



House Democrats weigh controversial rule in health care vote

March 16, 2010 7:11 p.m. EDT

House Speaker Nancy Pelosi said Republicans "don't want to talk about substance," but would rather "talk about process."

STORY HIGHLIGHTS

- **NEW:** CNN count shows House opponents just 11 votes shy of number needed to defeat bill
- Plan aims to help some House Democrats avoid direct up-or-down vote on Senate bill
- Vote would be on a rule to "deem" Senate bill passed, followed by vote on changes
- House Republicans will try to block the move, Minority Leader John Boehner says

Washington (CNN) -- Can the House of Representatives pass a health care bill without actually voting on it?

That question -- bizarre to most casual political observers -- took center stage Tuesday as top House Democrats struggled to find enough support to push President Barack Obama's top legislative priority over the finish line.

The House is expected to vote this week on the roughly \$875 billion bill passed by the Senate in December. House Speaker Nancy Pelosi, D-California, needs 216 votes from her 253-member caucus to pass the measure. No Republicans are expected to back it.

A total of 27 House Democrats, including nine who supported the House plan in November, have indicated they would join a unified House Republican caucus in opposing the Senate plan, which passed in that chamber on December 24 with the minimum required 60 votes.

Included in that 27 are five House Democrats who told CNN Tuesday that they will vote against the Senate legislation. That puts opponents of reform just 11 votes shy of the 216 needed to prevent Obama from scoring a major victory on his top domestic priority.

Pelosi's problem: A lot of House [Democrats](#) don't like the Senate bill. Among other things, some House members have expressed concern the Senate bill does not include an adequate level of

subsidies to help middle- and lower-income families purchase coverage. They also object to the Senate's proposed tax on high-end insurance plans.

Pelosi's solution: Have the House pass the Senate bill, but then immediately follow up with another vote in both chambers of Congress on a package of changes designed in part to make the overall legislation more acceptable to House Democrats.

Now, Pelosi also may try to help unhappy House Democrats by allowing them to avoid a direct vote on the Senate bill. The speaker may call for a vote on a rule that would simply "deem" the Senate bill to be passed. The House then would proceed to a separate vote on the more popular changes to the Senate bill.

House Minority Leader John Boehner, R-Ohio, said Tuesday that Republicans will try to block the procedure. They will try to force a vote on a resolution requiring the Senate [health care bill](#) to be brought to an up-or-down vote.

The Democratic plan is "the ultimate in Washington power grabs, a legislative ploy that lets Democrats defy the will of the American people while attempting to eliminate any trace of actually doing so," Boehner said.

Senate Minority Leader Mitch McConnell, R-Kentucky, referred to the maneuver as Pelosi's "scheme and deem" plan Tuesday morning. He called it "jaw-dropping in its audacity."

The "process has been tainted," he declared on the Senate floor. This "will go down as one of the most extraordinary legislative sleights of hand in history. ... Make no mistake: This will be a career-defining and a Congress-defining vote."

He said the "entire effort has been a travesty."

Pelosi told reporters she wouldn't make a firm decision on strategy until receiving a final cost estimate on the legislation from the nonpartisan Congressional Budget Office.

She brushed aside the GOP complaints, arguing that when "you don't want to talk about substance, [you] talk about process."

House Majority Leader Steny Hoyer, D-Maryland, said [Republicans](#) have used the maneuver -- also known as a "self-executing rule" -- more often than Democrats in the past.

He defended the rule as a legitimate tactic and promised the House will vote on the Senate bill "in one form or another."

White House Press Secretary Robert Gibbs refused to offer an opinion on the possible strategy. But by the end of the week, he said, "you're going to know where people are on health care reform, not where they are on a rule."

Congress first used the self-executing rule in 1933, according to a memo sent to reporters by Vince Morris, spokesman for the House Rules Committee, chaired by Rep. Louise Slaughter, D-New York.

Morris noted the rule is typically used on votes to increase the debt limit.

The spat over the rule is the second major procedural argument to erupt between Democrats and Republicans in the health care debate in recent weeks.

GOP leaders also are fuming over Democrats' decision to use a legislative maneuver called reconciliation, which will allow changes to the health care bill to clear the Senate with a simple majority of 51 votes.

Senate Democrats lost their filibuster-proof, 60-seat supermajority in January with the election of GOP Sen. Scott Brown of Massachusetts.

Republicans contend that reconciliation, which is limited to provisions pertaining to the budget, was never meant to facilitate passage of a sweeping reform measure such as the health care bill. Democrats point out that reconciliation was used to pass several major bills in recent years, including George W. Bush's 2001 and 2003 tax cuts.

Democratic leaders also have indicated they need to do whatever is necessary to bring closure to what has become an acrimonious yearlong debate. Obama, who is actively trying to sway wavering Democrats behind closed doors, has pushed for a final congressional vote in recent weeks.

"I think people have come to the realization that this is the moment," senior White House adviser David Axelrod said Sunday on CNN's "State of the Union."

If enacted, the Democratic reform proposal would constitute the biggest expansion of federal health care guarantees since the enactment of Medicare and Medicaid more than four decades ago. The plan is expected to extend insurance coverage to more than 30 million Americans.

The Senate bill also would reduce federal deficits by about \$118 billion over 10 years, according to the nonpartisan Congressional Budget Office.

Congressional Republicans contend the plan amounts to an ill-conceived government takeover of the country's health care system. They have said it would do little to slow spiraling medical costs. They also argue it would lead to higher premiums and taxes for middle-class families while resulting in deep Medicare cuts.

Public opinion polls indicate a majority of Americans have turned against the administration's health care reform plan, though individual elements of the proposal remain widely popular.

CNN's Ted Barrett, Alan Silverleib, Paul Steinhauser, Deirdre Walsh, Charles Riley and Jeff Simon contributed to this report

<http://www.cnn.com/2010/POLITICS/03/16/house.health.care/index.html#>