



BUDGET COMMITTEE



Judd Gregg, Ranking Member
<http://budget.senate.gov/republican>

Contact: Betsy Holahan (202)224-6011

Passing Health Care Reform by Reconciliation Lets Democrats Do An End Run Around Americans' Opposition March 3, 2010

❖ Polls Show that a Majority of Americans Oppose Democrats' Health Care Bill

- ✓ "Twenty-five percent of people questioned in the poll say Congress should pass legislation similar to the bills passed by both chambers..." (Paul Steinhauser, "CNN Poll: Health care provisions popular but overall bills unpopular," CNN, 02/24/10).
- ✓ "American voters still disapprove 54 - 35 percent of Obama's health care reform plan..." ("U.S. Voters Split On Obama, Down On Everyone Else, Quinnipiac University National Poll Finds," Quinnipiac, 2/11/10).
- ✓ "Forty-One percent (41%) of voters favor the proposed health care plan, while 56% oppose it." ("51% Fear Government More Than Private Health Insurers," Rasmussen, 2/24/10).

❖ Abuse of the Reconciliation Tool Allows Democrats to Do An End Run Around Americans' Opposition

- ✓ "Americans by 52%-39% oppose Senate Democrats using the procedure [reconciliation], which allows a bill to pass with a 51-vote majority..." (Susan Page, "Poll: Expectations low on health summit," USA Today, 02/25/10).

❖ Even the Author of Reconciliation is Opposed to Using it for Health Care Reform

- ✓ Senate President Pro Tempore Robert Byrd (D-WV), one of the authors of the reconciliation process, said in an April 2009 letter to his Senate colleagues: "**I oppose using the budget reconciliation process to pass health care reform and climate change legislation. Such a proposal would violate the intent and spirit of the budget process, and do serious injury to the Constitutional role of the Senate.**"

❖ Reconciliation is a Fiscal Policy Tool

- ✓ Reconciliation is a tool to enhance Congress's ability to change current law to bring spending and revenues in line with levels assumed in budget resolution.
- ✓ Reconciliation instructions are numerical targets and are not program-specific.
- ✓ Reconciliation allows Congress as a whole to push committees with jurisdiction over direct spending and taxes to legislate changes to programs (which would otherwise be on automatic pilot) to meet the numerical targets included in instructions.
- ✓ Reconciliation legislation is considered in the Senate under expedited procedures: debate is limited to 20 hours, non-germane amendments are not in order, a vote is guaranteed and requires only a simple majority to pass.

❖ Health Care Reform is Not Fiscal Policy

- ✓ The 2010 budget resolution included instructions to reduce the deficit by \$2 billion over the next five years.
- ✓ When the budget resolution was adopted, baseline on-budget outlays and revenues were estimated to be a total of \$26 trillion over 2010-2014.
- ✓ Does a \$2 billion (8/1000ths of a percent) change in these amounts represent a change in the fiscal course for the nation? No.

❖ Health Care Reform Should Not Be Rushed

- ✓ Health care reform IS necessary. Despite the fact that health care spending comprises one-sixth of the U.S. economy, health outcomes are often deficient, and the federal government's involvement in health care is slowly beginning to crumble under its own weight.
- ✓ However, health care reform should be done in a bipartisan manner, with input from both parties, as the outcome will have a tremendous impact on ALL Americans.
- ✓ Rushing health care reform through the Congress using reconciliation does a disservice to all.

❖ Majority is Trying to Jam Through a Bad Bill, But Budget Enforcement and Byrd Rule Still Exist

- ✓ Reconciliation will be evaluated against 19 budget points of order.
- ✓ The Majority tried to avoid some of them by including a reserve fund in the 2010 budget resolution to adjust away 5 of the budgetary hurdles a health care reconciliation bill would have to overcome.
- ✓ However, the Byrd Rule exists, which will prohibit extraneous provisions from being included in expedited reconciliation legislation.

❖ Reconciliation Should NOT Be Used as a Political Tool

- ✓ Reconciliation is a fast track legislative procedure – debate in the Senate limited to 20 hours (legislation cannot be filibustered), with a tight germaneness test for amendments.
- ✓ Reconciliation can be used to abrogate minority rights.
- ✓ If reconciliation is used for large policy changes like health reform...
 - Clear signal that Administration and Democratic majority do not want to work in a bipartisan manner.
 - Leaves legitimate stakeholders out of the process – even within their own party.
 - Only members of committees receiving reconciliation instructions will have a hand in the final product – all other members are left out.
 - **Limits debate on huge policy changes that would affect the lives of every American to only 20 hours** – less than 3 working days.

❖ If the Senate Can't Hold A Full Debate, Who Can?

- ✓ Senate as an institution – known for being the world's greatest deliberative body – unlimited debate and right to amend.
- ✓ In the U.S. Senate, a minority of one has the unique right to be heard.
- ✓ Reconciliation skirts the normal rules and deprives members of their rights.
- ✓ Last election stressed bipartisan cooperation and changing the way Washington works – is killing minority rights the way to go?
- ✓ Did President Obama's fiscal responsibility and health care summits signal a new era of transparency and working together – or were they just a ruse?
- ✓ Using reconciliation to curtail Senate debate and limit amendments would throw future bipartisan cooperation overboard.
- ✓ Important policy changes such as health reform deserve an open and vigorous debate.