

Dems, GOP Face Firestorm If Court Tosses ObamaCare

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A Supreme Court ruling next month striking down Obama-Care would immediately shift the battle to Congress and the campaign trail.

President Obama and Democrats would suffer a demoralizing policy defeat that would hurt him in the general election, say some observers.

"Obama will look much weaker because this is his signature domestic achievement," said Michael Cannon, director of health policy studies at the libertarian Cato Institute. "It will also neutralize one of Romney's biggest liabilities."

But GOP lawmakers may come under pressure to keep popular parts of the unpopular law.

"Seniors who are getting rebates on their prescription drugs, small businesses that get tax credits, young adults able to get coverage and no pre-existing condition denials for kids — throwing those out would be unpopular," said Ron Pollack, executive director of the liberal Families USA. "I believe that constituencies that have been helped by those things will express their discontent."

Medicare's prescription drug "doughnut hole" might get the most attention on Capitol Hill. ObamaCare has been closing this gap requiring out-of-pocket spending by seniors. The doughnut hole would open back up if the court tosses the entire law.

Both Republicans and Democrats could feel pressure to close the doughnut hole again. The provision is looked on very or somewhat favorably by 78% of respondents in a recent Kaiser Family Foundation poll. Seniors vote at some of the highest rates.

"That could be very viable," said Cannon. "You'd be talking about throwing money at seniors."

Beyond that, getting Congress to move on any of the other provisions would prove difficult.

A congressional aide for the Democrats suggested that they would pressure Republicans.

"We'll be looking to see what their plan is for health care reform and to lower costs," he said.

He said Democrats might try to advance some of the more popular provisions in ObamaCare prior to the election.

"We promoted lower costs, better quality and greater access to health care," the aide said. "Whatever happens, our agenda and our proposals will meet those goals."

However, the aide said Democrats are still confident that the court will uphold ObamaCare. To his knowledge, there haven't been discussions about contingency plans if it's struck down.

The KFF survey found that letting 26-year-olds stay on their parents' policy polled well, with 71% viewing it either very or somewhat favorably. Also polling favorably was prohibiting insurers from denying coverage based on a person's medical history, 60%, and limiting what insurers can charge older people vs. the young, 52%.

Recently House GOP leadership discussed putting forward a bill that kept some of those provisions should ObamaCare be overturned. But it quickly sparked a backlash among conservatives.

Some analysts say that pushing certain provisions might work, if only on the campaign trail.

"But trying to put that in place by itself could collapse the insurance market," said Cannon. "If the Democrats try that without the rest of ObamaCare, it won't go anywhere because the insurance companies will push back. The only reason that insurance companies didn't unload on ObamaCare was because of other provisions that guaranteed them business, like the subsidies and individual mandate."

Cannon also claims the popularity of those provisions is misleading because pollsters seldom ask about costs. A Reason-Rupe survey that did ask found that support for barring insurers from denying coverage based on medical history dived to 38% if it meant an increase in premiums.

A GOP congressional aide said: "I don't think anything gets done between now and November. Yes, they might try to have some 'show votes,' but that's all we're doing right now anyway."

He also suggested ObamaCare repeal would give the GOP an opportunity to go on the attack.

"What other things could the Democrats have been doing, instead of being obsessed on ramming through this massive bill that nobody wants? You wasted a whole year, and for what?"