

Update on Senate health care reform legislation

The Senate is completing its third week of debate on H.R. 3590, the Patient Protection and Affordable Care Act – the health care reform legislation. Senators opposed to this legislation have waged an intense battle against the bill for the last three weeks – including two rare weekend sessions – offering numerous amendments attempting to reduce its cost, include medical malpractice reform, eliminate new mandates, etc. None of their amendments has been agreed to.

Majority Leader Harry Reid (D-NV) offered his Republican counterparts the opportunity to recess this weekend to return to their states, and Minority Leader Mitch McConnell (R-KY) and his GOP colleagues have rejected the offer. Senator GOP leader Mitch McConnell said: “[Senator Reid] said we’d be working every weekend. We take him at his word. We expect to be here this weekend — and we look forward to it. We have amendments. We want votes. We’re eager to continue this debate.” With the GOP Senators declining the offered recess, the Senate is expected to be in session for an unprecedented third consecutive weekend.

Despite two weekend sessions and hours of debate, the Senate has yet to even consider amendments to the legislation dealing with increasing health care and insurance costs, employer mandates, or new taxes to be imposed on business. Despite that fact, the President and Senate Majority Leader Harry Reid (D-NV) continue to insist that the Senate pass the bill before Christmas.

To that end, Majority Leader Reid announced on Tuesday evening that a group of ten Democratic Senators had agreed on a “compromise” proposal removing the so-called “public option” from the legislation. According to many press reports, this “deal” assured Senator Reid the 60 votes he needs to pass his bill, and paved the way for final approval of the legislation in the Senate before Christmas (despite the fact that the government-run option was only one of many unacceptable burdens that would be imposed on business and the economy by this fatally flawed legislation).

Yesterday, however, many of the Democratic Senators who participated in the negotiations were quoted in the press today saying there never was a deal, that they have not agreed to a compromise, and that they merely agreed to send some ideas to the Congressional Budget Office (CBO) to get an estimate on how much money the proposals would cost. One of the negotiators is actually quoted saying that until the CBO provides a cost estimate of the proposal, “we really don’t even know what’s in it.”

Nor does anyone else know for sure what’s in the “deal,” but what we do know is not re-assuring:

-- It will include a provision allowing people aged 55 to 64 to “buy into” Medicare -- a proposal that liberal Democrat Congressional Anthony Weiner (D-NY) described as follows: ***“Expanding Medicare is an unvarnished, complete victory . . . It’s the mother of all public options. We’ve taken something people know and expanded it. . . . Never mind the camel’s nose, we’ve got his head and neck under the tent.”***

-- According to one press report yesterday, the proposals being reviewed by CBO include a provision allowing the government (Office of Personnel Management – OPM) to run the to-be-created exchanges – another clear government expansion.

It is fully expected that when the Majority Leader receives a cost estimate from CBO on whatever legislative proposal they finally agree on – possibly as soon as Monday – he will bring forward a “managers’ amendment” encompassing all the changes that have been agreed to in the private negotiations in the Leader’s office – likely to be yet another 2,000 page bill that no one has seen or read. He is expected to file cloture on the measure, seeking to cut off debate and bring the legislation to a final passage vote within a matter of days.

Given the events this week, it is clear we are reaching a critical point in this debate. It is not expected that any substantive changes will be made in the legislation to address the key business concerns, and that the final bill will leave us with rising health care costs, new mandates and taxes, and trillions of dollars of new Federal spending to accompany the most massive expansion of government in half a century.

Also, and this is critically important: we are hearing from many sources that if the Senate does pass the bill, they will not follow the normal procedure and send the bill to a conference with the House to work out differences between their two bills. Rather, we are told that the House will simply accept the Senate version of the legislation without change. Speaker Nancy Pelosi (N-CA) has also made statements indicating that the House would be prepared to act quickly to ensure quick final action on the bill. In other words, any Senator who votes for cloture on the Senate legislation will, in reality, be voting to send the legislation to President Obama for his signature.