

Parliamentary Hurdle Could Thwart Latest Health Care Overhaul Strategy

By **DAVID M. HERSZENHORN** and **ROBERT PEAR**, *New York Times*, March 9, 2010

WASHINGTON — The White House and Democratic Congressional leaders said Tuesday that they were bracing for a key procedural ruling that could complicate their effort to approve major health care legislation, by requiring **President Obama** to sign the bill into law before Congress could revise it through an expedited budget process.

An official determination on the matter could come within days from the House and Senate parliamentarians, and could present yet another hurdle for Mr. Obama and Democratic leaders as they try to lock in support from skittish lawmakers in the House.

Meanwhile, Congressional leaders and top administration officials met in the offices of the House speaker, **Nancy Pelosi**, on Tuesday evening trying to resolve outstanding policy differences between the chambers.

House leaders were still navigating potential pitfalls, including a dispute over provisions related to insurance coverage of **abortion**, while opponents of the legislation, including a leading business group, planned a new onslaught of television advertisements attacking the proposal.

Many rank-and-file House Democrats are reluctant to approve the Senate-passed health care measure without a guarantee that the Senate would follow up with changes in a **budget reconciliation** bill. The Senate measure included a number of provisions House members dislike, including special deals intended to secure the support of individual senators, like extra **Medicaid** money for Nebraska.

Democratic leaders had been contemplating an intricate legislative two-step, by which the House would approve the original Senate health care measure and both chambers would adopt a package of changes in a budget reconciliation bill. Both measures would then be sent to Mr. Obama for his signature.

Some officials said House leaders were holding out hope for a favorable ruling by the parliamentarians that would allow them to proceed as planned — or to circumvent the problem.

But Senator [Kent Conrad](#), Democrat of North Dakota and chairman of the Budget Committee, said the reconciliation instructions in last year's budget resolution seemed to require that Mr. Obama sign the Senate bill into law before it could be changed.

"It's very hard to see how you draft, and hard to see how you score, a reconciliation bill to another bill that has not yet been passed and become law," Mr. Conrad said. "I just advise you go read the reconciliation instructions and see if you think it has been met if it doesn't become law."

The procedural maneuvering highlighted the acute sensitivity around virtually every step in the Democrats' push to achieve Mr. Obama's top domestic priority.

As Democrats considered the potential parliamentary maneuvers, a coalition of business groups announced Tuesday that it was beginning a television advertising campaign to stop the health care legislation.

The advertisement says "we thought Washington understood" that jobs and the economy should be the top priority for Congress. But instead, it says, "Congress is trying to use special rules to ram through their same trillion-dollar health care bill," with "billions in new taxes and more mandates on businesses."

The executive vice president of the United States Chamber of Commerce, R. Bruce Josten, said the groups were spending \$4 million to \$10 million on the advertisements. Sponsors include the chamber, the [National Association of Manufacturers](#) and the National Retail Federation.

Separately, America's Health Insurance Plans, a lobby for insurers, said Tuesday that it was buying more than a million dollars' worth of television advertising time to explain why insurance premiums had been rising.

Obama administration officials have unleashed a barrage of criticism of insurers, as part of their final push for support of the health legislation. They say the industry is reaping huge profits and overpaying top executives. But insurance companies say premiums have shot up because of soaring medical costs.

"What's inside the health care cost pie?" the advertisement asks. "Some in Washington say it's all [health insurance](#). But health insurance is one of the smallest slices. Health insurance companies' costs are only 4 percent of health care spending. Doctors, [hospitals](#), medicines and tests are the biggest slices."

The Senate Democratic whip, [Richard J. Durbin](#) of Illinois, said there was no timetable for a budget reconciliation bill. The budget bill might include a major overhaul of the [student loan](#) program, he said, but only if it helped secure health care votes.

The most immediate question seemed to be how parliamentarians would rule on the steps that Democrats must follow. The reconciliation instructions require that committees “report changes in laws” that help meet deficit reduction targets.

Democrats are planning to use budget reconciliation to make the final health care revisions because it circumvents a Republican [filibuster](#) in the Senate and can be adopted by a simple majority vote rather than 60-vote supermajority normally required.

Republican leaders have been working to fan distrust of the Senate among House Democrats, warning that Mr. Obama and the Senate would have little reason to pursue the budget reconciliation process once the House approves the Senate-passed bill.

At that point, the Republicans suggest, Mr. Obama might just as well hold a signing ceremony and declare the legislation completed, even though it would include the objectionable provisions that the Senate majority leader, [Harry Reid](#) of Nevada, inserted.

“We believe what the president is doing is asking House Democrats to hold hands, jump off a cliff and hope Harry Reid catches them,” Senator [Lamar Alexander](#) of Tennessee, the No. 3 Republican, said on Tuesday. “And Senator Reid is not going to have any incentive to catch them because by the time the reconciliation bill gets to the Senate, the president will have already signed the health care bill into law and he’ll be well on his way to Indonesia.”

Some Democrats are hoping that the House will vote on the Senate bill by March 18, before Mr. Obama leaves for a weeklong trip to Guam, Indonesia and Australia. Congress also leaves March 26 for a two-week recess.