



MEMORANDUM TO: Molly Daniels

FROM: Dick Woodruff

RE: Senate process for the health care reform bill

DATE: December 1, 2009

Because the Senate operates under very different rules than the House, the health care reform floor debate will likely stretch for at least three weeks, not coming to a close until right before the Christmas holidays.

1) As you know, on November 21st, the Senate voted to “proceed to consideration” of the health reform bill. This means that Senators can now begin debating the bill and offering amendments. Unlike the procedure in the House where amendments had to receive Speaker Nancy Pelosi’s approval to move forward, Senate Majority Leader Harry Reid will not be forewarned of all of the amendments that Senators may offer.

2) It’s likely that Senator Reid will begin by encouraging senators to offer and debate amendments under the so-called “regular order.” During this step, amendments are introduced and acted on in sequential order with supporters and opponents having the opportunity to make changes to the bill. That process could last for several weeks. However, if it becomes apparent that Senators are merely engaging in stalling tactics or offering amendments that are not germane (relevant) to the health care issue, the majority leader has several options for moving the legislation forward. He could seek to block senators from offering further amendments. He could also move to invoke “cloture” on the legislation which would require 60 votes to pass. Cloture is the process by which the Senate signals the end of debate on the bill. If the cloture motion were to pass, debate could end immediately or Senators could vote to allow for a total of 30 more hours of debate at which point a final vote on the bill would be held.

3) The essential event that will have to happen at some point is that Senator Reid will need 60 votes to adopt that cloture motion to limit the debate and get to a vote on final passage. But in the meantime, the Majority Leader will always try to accommodate Senators’ rights to offer and debate amendments while recognizing the ultimate need to get to a final vote. The way this usually ends up in the Senate is that the debate pushes up against a firm external deadline and a point in which Senators have exhausted themselves and the debate. In this case, it looks like that deadline will occur with the approach of the Christmas holidays.

4) If the bill passes the Senate, it will move to the conference committee, where House and Senate leaders will negotiate a final bill to reconcile the differences between the House and Senate versions. The penultimate step will be passage by the House and Senate of the conferenced bill – and then finally, on to the White House for the President’s signature.