

# Health-care law likely to remain intact under divided Congress, at least for now

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*Fresh off their triumph in the midterm elections, Republican leaders are vowing to do whatever it takes to repeal the new health-care law. In an interview with Fox News on Thursday, presumptive new House speaker John A. Boehner (R-Ohio), promised that in addition to a straight-up repeal vote, "there's a lot of tricks up our sleeves in terms of how we can dent this, kick it, slow it down to make sure it never happens. And trust me, I'm going to make sure this health-care bill never ever, ever is implemented." We examine the Republicans' prospects for success.*

*Can Republican lawmakers repeal the law?*

Chances are slim to nil, at least through 2012. Although Republicans have regained control of the House, they will remain in the minority in the Senate. So it's unlikely that Congress could pass a repeal bill. But even if that were to change, as long as President Obama remains in office, it's a safe bet that he would veto such a measure.

*What about repealing parts of the law?*

Among the discrete provisions Republicans have discussed putting on the chopping block is the "individual mandate," which requires virtually all Americans to obtain health insurance or pay a tax penalty. But any effort to strip the law of a provision that Democrats and the president consider essential to its overall functioning is likely to suffer the same fate as an outright repeal bill. Without the individual mandate, for instance, the law's requirement that insurers stop denying coverage to people with preexisting conditions or set annual limits on benefits could fall apart because the risk pool could be skewed toward the sick.

On the other hand, Republicans could succeed in eliminating unpopular aspects that are less central to the law. A case in point is the "1099" provision, which will require businesses to greatly expand their reporting to the IRS of any goods and services they buy. The measure was intended to raise money for the law by helping the IRS clamp down on tax evasion. But many small businesses say that complying with it will prove costly and onerous. Democrats and the president have expressed a willingness to modify or repeal it, as long as Congress finds an alternate funding source.

*The Republicans' majority in the House will give them the power of the purse. Could they use it to defund the law?*

To some extent. But here, too, Republicans' influence will be limited. The most substantial federal expenditures required by the law - the expansion of Medicaid contributions to help states cover a greater share of the poor, for instance, or federal subsidies to help individuals buy private insurance - won't begin until 2014. And their funding sources were essentially locked in and automated by the law and will not be subject to Congress's annual appropriations process over the next two years.

*How about defunding federal agencies responsible for implementing the health-care law, such as the Department of Health and Human Services or the IRS?*

Opinions vary about the probable success of this tactic. The Congressional Budget Office has estimated that over the next 10 years, the administrative costs of implementation could run from \$5 billion to \$10 billion each for HHS and the IRS. But it's unclear how much of that would need to come from budget increases. Both agencies have managed to make do with their existing budgets. HHS Secretary Kathleen Sebelius has said that even if her agency were not optimally funded over the next two years, she could find the staff and the means to continue implementing the law. Some conservative analysts are less sanguine, noting that the law requires that by 2013 HHS not only assess the readiness of states to run exchanges through which individuals and small businesses can buy private insurance, but that the agency be ready to step in with a federal version in case any states are found lacking.

*House Republicans have also made clear that they plan to hold vigorous oversight hearings on the health-care law. How significant could those hearings prove?*

In the long run, the Republicans' newfound opportunity to hold hearings showcasing what they consider downsides of the law could be their most effective means of dismantling it; the hearings could lay the groundwork for a broad-based public repudiation of legislation that still divides Americans. Among others, Republicans hope to spotlight business owners who say they are hiring fewer workers because they cannot afford to offer the health insurance the law mandates, and individuals who say their premiums have skyrocketed because their insurers have been required to offer broader protections. But Democrats and the White House could also push back, using the hearings as an opportunity to sell Americans on the benefits of the law.