



**December 21, 2009**

## Health Bill Passes Key Test in the Senate With 60 Votes

By [DAVID M. HERSZENHORN](#) and [ROBERT PEAR](#)

WASHINGTON — After a long day of acid, partisan debate, Senate Democrats held ranks early Monday in a dead-of-night procedural vote that proved they had locked in the decisive margin needed to pass a far-reaching overhaul of the nation's health care system.

The roll was called shortly after 1 a.m., with Washington still snowbound after a weekend blizzard, and the Senate voted on party lines to cut off a Republican [filibuster](#) of a package of changes to the health care bill by the majority leader, [Harry Reid](#) of Nevada.

[The vote was 60 to 40](#) — a tally that is expected to be repeated four times as further procedural hurdles are cleared in the days ahead, and then once more in a dramatic, if predictable, finale tentatively scheduled for 7 p. m. on Christmas Eve.

Both parties hailed the vote as seismic.

Democrats said it showed them poised to reshape the health system after decades of failed attempts.

“Health care in America ought to be a right, not a privilege,” said Senator [Christopher J. Dodd](#), Democrat of Connecticut. “Since the time of [Harry Truman](#), every Congress, Republican and Democrat, every president, Democrat and Republican, have at least thought about doing this. Some actually tried.”

Republicans said that the bill was fatally flawed and that voters would retaliate against Democrats at the polls in November.

“It's obvious why the majority has cooked up this amendment in secret, has introduced it in the middle of a snowstorm, has scheduled the Senate to come in session at midnight, has scheduled a vote for 1 a.m., is

insisting that it be passed before Christmas — because they don't want the American people to know what's in it," said Senator [Lamar Alexander](#), Republican of Tennessee.

Mr. Alexander added, "Our friends on the Democratic side seem determined to pursue a political kamikaze mission toward a historic mistake."

Each side blamed the other for the extraordinary series of votes — at dawn Saturday, after midnight Monday, at dawn again on Tuesday, at 1 p.m. on Wednesday and finally on Christmas Eve, when most Americans will be sequestered for the holiday.

The Democrats charged the Republicans with obstinately throwing every procedural obstacle in their way, including filibusters and the full 30 hours of debate allowed under the rules after each filibuster is broken by a vote of 60 senators.

The Republicans charged the Democrats with recklessly rushing to adopt a dizzyingly complex 2,700-page bill that would affect virtually every American, and would reshape one-sixth of the nation's economy at a cost of \$871 billion over 10 years.

"If the Republicans want to exercise every single right they have under the rules, they can keep us here until Christmas Eve, no doubt about it," said Senator [Tom Harkin](#), Democrat of Iowa. "But to what end, I ask? To what end? We're going to have the vote at 1 a.m. that requires 60 votes, and then why stay here until Christmas Eve to do what they know we're going to do?"

Senator [John Cornyn](#), Republican of Texas, said he and his colleagues had a duty to fight until the last minute.

"There is nothing inevitable about this," Mr. Cornyn said. "The only thing I think inevitable about it is in the light of the unpopularity of what is being jammed down the throats of the American people, there will be a day of accounting. We don't know when that day of accounting will be. Perhaps the first day of accounting will be Election Day 2010."

Adoption of the legislation is not a certainty.

The Senate bill, once completed, must be reconciled with the bill adopted by the House last month, and there are substantial differences between the two. The House measure, for instance, includes a government-run health insurance plan, or [public option](#), that was dropped from the Senate bill.

The House speaker, [Nancy Pelosi](#), has said the House would not just accept the Senate bill. And some Senate Democrats have warned that they could turn against the bill if changes made during negotiations with the House are not to their liking.

Given the late hour, the White House did not immediately issue a statement after the Senate vote.

The health care legislation, which [President Obama](#) has called his top domestic priority, seeks to extend health benefits to more than 30 million people who are currently uninsured. The bill would require nearly all Americans to obtain health insurance, or pay financial penalties for failing to do so, and it would provide federal subsidies to help moderate-income Americans buy private coverage.

About half of the people who would gain coverage, some 15 million, would do so through a broad expansion of [Medicaid](#), the federal-state insurance program for low-income Americans, and growth in the [Children's Health Insurance Program](#).

To pay for the new coverage, the bill would impose an array of fees and taxes, including an increase in the payroll tax for individuals earning more than \$200,000 and couples earning more than \$250,000 and a new excise tax on high-cost insurance policies. The bill also calls for major reductions in government spending, by slowing the growth of [Medicare](#).

The nonpartisan [Congressional Budget Office](#) said that the \$871 billion cost of the bill would be more than offset by the new revenues and cuts in spending, so that it would reduce future [federal budget](#) deficits by \$132 billion between 2010 and 2019.

The outcome of the Monday morning vote was effectively decided on Saturday, when Senator Ben Nelson, Democrat of Nebraska, the last holdout, announced that he would support the bill and Mr. Reid unveiled his final "manager's" package of changes. Mr. Reid's amendment [included provisions aimed at winning over Mr. Nelson and others](#). Republicans derided the changes as akin to bribery.

On Sunday, any lingering doubts were put to rest. Senator [Jim Webb](#), Democrat of Virginia, who voted in favor of several Republican amendments to the health care bill, issued a statement saying he would support the measure. And Senator [Olympia J. Snowe](#), Republican of Maine, who had been in intense talks with the White House, issued a statement [saying she would vote no](#).

But the late-night session was not without drama, thanks to the tremendous snowstorm on Saturday that buried much of the Northeast, and limited the travel options of some senators caught away from Washington. With [Amtrak](#) experiencing severe delays, a government plane was sent to retrieve Senators [Frank R. Lautenberg](#) and [Robert Menendez](#), the New Jersey Democrats.

Because the Democrats nominally control the votes of 60 senators — 58 Democrats and two independents aligned with them — which is the precise number needed to overcome filibusters, the absence of even one lawmaker would have changed the outcome of the vote and would probably have forced Democrats to miss their deadline of adopting the health care legislation by Christmas.

The most senior senator, [Robert C. Byrd](#), Democrat of West Virginia, who turned 92 years old last month and uses a wheelchair, was invoked by both sides as a victim of the parliamentary warfare that has the Senate convening at all hours of the day and night.

The 1 a.m. Monday vote was on a motion to cut off debate on Mr. Reid's manager's package. A simple majority vote to approve the package is scheduled for roughly 7 a.m. on Tuesday.

The middle-of-the night session had a surreal quality to it. The chaplain, Barry C. Black, who opened the contentious Sunday session of the Senate with a prayer earlier in the afternoon, did so again at 12:01 a.m. to officially begin a new legislative day.

For many Democrats, the landmark vote summoned the memory of the late Senator [Edward M. Kennedy](#) of Massachusetts, a champion of universal health care for his entire career, but who died in August before achieving that goal.

Mr. Kennedy's widow, [Victoria Reggie Kennedy](#), sat in the front row of the spectator gallery to watch the vote.

Seated behind her was the secretary of health and human services, [Kathleen Sebelius](#), and the director of the White House Office of Health Reform, [Nancy-Ann DeParle](#).

Several senators embraced Mrs. Kennedy after the vote. “Without him, it never would have happened,” Senator [Charles E. Schumer](#), Democrat of New York, told her.

“The historic moment before us is the easiest choice and perhaps the most historic vote we may ever cast as United States senators,” said Senator [Paul G. Kirk](#), Democrat of Massachusetts, who was named to fill Mr. Kennedy’s seat. “Is this a bill of real reform that Ted Kennedy would champion and vote for? Absolutely, yes. Ted Kennedy knew real reform when he saw it, and so do I.”

But Senator [Orrin G. Hatch](#), Republican of Utah, who was one of Mr. Kennedy’s closest friends in the Senate and who worked with him on many bipartisan health care bills over the years, said Democrats had failed to live up to Mr. Kennedy’s spirit of cooperation.

“The historic blizzard in Washington yesterday was a perfect symbol of the anger and frustration brewing,” Mr. Hatch said. “I don’t know of one Republican who is going to vote for this. If you can’t get 75 to 80 votes on something that is this important for this much reform, we should start over and do it on a step-by-step basis.”

The Sunday session was one of the most bitter in memory, as the pre-determined outcome of the impending vote seemed only to frustrate lawmakers on both sides as they clashed in speeches on the Senate floor.

Senator [Tom Coburn](#), Republican of Oklahoma, infuriated Democrats by suggesting that opponents of the legislation “pray” for a Democrat to miss the vote.

Senator [Sheldon Whitehouse](#), Democrat of Rhode Island, gave a sharply worded speech bemoaning “the malignant and vindictive passions that have descended on the Senate.”

[The bitterness](#) continued up until the moment when senators cast the ayes and nays from their desks in a ceremonial formality that is reserved for momentous votes. The process lasted a scant nine minutes.

The Republican leader, Senator [Mitch McConnell](#) of Kentucky, lashed out at Democrats in his closing speech,

charging that they were defying the will of the American people, and that Mr. Obama was breaking numerous campaign promises. “If the people who wrote this bill were proud of it, they wouldn’t be forcing this vote in the dead of night,” he said.

When Mr. McConnell asserted that Democrats were responsible for the late session, Democratic senators, including Mr. Reid, the majority leader, laughed out loud, their snickers audible in the gallery overlooking the chamber.

Mr. McConnell implored at least one Democrat to vote no, and issued a pointed political warning. “All it takes is one, just one,” he said, turning to look at the Democratic side of the chamber. “One can stop it or every single one will own it. My colleagues, it is not too late.”

But it was.

Mr. Reid, in his closing speech, talked about his constituents in Nevada who need to visit doctors but cannot afford to do so because they do not have health coverage, or who need medical treatment that was denied by insurance companies.

“This is not about politics,” Mr. Reid said. “This is not about polling. It’s about people. It’s about life and death in America. It’s about human suffering, and given the chance to relieve this suffering, we must. Citizens in each of our states have written to tell us they’re broke because of our broken health care system.”

After the vote, jubilant Democrats milled about the corridors outside the chamber. Mr. Schumer teased Mr. Reid, a devout Mormon who forgoes alcohol. “You’re almost going to have a drink,” Mr. Schumer said, clapping Mr. Reid on the back.

Mr. Schumer said Democrats were prepared to continue voting all week. “It’s up to Mitch McConnell if we stay here until Christmas Eve,” he said. “The die is cast.”

[Copyright 2009 The New York Times Company](#)

[Privacy Policy](#)[Terms of Service](#)[Search](#)[Corrections](#)[RSS](#)[First Look](#)[Help](#)[Contact Us](#)[Work for Us](#)[Site Map](#)