



The GOP Plan for the Future of the ACA

It appears as though the growing consensus within the GOP leadership is that they need to insert one additional verb into their plans for dealing with the future of the ACA ... Delay.

After a meeting with Vice President-elect Mike Pence on Tuesday, it seems that the strategy of a repeal through budget reconciliation in the first 100 days of President-elect Trump's presidency is still in their plans. However, the replacement isn't going to come as quickly as some had thought, and many in the GOP might have hoped for.

There is discussion around repealing immediately but delaying the effective date of that repeal anywhere from 6 months to 3 years.

In an article written by Senator Mike Lee and Representative Mark Walker in [National Review](#), they state it this way:

"... But deleting Obamacare from federal statute will be only the first step in reforming federal health-care policy. ... We have a responsibility to fix the broken government policies that have crippled our health-care system for decades. This means providing a transition, for however many years, for the market to recover and be able to serve individuals and businesses with more affordable, accessible health coverage. This means implementing the best of the many free-market repair proposals that Republicans have been developing for the past six years. People need options, not heavy-handed government mandates."

The time period for that "transition" is still being debated. Senate Majority Whip John Cornyn told Politico, *"We're talking about a three-year transition now that we actually have a president who's likely to sign the repeal into the law. People are being, understandably cautious, to make sure nobody's dropped through the cracks,"*

There is some resistance within the GOP to the prospect of delaying the effective date of the repeal. The House Freedom Caucus and, most notably, Senator John McCain have expressed opposition to any path forward that doesn't repeal and replace the law at the same time.

What does seem clear at this point is that some major parts of the ACA will be repealed in the next few months via the budget reconciliation process. The effective date of those changes and how they will be replaced remain to be seen.

This leaves employers in the dark about exactly how their day-to-day requirements related to the ACA will be impacted in 2017 and beyond. The Employer Mandate will almost certainly be part of the requirements that are repealed, but a delay may mean it is business as usual for 2017 (and potentially beyond) from an administrative reporting and tracking perspective. A delay would most likely also mean all of the coverage requirements and ALE rules would stay in place.

This is certainly something that employers will watch closely in the coming weeks and months.

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