



Bryan Cave Health Reform Update

House Leadership Prepares Reconciliation Package

The House is preparing to vote, possibly this week, on a health reform package through the use of the budget reconciliation procedure. The following outlines the procedural steps the Democratic leadership is using to pass health reform legislation without providing Senate Republicans the opportunity to filibuster the bill.

Under the procedure under consideration, the House would vote on a rule that establishes the terms of debate for a reconciliation bill that includes a number of fixes to the Senate-passed legislation. If adopted, this rule would deem the Senate-passed health reform bill to have passed the House. Therefore, the House could begin debate and vote on the reconciliation "fix" package without having to hold a roll-call vote on the Senate bill.

Today, the House has completed the first step in the process. The House Budget Committee voted 21 to 16 to report a reconciliation bill which contains health care reform and higher education student loans. This "shell bill" includes the health reform legislation reported by the Education and Labor Committee, the Energy and Commerce Committee, and the Ways and Means Committee. When the Budget committee completes its work on the reconciliation package, the Republicans will have 48 hours to submit "Minority Views".

In the next step of the process, the bill will go to the House Rules Committee for a rule governing floor debate. The House Rules Committee is expected to meet either late Wednesday or early Thursday to consider a rule on the bill. The Rules Committee is expected to do the following:

1. Substitute the Senate-passed health reform bill [H.R. 3590, the "Patient Protection and Affordable Care Act (PPACA)] for the Budget Committee legislation.
2. Include President Obama's proposed changes to H.R. 3590 in the form of a reconciliation bill. This bill is expected to be posted on the Committee's web site some time on March 16th.
3. Report a closed rule, meaning no amendments may be offered during debate on the House floor. Republicans are expected to be able to offer a motion to recommit, or a motion to recommit with instructions, which likely would take the form of a complete substitute amendment.
4. The Rules Committee report is expected to contain a self-executing provision which will say when the House passes the reconciliation measure containing the President's proposed changes to H.R. 3590, the House will be "deemed" to have passed H.R. 3590. In other words, the House would not vote directly on H.R. 3590, as passed by the Senate. The health reform bill would go to the White House for the President's signature. The reconciliation bill, containing changes in H.R. 3590, would go to the Senate for consideration.

The House is expected to take up the legislation this Friday or Saturday. There are four vacancies in the House. Thus, 216 votes will be needed for final passage. The Democratic leadership reportedly is short of the votes needed for passage at this time. The White House and leadership appear confident that sufficient votes will materialize.