

Trump cannot repeal ACA on day one; however, he can dismantle important provisions almost immediately upon taking office

Ways Trump and the GOP can dismantle the Affordable Care Act



Dismantle provisions of the law that affect federal revenues and spending through reconciliation

- Passing a bill to repeal Obamacare will be difficult because it would require a filibuster-proof Senate majority that Republicans do not currently have; however, GOP lawmakers could use the budget reconciliation process, which only needs the approval of a simple majority. Earlier this year, the GOP passed repeal legislation through this process that would have eliminated the ACA subsidies, Medicaid expansion, and the medical device and Cadillac taxes. Obama vetoed this measure, but Trump, if given the opportunity, would likely sign it



Limit funding to promote sign-ups during the law's open enrollment period

- A Trump administration could damage the Obamacare marketplaces by limiting funding in the critical final days of the open enrollment period, which ends on Jan. 31, 2017



Stop enforcing select Obamacare regulations

- A Trump administration could stop implementing or enforcing some of the health care law's regulations, such as the restrictions on insurers' offering plans with limited benefits. Trump could also grant waivers to allow states to opt out of parts of the law, and could broaden the hardship exemption, which allows people to avoid the penalty for remaining uninsured



Stop defending the federal government in Obamacare-related lawsuits

- Trump could also choose to stop fighting the lawsuit the GOP House brought against the Obama administration seeking to shut off subsidies that help pay for the health costs of low-income patients. Shutting off these subsidies would give insurance companies a reason to drop out of the Obamacare markets, essentially ensuring their collapse



Siphon Obamacare funding to insurers

- GOP lawmakers already blocked payments meant to offset the financial risks faced by insurers participating in the marketplace. Jeopardizing payments through the risk corridor or risk adjustment programs, would provide an even greater disincentive for insurers to participate in the health care exchanges

Sources: Tami Luhby, "Obamacare under President Trump: What happens next?" CNN Money, November 10, 2016; Jennifer Haberkorn and Paul Demko, "Obamacare defenders vow 'total war,'" Politico, November 10, 2016.