

How Camp has led the way on targeted repeals

By Jennifer Haberkorn 1/3/12

House Ways and Means Committee Chairman Dave Camp was never the guy who shouted the loudest about repealing the health care reform law. But almost two years after President Barack Obama's signature law passed, all of the Republicans' repeal victories that Obama has signed have gone through Camp's committee.

His panel wrote the bills to repeal the expanded 1099 tax reporting requirements and the "Medicaid glitch" that would have qualified some middle-class people for Medicaid. Ways and Means bills have also removed \$38 billion from the tax subsidies pool, which were designed to help Americans buy insurance on the health exchanges.

The repeal victories House Republicans have been able to secure are relatively small compared with the big promises Republican leaders made earlier this year to do everything it took to take down the legislation. But those who want to repeal the law argue that these victories help make the case that the entire law is flawed.

"They're certainly significant," said Grace-Marie Turner, president of the Galen Institute, a free-market health care think tank, and co-author of "Why Obamacare is Wrong for America." "But I think the real significance is in indicating how many problems there are with the law and that there has been strong bipartisan support for repealing them — and this is just the tip of the iceberg in the problems to come."

And in Camp's view, the targeted repeal efforts are important because eliminating even just a piece of the law helps get the whole thing taken down.

"I do think it's important to take it apart branch by branch," the Michigan Republican said in an interview with POLITICO, adding that he voted earlier this year to repeal the whole thing and still supports doing so. "The 1099s are gone — that doesn't mean small business supports the bill."

And there's more on the way. Camp said one item that probably will be high on the committee's agenda for 2012 is the permanent elimination of the CLASS Act, which the Obama administration has already put on hold.

If anything, though, the provisions that have been repealed underscore just how difficult it is to take apart significant pieces of a law, let alone repeal it completely. They also indicate how important it will be for those who want to repeal the law to generate bipartisan support on Capitol Hill.

Repeal of the 1099 provision, for instance, began with support from only a handful of Republicans. Eventually, it passed both the House and Senate with significant bipartisan support. Compared with some of his more vocal House Republican colleagues, Camp has never been strongly identified with the repeal movement. In May, he was even criticized by repeal supporters for suggesting that the repeal effort was "dead" because of opposition in the Senate.

"Is the repeal dead? I don't think the Senate's going to do it, so I guess yes," Camp said in a session with reporters at the National Press Club.

recognition of the reality that the Democratic-controlled Senate was quite unlikely to suddenly back repeal of the law. But others saw it as giving up.

Instead, Camp's office kept moving ahead, staying in close contact with those who want the law repealed and informing them about the repeal legislation. In doing so, Camp and his aides had to navigate the complicated politics of those groups.

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For example, some of the law's opponents, including groups such as Heritage Action for America as well as Sen. Jim DeMint (R-S.C.), argue that the law shouldn't be improved — in the form of repealing its most onerous provisions — until it can be repealed completely.

"I think it's a mistake to take pieces of it and try to fix it because the whole model is flawed," DeMint told POLITICO in early 2011. He even withdrew his support for a Senate amendment to repeal the CLASS Act this fall.

Still, Ways and Means has quietly moved forward with the targeted repeal bills. And Camp is proud of the fact that the committee has handled the bills openly and through "regular order," with public hearings before any of the bills moved ahead (though there were hearings when Congress debated the health reform legislation, too).

"We approached the issue very differently than was done when the bill was considered — we had hearings," Camp said. "It was really a 180-degree change from being told, 'You'll know what's in the bill when we pass it.'"

Turner said credit should also go to other members of the committee.

"Chairman Camp certainly has taken the lead, but when you look at the full committee, Ways and Means has a lot of members who have been particularly active in opposing the law," Turner said, pointing to Reps. Paul Ryan (R-Wis.), Tom Price (R-Ga.), Kevin Brady (R-Texas), Charles Boustany (R-La.) and Wally Herger (R-Calif.).

Some of the repeal measures have been controversial; others have not. In fact, congressional Democrats and Obama used repeal of the 1099 provision to show that they're willing to admit that the health law isn't perfect and will require small repairs.

The November vote to fix the law's "Medicaid glitch" — which would have allowed some middle-class early retirees to qualify for Medicaid — passed both the House and Senate without a single vote in opposition. The "fix" is projected to save the government \$13 billion, which was used to pay to repeal the 3 percent withholding requirement for government contractors. The Obama administration backed the "fix" to undo the eligibility shortly after it was identified in June.

The 1099 repeal eventually passed in April with wide bipartisan support in both the House and Senate, but only after multiple bills passed back and forth between the House and Senate, Republicans and Democrats, over how to pay for it.

The subsidy recapture may prove to be one measure that comes back again.

It was Democrats who first proposed "recapturing" more of the subsidies when they were looking for ways to pay for preventing a cut to physicians' payments in late 2010. They wanted to reshape how subsidies were recaptured if a recipients' income rose dramatically during the year, requiring consumers to repay more of the subsidies and raising \$19.2 billion. They knew Republicans were going to dig into the money pot and were hoping that if they did it first, Republicans wouldn't go back in.

But Republicans liked the idea so much that they required even more subsidies to be "recaptured" to pay for 1099 repeal, raising \$19 billion. Obama signed the bill but the White House said it didn't like the way it was paid for. House Republicans also proposed using it to raise \$13.4 billion for their ill-fated payroll tax relief bill in December.

David Nather contributed to this report.

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