

**TO: Interested Parties**  
**FR: Republican Whip Eric Cantor**  
**DT: February 24, 2010**  
**RE: Prospects for House Passage of Health Care under Reconciliation**

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Over the last few weeks, we have watched with great interest, and disbelief, as Democrats have doubled-down on their ideological, government-centric approach to health reform. Instead of listening to the American people, not to mention members of their own party, President Obama, Speaker Nancy Pelosi and Leader Harry Reid are back advocating a proposal that increases health care costs, places onerous mandates on struggling businesses, raises taxes on working families, and will lead to many losing the coverage options they have now. Even the president's own Health Reform Director, Nancy-Ann DeParle, told reporters yesterday that their proposal is merely the Senate bill "with targeted changes."

Their endgame is clear: Demand support for their approach, or go it alone using reconciliation. This partisan tactic – once soundly rejected by Democrats – now appears to be a foregone conclusion. That's a sad statement for bipartisanship and for America.

This has led to the usual handicapping by Washington pundits and politicians about the future of health care. Those handicappers believe Democrats are now close to getting a final bill done, and even Majority Whip Clyburn "believes [the] House will pass [the president's] health bill by [an] even wider margin."

With all due respect to my vote-counting counterpart on the Democrat side, the House Republican Whip Team and I think he's wrong. Surprisingly, someone in the White House agrees with us. Asked by reporters yesterday whether the House could pass the president's proposal, White House Press Secretary Robert Gibbs responded, "I don't know." That's because House Democrats are farther away from securing the votes to pass a government health care bill today than they have ever been. Here's why...

### **House Vacancies**

House Democrats' version of a government take-over of health care passed 220-215 last November, a very small margin of victory with hardly any room for defectors. By the end of this month, Democrats will have 3 vacancies in the House—all seats of Members who were among Democrats' original 220 yes votes. ***While three vacancies means House passage drops from 218 to 217, simple subtraction also reveals that House Democrats are down to 217 yes votes for the foreseeable future.***

### **Abortion**

According to White House Health Reform Director DeParle, the president's language on abortion will mirror that of the Senate-passed bill. As pro-life House Democrats know, the Senate's language fails to include the House's pro-life protections and, as a result, is opposed by the U.S. Conference of Catholic Bishops and National Right to Life Committee. Just yesterday,

Congressman Bart Stupak (D-MI) reiterated his opposition to the Senate’s abortion language, stating, “The Senate language is a significant departure from current law and is unacceptable.”

As we have said before, weakening the House’s pro-life provisions could change the votes of at least 12 Members who voted yes in November:

- |                           |                          |
|---------------------------|--------------------------|
| 1. Cao, Anh (LA)          | 7. Kaptur, Marcy (OH)    |
| 2. Costello, Jerry (IL)   | 8. Kildee, Dale (MI)     |
| 3. Dahlkemper, Kathy (PA) | 9. Lipinski, Dan (IL)    |
| 4. Donnelly, Joe (IN)     | 10. Oberstar, Jim (MN)   |
| 5. Driehaus, Steve (OH)   | 11. Stupak, Bart (MI)    |
| 6. Ellsworth, Brad (IN)   | 12. Wilson, Charlie (OH) |

***Using simple subtraction again, House Democrats could be down to as few as 205 yes votes.***

### **Reconciliation**

While the use of reconciliation may make things easier for Senate Democrats to pass a bill, it actually makes life harder for House Democrats. With reconciliation, Harry Reid needs to convince only 50 Democrats to support the president’s government take-over of health care. That means Reid can let up to 9 Senate Democrats vote against the final bill.

Who are some of those Democrats? We imagine they’re a combination of senators facing tough electoral odds this November and those disillusioned with their Democrat Leadership—senators from states like Arkansas, Indiana, Missouri, North Dakota, West Virginia, and my home state of Virginia.

If Reid lets senators from those states vote no on a reconciliation bill, what will that do for House Members from those same states who voted yes on the House bill just this last fall? We’ll analyze just half of those states. Six House Democrats from Indiana, North Dakota, and West Virginia could change from a yes to a no if their Democrat senator does so first—and based on their difficult elections this November, they may even switch if their senator doesn’t:

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|-------------------------|-------------------------|
| 1. Donnelly, Joe (IN)   | 4. Mollohan, Allan (WV) |
| 2. Ellsworth, Brad (IN) | 5. Pomeroy, Earl (ND)   |
| 3. Hill, Baron (IN)     | 6. Rahall, Nick (WV)    |

Since I’ve already listed Ellsworth above, we’ll only count him once. ***Again, using simple subtraction, and not even taking into account every Senate Democrat who may vote no on reconciliation or all House Democrats who are facing increasing constituent pressure at home, House Democrats could be down to just 200 yes votes.***

### **Retiring Members**

Some believe that Nancy Pelosi will be able to convince her retiring Members who voted no in November (and are not running for higher office) to switch to a yes when the final bill comes to

the House floor. Seemingly, these switches from no to yes would offset some of the losses I've outlined above:

1. Baird, Brian (WA)
2. Gordon, Bart (TN)
3. Tanner, John (TN)

Let's give Speaker Pelosi the benefit of the doubt and allow that she might be able to convince three retiring Members to vote against the will of their constituents and give President Obama their deciding votes on a government take-over of health care as one of their very last acts in Congress. ***Using simple addition this time, we now find House Democrats gaining momentum—they're at 203 yes votes.***

But those who adhere to this conventional wisdom should not discount retiring Members who may do the opposite of Baird, Gordon, and Tanner. That is, switch from a yes to a no. Let me give you one example of such a Member:

1. Berry, Marion (AR)

If you'll recall, Marion Berry announced his retirement almost immediately following Senator Scott Brown's victory in Massachusetts. Berry's reason? A White House meeting in which he urged the president not to force Blue Dogs into supporting bills that would be unpopular with voters back home (i.e. health care), and was apparently rebuked. In fact, Berry declared Democrats' health care take-over "dead" when announcing his retirement.

Clearly, there is no love lost between Congressman Berry and this White House. Could his yes vote in November become a no vote on his way out the door? ***We'll leave that as an open-ended question for now, but at the very least, conventional wisdom regarding retiring Members should be challenged.***

### **Conclusion**

I know House Republicans, by themselves, do not have the votes to stop a government take-over of health care. I also know House Democrats have 255 Members, well over the votes required to pass their government plan. Yet, in the months since Harry Reid rammed through the Senate bill, House Democrats have repeatedly stated they could not pass it.

We are now told that the latest iteration of a government take-over of health care, presented by President Obama, will largely mirror the Senate bill and congressional Democrats will invoke reconciliation to ram it through Congress.

Yet Americans have overwhelming and repeatedly asked Democrats to shelve their take-over and start again. We believe that fact will continue to weigh heavy on House Democrats, and as a result, ***Speaker Pelosi will not be able to muster the votes needed to pass a Senate reconciliation bill in the House.***