



U.S. HOUSE OF REPRESENTATIVES

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Senate's Affordable Care Act Repeal: Another Waste of Time

The Senate approved an amended budget reconciliation bill (H.R. 3762) on December 3 that would cause 22 million Americans to lose health coverage after 2017 and would undermine women's access to important health services. The President is certain to veto the bill if it reaches his desk. The Senate amendment guts much of the Affordable Care Act (ACA) and continues the crusade against women's health by defunding Planned Parenthood. Because the Senate version repeals more of the ACA than the [House-passed reconciliation bill](#), the House will have to vote on it again before the bill goes to the President. The Congressional Budget Office (CBO) estimates the Senate version reduces deficits by \$282 billion over ten years, whereas the House bill reduces deficits by \$78 billion. This figure includes savings of \$913 billion from repealing the law's coverage expansions, \$627 billion in revenue losses from repealing various other reforms and financing provisions, and roughly \$5 billion in net new spending from other provisions. The Senate amendment is not a complete repeal of the ACA; for example, it does not touch the law's significant Medicare reforms. CBO estimates that full repeal of the ACA would increase deficits by \$353 billion over ten years. Following is a summary of the Senate bill and a table comparing the provisions of the House and Senate versions.

Dismantling the Affordable Care Act

Takes away affordable health care coverage — The Senate amendment terminates the ACA premium tax credits and cost-sharing subsidies for households with modest incomes and repeals the ACA Medicaid coverage expansion, effective 2018. It also guts individual and corporate responsibility for health coverage by eliminating cash penalties for: 1) individuals who do not obtain minimum essential health coverage and 2) large employers who fail to offer affordable health coverage to their workers. CBO estimates that the amendment would increase the number of people without health insurance coverage by about 22 million people in most years after 2017. The ACA's individual responsibility provision operates in concert with the law's other insurance market reforms – such as the prohibition against insurers discriminating on the basis of pre-existing conditions – and the law's premium assistance credits to make quality health coverage affordable and accessible. Terminating the individual responsibility provision and the premium assistance, while leaving these other market reforms in place, is likely to result in unstable insurance markets, higher premiums for those who still have non-group coverage, and ultimately even more people without the security of health coverage.

Terminates program to help insurers manage risk in uncertain new markets — The Senate amendment sunsets the transitional reinsurance program, effective 2016. The ACA created this program to address the inherent uncertainty insurers faced when establishing new health insurance markets. The reinsurance program is scheduled to end after 2016 anyway because the law assumes that after three years of experience with the new markets, insurers will have the ability to estimate costs and price their plans correctly.

Recaptures all excess advance premium tax credits — The Senate amendment eliminates protections for modest-income households who underestimate their income when applying for premium tax credits and consequently must later repay, or “true-up,” the excess tax credit to the Treasury. Current law caps the true-up exposure for households with incomes below 400 percent of the poverty line. The amendment eliminates these caps for 2016 and 2017.

Repeals small business tax credit — The amendment terminates an ACA tax credit provided to small businesses for the purchase of health coverage, effective 2018.

Repeals the Prevention and Public Health Fund — The amendment repeals the Prevention and Public Health Fund, reducing federal spending by \$12.7 billion through 2025. Established by the ACA, the Prevention Fund supports evidence-based programs to keep Americans healthy, prevent chronic and infectious diseases, and reduce future health care costs. Repealing the Prevention Fund is likely to undermine prevention efforts in communities across the country, including programs to reduce tobacco use, screen for breast and cervical cancers, and immunize children and adults.

Repeals excise tax on high-cost employer-sponsored health plans — The amendment eliminates an excise tax scheduled to take effect in 2018 on employer-sponsored health plans with premiums exceeding certain dollar thresholds. The thresholds are indexed to inflation and adjusted for employers facing high costs due to high-risk occupations or the demographics of their employees. The cost of repealing this tax grows quickly over time.

Repeals medical device tax — The amendment repeals the ACA’s 2.3 percent tax on medical devices. The medical device tax is based on the principle that industries that will benefit from the expansion of health coverage should help cover the cost of expansion. The medical device tax took effect in 2013, and in that year the device industry’s revenues and research and development spending increased, and industry employment increased by 23,500. Since the tax took effect, the top 12 publicly traded device companies have experienced double-digit profit margins. This runs contrary to industry claims that the tax reduces innovation and employment.

Repeals Medicare Part D reform related to employer plans — The ACA ended the ability of employers to deduct the federally subsidized cost of offering drug coverage to Part D-eligible retirees. The Senate amendment restores the ability of employers to claim this deduction.

Repeals numerous other tax provisions — The Senate bill repeals a number of other tax-related provisions in the ACA, as detailed in the accompanying table below.

Undermining Women’s Health Care

Prohibits funding to Planned Parenthood for one year — The Senate bill targets Planned Parenthood by prohibiting federal funding through Medicaid for one year to certain organizations that provide abortions with non-federal funds – saving \$235 million – and increasing funding to community health centers by the same amount for two years. Eliminating Medicaid funding to Planned Parenthood centers would make it very difficult for women, especially those living in areas with a shortage of low-income providers, to access services such as contraception, cancer screenings, and STI tests and treatments. Republicans argue that redirecting funds to community health centers would avert any gap in services resulting from defunding Planned Parenthood, but CBO and public health professionals reach a different conclusion. CBO does not expect that additional funding to community health centers would have a significant impact on the loss of access to contraceptive services, in part because community health centers are a unique model and use federal funds to support a broad range of services, from medical to dental to behavioral health.

Side-by-Side Comparison of H.R. 3762 as Passed by the House and Senate		
Issue	Senate	House
<i>Affordable Care Act</i>		
Prevention and Public Health Fund	No funding after 2015	Same
Premium tax credits and cost-sharing subsidies	Repeal	No provision
Medicaid	Repeal coverage expansion; repeal other provisions on presumptive eligibility, maintenance of effort requirements, benchmark plans, payments to hospitals treating a disproportionate share of low-income patients, and enhanced federal matching funds for a variety of purposes	No provision
Individual/employer responsibility for health coverage	Zero out tax penalties for individuals and employers who fail to meet requirements – de facto repeal	Repeal
Payments to territories	End availability of ACA funding to territories	No provision
Transitional reinsurance	Terminate	No provision

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Issue	Senate	House
Recapture of excess advance premium tax credits (“true-up”)	Eliminate caps on amounts households must repay if they underestimate household income when applying for tax credits	No provision
Small business tax credit	Repeal	No provision
Excise tax on high-cost employer health plans	Repeal	Same
Tax-favored health accounts (HSAs, flexible spending arrangements, etc.)	Repeal exclusion of over-the-counter drugs from definition of qualified medical expenses; repeal increase in tax on unqualified distributions from these accounts; repeal limit on contributions to flexible spending arrangements	No provision
Drug company tax	Repeal	No provision
Medical device tax	Repeal	Same
Health insurance firm tax	Repeal	No provision
Deduction for subsidized employer coverage for Medicare Part D-eligible retirees	Restore pre-ACA law that allows employers to claim a tax deduction for expenses allocable to a federal Part D subsidy to employers	No provision
Itemized deduction for medical expenses	Restore pre-ACA threshold for claiming itemized deduction for medical expenses to 7.5% of adjusted gross income	No provision
Medicare taxes	Repeal additional 0.9% payroll tax on taxpayers with earnings above \$200,000 (\$250,000 for joint filers); also repeal 3.8% tax on unearned income of tax filers with incomes above those levels	No provision
Other tax provisions	Repeal limit on deductibility of executive compensation; repeal excise tax on tanning salons; repeal codification of “economic substance doctrine” and related tax penalty provisions	No provision
<i>Women’s Health, Public Health, and Other</i>		
Planned Parenthood	Prohibit Medicaid funding to Planned Parenthood clinics for one year	Same
Community Health Centers	Increase funding for Community Health Centers by \$235 million per year for 2016 and 2017	Same
Substance abuse and mental health	Provide \$750 million per year for two years in grants to states to address and prevent substance abuse	No provision
Medicare Hospital Insurance Trust Fund	Credit trust fund with net on-budget savings estimated for this bill for the period 2016-2025	No provision