance.** It could produce a larger individual insurance market by attracting a greater number of young, healthy people who voluntarily choose to enter it...**[We] recommend that conservative senators vote for the bill**

— and that all Republicans do a better job of defending it from the Left's hysterical attacks.

This all strikes me as fairly sensible advice. Let me remind you that in this case, "seeking efficiency" on Medicaid isn't just wish-casting DC mumbo jumbo; there are real examples of how this can work. In any case, some conservatives suspect that a number of the more liberal Republicans might be secretly rooting for a scenario under which the GOP is forced to the negotiating table with Democrats to hammer out a "fix." That would be a breathtaking betrayal. Can anyone seriously dispute that such an outcome would invariably result in a much less conservative, much more statist "solution"? Schumer and friends would have all the leverage, as the GOP would have just demonstrated itself incapable of accomplishing anything without Democrats' help. The result would very likely entail a big taxpayer bailout of the exchanges, no Medicaid reforms, and more federal coercion. Republicans might get a few scraps on Health Savings Accounts, and the like. Do the Lees and Pauls of the world expect that by killing this bill, they'll get something better? When and how? And let's say a bipartisan "fix" bill is crafted, then is filibustered or stymied in the House -- then what? Obamacare keeps melting down, now with joint Republican ownership. If the individual market remains in shambles whenever the Democrats regain power, and they will at some point, it's not difficult to envision the path they'll attempt to traverse.

In summary, when the moment arrives, no Republican should block a motion to proceed. And every Republican should weigh the finalized legislation on the basis of whether it's better or worse than Obamacare. One significant factor in reaching a conclusion on that question is the health insurance industry's top lobbying group coming out guns blazing against all versions of the Cruz amendment. They argue that it's totally unworkable and would further erode the individual healthcare market (if McConnell yanks it, it's unclear how he'd keep conservatives in the fold). The Cato Institute's Michael Cannon, a longtime Obamacare critic and a frequent Trumpcare skeptic, concedes that there are problematic elements to the execution of the Cruz amendment, but that the much-ballyhooed attacks from the health insurance lobby should be considered with a few grains of salt. Why? The woman running that group was a top Obama healthcare official, and one of her organization's biggest assertions about the amendment fails the common sense test:

Cruz believes his provision would allow insurers to offer many different lower premium plans that are less extensive and comprehensive than Obamacare's unaffordable mandate-laden options, which many find practically useless. If insurers are worried that a bifurcated individual market, wherein sicker consumers cluster in Obamacare-compliant plans, would effectively create an under-funded and unsustainable high risk pool, that's one thing. But to claim that allowing much more freedom for carriers to offer more affordable, bare bones choices for relatively healthy consumers would somehow reduce options seems counterintuitive. Not to mention that CMS is projecting that next year, residents of 44 percent of US counties will have one or zero "choices" in Obamacare insurers:

Marilyn Tavenner's press release reads as if the system *isn't* imploding with rate shock (I'll again

highlight Nevada) and access shock already. It is, and it's getting worse.

Parting thought: I've warned Republicans -- including Sec. Price -- before about avoiding the Democrats' Obamacare model of making dubious and unsupportable claims to sell a healthcare proposal. Distorting and denying reality doesn't end well, and it's why statements like this are extremely risky and ill-advised:

Democrats may be shamelessly lying and demagoguing over "lost coverage" and "thousands of deaths" under the GOP bill -- but overcompensating in the other direction does the administration and the party no favors.