



Revolt jeopardizes ObamaCare repeal bill

Sarah Ferris

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A conservative revolt is threatening to derail an ObamaCare repeal bill that Republicans had hoped to send to President Obama's desk.

The House on Friday is expected to pass the long-awaited legislation, which would demolish major pillars of ObamaCare and — under the rules of reconciliation — bypass a Democratic filibuster in the Senate.

But a small core of conservatives in both chambers, led by presidential candidate Sen. Ted Cruz (R-Texas), are upset that the legislation doesn't repeal ObamaCare root and branch. They say GOP leaders need to pursue full repeal and stand up against the one obstacle that appears to be in their way: the Senate parliamentarian.

“In some cases, I think the Senate is being a little too deferential to the parliamentarian, and I think it's time for the leadership of the Senate to stand up to the parliamentarian,” Rep. Bill Flores (R-Texas), chairman of the Republican Study Committee, said Thursday. He said he is still deciding how to vote on Friday's bill.

While the bill is expected to clear the House with little conservative opposition, its prospects are less certain in the Senate.

Cruz announced late Thursday that he — along with Sens. Mike Lee (R-Utah) and Marco Rubio (R-Fla.), another presidential candidate — would oppose any partial repeal of ObamaCare through reconciliation.

“At the end of the day, the Senate parliamentarian is an employee of the Senate. Virtually every Republican campaigned promising full repeal,” Cruz told The Hill on Thursday.

With the three senators now declared against the bill, Senate Majority Leader Mitch McConnell (R-Ky.) will have to keep the rest of his 54-member caucus united to secure the 51 votes needed for passage.

That could be a tall order.

Already, three Senate Republicans have voiced opposition to a provision in the reconciliation bill that would halt federal funding for Planned Parenthood, including Sen. Mark Kirk (R), who is up for reelection next year in blue-leaning Illinois.

With the 46 members of the Senate Democratic caucus expected to vote in lockstep against the legislation, Republicans will have little margin for error.

Republicans had touted the reconciliation process as a way to make Obama answer for his healthcare law, so failing to pass the legislation would be a setback.

The conservative complaints center on the Senate's Byrd Rule, which states that a reconciliation bill can only include provisions that have a direct impact on the budget. The decision about whether the legislation meets that standard is made by Parliamentarian Elizabeth MacDonough, an appointee of Senate GOP leadership.

Flores and others say Republican leaders are not taking a strong enough stance against MacDonough and the decades-old Senate procedures that she governs.

While current Senate rules wouldn't allow a full repeal, Flores said the Senate parliamentarian could be overruled.

"If you read the Senate rules, there are provisions where the Senate parliamentarian can be overridden," Flores said, adding, "There are some of us that have concerns because it is a very, very modest reconciliation."

Rep. Joe Pitts (R-Pa.) said that while he also has concerns about the limited scope of the reconciliation bill, he supports it because it defunds Planned Parenthood for one year. He said the fight over Senate procedure should be handled by members of that chamber.

"I don't think there's any reason why Sen. Cruz or Lee or any other senators can't just do amendments in the Senate to take it as far as they can take it," Pitts said.

GOP leaders have spent months shaping a reconciliation bill that would roll back major pieces of ObamaCare while following the complex — and sometimes subjective — Senate rules.

Among other things, the legislation would repeal several taxes in ObamaCare and nullify the individual and employer mandates for health insurance.

Outside groups such as the conservative Heritage Action for America and the libertarian Cato Institute have pushed back against the package, arguing it should be replaced with full repeal. They say that, since ObamaCare can be considered a federal program, everything in the healthcare law is budget related.

Heritage Action plans to hold a “key vote” on the reconciliation bill, with a vote in favor of the bill working against the group’s scoring of a lawmaker’s record.

Despite pressure from outside conservative groups, no House Republicans have publicly said they would vote against the bill.

Some Republicans are pushing back against their colleagues’ claims that the Senate parliamentarian is to blame.

“I have more respect for the parliamentarian than any of my colleagues. With that said, they have no power there. Whenever they tell you, ‘Oh the parliamentarian is making us do this or that,’ or something, hogwash,” Rep. Thomas Massie (R-Ky.) told The Hill on Thursday.

“It’s a pretend vote and people are upset because it doesn’t pretend enough. I’ll vote for it,” he said.

The House Freedom Caucus also plans to back the reconciliation bill, according to one member, Rep. John Fleming (R-La.).

“It certainly would be a step in the right direction, so this will be the closest we can come in actually getting it to the president’s desk,” he said.