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## OBJECTIONS OF SENATOR BYRD (AND OTHERS) TO HEALTH CARE RECONCILIATION

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Senator Robert C. Byrd (D-West Virginia) is one of the principal authors of the 1974 Congressional Budget Act and an ardent advocate of the Senate’s institutional role in America’s democratic system of government. Below are selected remarks by Senator Byrd objecting to the use of budget reconciliation to push through sweeping health care legislation, as is being considered by the President and the Democratic Leadership.

Briefly, reconciliation is a fast-track procedure intended mainly to control the growth of government. It is exempt from the filibuster, which requires 60 votes to be overcome. Hence a reconciliation bill can be passed with no bipartisan support. The process limits Senate debate to 20 hours; prohibits non-budgetary, or “extraneous” matters from the legislation; and imposes strict germaneness rules on amendments.

Following Senator Byrd’s remarks are similar comments from other Senators.

### SENATOR BYRD

- “I cannot, and will not, vote to authorize the use of the budget reconciliation process to expedite passage of health care reform legislation or any other legislative proposal that ought to be debated at length by this body.” (Statement on the fiscal year 2010 budget resolution, 29 April 2009)
- “I cannot and will not condone legislation that puts political expediency ahead of the time-honored purpose of this institution.” (Statement on the fiscal year 2010 budget resolution, 29 April 2009)
- “I am certain that putting health-care reform and climate change legislation on a freight train through Congress is an outrage that must be resisted.” (Commentary in *The Washington Post*, 22 March 2009)
- “The Senate has a unique institutional role. It is the one place in all of government where the rights of the numerical minority are protected. As long as the Senate preserves the right to debate and the right to amend we hold true to our role as the Framers envisioned. We were to be the cooling off place where proposals could be examined carefully and debated extensively, so that flaws might be discovered and changes might be made. . . . Some day the other party will again be in the majority, and we will want minority rights

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- to be shielded from the bear trap of the reconciliation process.” (Statement on the fiscal year 2010 budget resolution, 29 April 2009)
- “We must not run roughshod over minority views. A minority can be right. An amendment can vastly improve legislation. Debate can expose serious flaws. Ramrodding and railroading have no place when it comes to such matters as our people’s health care.” (Statement on the fiscal year 2010 budget resolution, 29 April 2009)
  - “The ironclad parliamentary rules [of reconciliation] are stacked against a partisan Minority, and also against dissenting views within the Majority caucus. . . . The budget reconciliation process will not . . . allow for feedback from the people or amendments that might improve the original proposals.” (Statement on Reconciliation in the Budget Resolution, 2 April 2009)
  - “I daresay President Obama should not be in favor of the destruction of the institutional purpose of this Senate in which he served any more than he would bless a rigged pseudo-debate on health care, completely absent minority input.” (Statement on the fiscal year 2010 budget resolution, 29 April 2009)
  - “Whatever abuses of the budget process which have occurred in the past, or however many times the process has been twisted to achieve partisan ends does not justify the egregious violation done to the Senate’s Constitutional purpose.” (Statement on the fiscal year 2010 budget resolution, 29 April 2009)
  - “If there are rules . . . that frustrate Senators, I hope that they will take the time to understand that those rules exist for a reason. They protect every Senator, regardless of whether they are in the Majority or Minority Party . . . .” (Statement on Reconciliation in the Budget Resolution, 2 April 2009)
  - “Today, the reconciliation process serves as a reminder of how well-intentioned changes to the Senate rules can threaten the institution in unforeseen ways. Reconciliation can be used by a determined Majority to circumvent the regular rules of the Senate in order to advance partisan legislation.” (Testimony to the Senate Budget Committee, 12 February 2009)
  - “Everyone likes to win, and the Obama administration, of course, wants victories. But tactics that ignore the means in pursuit of the ends are wrong when the outcome affects Americans’ health and economic security. Let us inform the people, get their feedback, allow amendments to be considered, and hear opposing views. That’s the American way and the right way.” (Commentary in *The Washington Post*, 22 March 2009)

#### OTHER SENATORS

- Senator Conrad, Budget Committee Chairman: “[Reconciliation] was never intended for the purposes to which it’s been put . . . . However meritorious, whether it’s health care reform, whether it’s global climate change legislation, I think we need as a body to think very, very carefully about do we want reconciliation to be used in a way to override the

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- normal process, and to allow, without ability to filibuster, a simple majority to pass sweeping legislation.” (Senate Budget Committee hearing, 12 February 2009)
- Senator Gregg, Budget Committee Ranking Member: “You’re talking about the exact opposite of bipartisan. You’re talking about running over the minority, putting them in cement, and throwing them in the Chicago River.” (Quoted in the Associated Press, 23 March 2009)
  - Senator Baucus, Finance Committee Chairman: “Easy is not always best. It becomes partisan, and if it becomes partisan, even if you get a partisan solution, it tends not to be lasting. You can jam something down somebody’s throat . . . but the point is, it’s by far better to be inclusive than exclusive.” (*Congressional Quarterly*, 5 March 2009)
  - Senator Hatch, Finance Committee Member: “While the House is designed for action, the Senate is designed for deliberation. That is why Senate rules and procedures give a minority of senators the power to slow or even stop legislation. . . . [S]uch checks are central to the nature of the institution and to the Senate’s place in our Constitutional system. These rules temper majority power and generate strong incentives to develop mainstream legislation that commands broad, bipartisan support.” (The Washington Post, 2 March 2010)

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This document was prepared by the Republican staff of the Committee on the Budget, U.S. House of Representatives. It has not been approved by the full committee and may not reflect the views of individual committee members.