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Congress Completes Legislative Action on Health Reform

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The Senate and the House completed action this week on two major bills that will make sweeping changes in the U.S. health care system.

H.R. 3590, the "Patient Protection and Affordable Care Act," was approved by the House on Sunday and signed into law by President Obama on Tuesday. The House approved this bill by a vote of 219 to 212. No Republicans voted in support of this bill, and 34 Democrats crossed party lines to vote against it. This is the same bill that was approved by the Senate on December 24, 2009. This bill contains major provisions addressing coverage expansions, insurance market reforms, premium assistance, creation of health insurance exchanges, delivery system reforms, and other broadly focused health reform issues.

H.R. 4872, the "Health Care and Education Affordability Reconciliation Act," received final approval in both chambers in yesterday's session. This reconciliation bill – which amends numerous provisions of H.R. 3590 – is now ready to be signed into law by the President. The Senate approved the reconciliation bill by a vote of 56 to 43, and the House approved it by a vote of 220 to 207. No Republicans voted in support of this bill. Three Senate Democrats and 32 House Democrats crossed party lines to vote against the bill.

In the weeks leading up to these votes, congressional leaders were engaged in intense negotiations over the reconciliation bill (H.R. 4872), developing a package of amendments to the broader health reform bill (H.R. 3590) in an effort to secure the votes of rank-and-file lawmakers who had concerns about the broader bill. In addition, Democratic leaders and the White House reached a critical agreement on Sunday with a group of pro-life House Democrats who agreed to support the health reform bills with the understanding that the President would sign an executive order establishing safeguards to prevent federal funds from being used to pay for abortions.

State Attorneys General File Lawsuit Challenging Health Reform Law

On March 23, the attorneys general of 13 states, led by Florida Attorney General Bill McCollum, filed a lawsuit against the U.S. Department of Health and Human



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Services, the U.S. Department of Treasury, and the U.S. Department of Labor, challenging the constitutionality of the health reform law that President Obama signed into law that same day.

The lawsuit argues that the Patient Protection and Affordable Care Act [Public Law 111-148] “represents an unprecedented encroachment on the liberty of individuals living in the Plaintiffs’ respective states, by mandating that all citizens and legal residents of the United States have qualifying healthcare coverage or pay a tax penalty.” The lawsuit further argues that the law represents “an unprecedented encroachment on the sovereignty of the states” while stating, for example, that it requires Florida to “vastly broaden its Medicaid eligibility standards to accommodate upwards of 50 percent more enrollees” and “imposes onerous new operating rules that Florida must follow.” The plaintiffs also express concern that the new law “converts what had been a voluntary federal-state partnership into a compulsory top-down federal program in which the discretion of the Plaintiffs and their sister states is removed.”

The lawsuit was filed by the attorneys general of Florida, South Carolina, Nebraska, Texas, Utah, Louisiana, Alabama, Colorado, Michigan, Pennsylvania, Washington, Idaho, and South Dakota. It was filed in the United States District Court Northern District of Florida.

The American Senior Benefits Association (ASBA) is a 501(c)(3) not-for-profit association where membership is completely free. ASBA is committed to lifestyle enhancement through benefits, advocacy and education for the over-50 population. ASBA concentrates its efforts on the issues that are of greatest concern to its members. Through its partners and programs, ASBA members receive product and service discounts, as well as other benefits. Current ASBA membership stands at over 500,000 nationally.