

January 19, 2010 Tuesday

Could Snowe Yet Cast the 60th Vote for Overhaul Legislation?

BYLINE: By John Reichard, CQ HealthBeat Editor

LENGTH: 879 words

Despite her "no" vote on Dec. 24 against the Senate health care overhaul bill, Republican [Olympia Snowe](#) ▼ of Maine has never said she would oppose a health care overhaul conference report, as long as it met her objections to the Senate measure.

It is unclear how a resounding victory in Massachusetts Tuesday by GOP Senate candidate Scott Brown would affect the thinking of lawmakers, including Snowe. But she has worked long and hard on health care overhaul issues, and she cast a "yes" vote on overhaul legislation in the Senate Finance Committee on grounds that the status quo is no longer tenable.

A Brown victory would leave Democrats one shy of the 60 votes needed to get health care overhaul legislation through the Senate. White House Press Secretary Robert Gibbs said Tuesday afternoon that President Obama is pursuing Snowe's vote to get the measure across the finish line. "The president continues to work hard" toward that end, Gibbs said.

Snowe's vote would be tough to get, however, even though some things have gone her way in recent weeks. She objected to a robust "public option," the automatic inclusion of a government-run insurance plan in new insurance exchanges to cover the uninsured. House and Senate negotiators now appear to have dropped the public option altogether.

Another big Snowe priority has been ensuring that mandated coverage is affordable. She was part of a successful effort to set the "actuarial value" in the Senate bill of some forms of mandated coverage at 60 percent. That means a plan would pay for 60 percent of covered services. While that leaves the plan enrollee on the hook for the other 40 percent, it also lowers premium costs while giving protection against catastrophic medical expenses.

Snowe also got an estimate from the Congressional Budget Office (CBO) of the projected cost of a "bronze plan" -- an analysis that gave lawmakers a sense of

how much Americans would have to pay for coverage to avoid penalties for going uninsured. Insurance exchanges would offer various levels of benefits including gold, silver and bronze; the bronze plan is the minimum level of benefits that people 30 or older would have to buy (those under 30 could buy cheaper "catastrophic" coverage). The estimate suggested that the premium costs to buy bronze plan coverage were lower than was suggested by an earlier, more general CBO estimate of coverage costs.

Snowe also objected strenuously to the lack of time lawmakers had to digest the details of the final Senate bill before the Dec. 24 vote. But she's had a few weeks more since then to study the bill.

But that doesn't mean Democratic leaders would give lawmakers a lot of time to review the final bill before they schedule that vote; such a measure could include many changes. Snowe also has expressed concerns about new Medicare payroll taxes and other surcharges proposed in the Senate bill.

On top of that, House negotiators are pushing for provisions in any conference report that appear to be at odds with Snowe's positions on tax policy, such as a tax on the incomes of wealthy Americans and a watering down of the Senate's tax on high-cost health plans.

Policy concerns may not be the only issue. It doesn't help that Senate Majority Leader Harry Reid, D-Nev., reportedly said Democrats had wasted their time in lengthy negotiations over the summer to try to win her vote.

But a loss Tuesday by state Attorney General Martha Coakley, the Democratic candidate in Massachusetts' special election, would leave Democrats with no good choices. They could try for a vote before Brown was seated, but might not want to brave the furious backlash. Even if they try to do that, they seem likely to keep pursuing Snowe, however futile the effort might be. Snowe's contact with the White House is expected to continue this week, whether or not Coakley loses.

Asked at a press briefing Friday whether "there is any thought about how you guys restart. . . discussions with a handful of Republicans," White House Press Secretary Robert Gibbs said that "our staffs continue to talk to many staffs on the Senate and House side in order to see who's interested in working with us on health care, I think I'll just leave it at that."

Another factor to consider is that Snowe would face enormous pressure from her fellow Republicans not to negotiate with Democrats if Brown wins big.

That victory could well mark the start of a Republican resurgence and Snowe would be accused of helping the other party to derail it.

Michael F. Cannon, director of health policy studies with the libertarian **Cato Institute**, calls Snowe a "non-option" for the 60th vote. Cannon noted that Snowe voted for a constitutional point of order against an individual mandate in the Senate debate on the overhaul. "Snowe's 'aye' vote makes it hard for her to support any bill that includes an individual mandate," according to Cannon. "If she were to vote for an individual mandate after declaring that such a law would violate the Constitution, Snowe could reasonably be accused of violating the oath she swore to the Constitution upon joining the Senate," he asserted.

Source: **CQ HealthBeat**

Same-day coverage of the people and events shaping health care policy from Washington.

©2010 Congressional Quarterly Inc. All Rights Reserved.