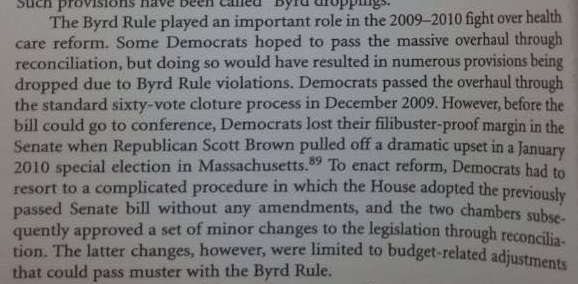
05/12/2022 第十三週 線上教室

Obamacare平價醫療法2009年12月在參議院民主黨憑藉超級多數的優勢通過後，接下來即須面臨兩院版本的整合，但因2010年1月麻州參議員補選敗選，失去參院超級多數，只好轉變立法策略，尋求預算劃一程序的途徑，以簡單多數通過兩院版本的整合。

講義p.426



九、麻州敗選與預算劃一程序護航

2009年8月25日麻州參議員甘迺迪病逝，依麻州州法規定參議員出缺必須補選，州議會應甘迺迪生前所請，同意修法先指派暫代者。甘迺迪過去的資深助理也是前民主黨全國委員會主席(1985-1989)Paul Kirk於9月24日由州長Deval Patrick指派暫代，補足民主黨黨團所需的60票超級多數。三個月後醫改案在參院通過，民主黨隨即面臨2010年1月19日麻州參議員補選的挑戰。儘管民主黨當時在麻州掌握了州長、州議會參眾兩院多數、以及所有麻州國會議員議席，黨員人數也遠超過共和黨，但麻州獨立選民人數仍然高於兩黨選民合計的總額。選舉結果，競選經費短缺且知名度不高的州議會參議員共和黨Scott Brown擊敗民主黨候選人州檢察長Martha Coakley。Brown當選使參院民主黨團失去第60票的超級多數，平價醫療法即將面對的兩院版本協商該如何調整，勢必得重新評估。

這一部分相關新聞及字幕檔如下 (後面還有)

14-13a 20090120 Kennedy collapses \* 1:45

14-13b 20090827 Ted Kennedy remembered \* 1:33

14-13c 20090127 Filling Senate seats \* 2:02

14-13d 20090828 Kennedy's seat: What's next? \* 2:01

14-13e 20090925 Paul Kirk becomes emotional \* 0:22

14-13f 20091224 Oops! Reid votes no on accident \* 0:48

14-13g 20091224 More work ahead on health \* 2:05

14-13h 20100119 Brown claims victory \*\* 3:28

14-13i 20100204 Scott Brown takes oath \* 2:12

14-13j 20100120 Dad said what?! \* 2:35

----------C Kennedy dies

14-13a 20090120 Kennedy collapses \* 1:45

14-13a 20090120 bash.byrd.kennedy.collapse.cnn\_576x324\_dl.flv

( CNN's Dana Bash reports that Senator Edward Kennedy collapsed at an inaugural luncheon.

• Obama: Challenges real, but 'they will be met'

• Special Reports - Inauguration of the 44th President Barack Obama - CNN.com )

DANA BASH, CNN SENIOR CONGRESSIONAL CORRESPONDENT: Senator Robert Byrd apparently had initially a medical issue, and a medical team went into the lunch to assist him. And it was shortly after that, apparently, that Ted Kennedy began to convulse in a very, frankly, violent way is the way it was described to me, in his chair.  
  
Clearly, it was some kind of seizure. And he continued to be -- to seize, even as they put him into a wheelchair or a stretcher kind of mechanism. And, as a matter of fact, Teresa Heinz Kerry, I am told, who, of course, is the wife of John Kerry, the junior senator from Massachusetts, was there trying to assist Ted Kennedy as this was playing out.  
  
But then Ted Kennedy was eventually taken out by a medical team. And he was brought out in a kind of a stretcher or wheelchair sort of contraption. We're waiting to figure out exactly what is happening from there. But, certainly, it sounds like quite a scary scene that went on inside this lunch as it was happening.  
  
And I can tell you that we're told that Ted Kennedy was sitting with Walter Mondale, the former vice president, and his wife, and also senator Daniel Inouye as well. So, they were watching very carefully as to what was going on, with Senator Kennedy seizing up.  
Now, you remember, when Ted Kennedy, about nine months ago, first was diagnosed with brain cancer, it was the result of a seizure. He was in his home in Cape Cod. And he had this massive seizure, and nobody really knew what it was until he was diagnosed several days later.  
  
So, this is the shocking and very sad drama that has played out during the celebratory lunch that Barack Obama is having with his former Senate and House colleagues here on Capitol Hill.

<https://transcripts.cnn.com/show/se/date/2009-01-20/segment/06>

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14-13b 20090827 Ted Kennedy remembered 1:33

p14-13b 20090827 bolduan.kennedy.death.thu.cnn\_576x324\_dl.flv

( Memorials are underway for Sen. Edward M. Kennedy, who died Tuesday. CNN's Kate Bolduan reports.

• Ted Kennedy visitation begins at JFK Library )

Kate Baldwin:

Tributes and tears in Boston for the late Massachusetts Senator Ted Kennedy.

I don't know. The next person coming in is going to feel the same way as him

Baldwin:

earlier in the day. A farewell to his beloved family compound. Onlookers gathered to watch the motorcade carrying the senator from Hyannis Port to Boston, where the public will pay final respects to the legislator and the man

Douglas Brinkley:

people liked him. He had sympathy for people that were in plight or in disadvantaged, and it came through in his entire career.

Baldwin:

The public lined up before the arrival of the Kennedy motorcade this afternoon.

Signing a condolence book and sharing memories,

I thanked him for all his work and all the wonderful things he's done and I II did it from not only myself but from friends that I had even back then who always admired Kennedy brothers

Baldwin:

for the Kennedy family. The loss even more profound as they gather to mourn their patriarch.

There's nobody who's strong enough and who has the backing of all the members of the family or who can impose his will on the family. To take the place of Teddy so for quite some time, I think we're going to see a vacuum in that role.

Baldwin:

Hours of visitation are scheduled here at the JFK presidential library. Over the next two days, Senator Kennedy will reach his final resting place. Arlington National Cemetery Saturday in Boston. I'm Kate Baldwin.

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----------D Kennedy's seat

14-13c 20090127 Filling Senate seats \* 2:02

14-13c 20090127 schneider.gov.appts.cnn\_576x324\_dl.flv

( CNN's Bill Schneider looks at one senator's suggestion for filling vacant Senate seats. )

WILLIAM SCHNEIDER, CNN SENIOR POLITICAL ANALYST:

(BEGIN VIDEOTAPE)  
SCHNEIDER (voice-over): Should governors be allowed to appoint senators? Look at the mess in Illinois and in New York. Senator Russians Feingold of Wisconsin is offering a fix.  
  
(BEGIN AUDIO CLIP)  
  
SEN. RUSS FEINGOLD (D), WISCONSIN: It seems to me that there's no reason not to do what we have always done in Wisconsin, which is to have special elections for the Senate, just as is -- is required for all House races here in America.  
  
(END AUDIO CLIP)  
  
SCHNEIDER: The 17th Amendment to the Constitution allows states to let their governors appoint a temporary senator until the next election. Forty-six states do that. Just four require a special election with no appointment.  
This week, Senator Feingold will submit a constitutional amendment that would require states to hold special elections. Let the people decide. What's wrong with that? UNIDENTIFIED MALE: Special elections are difficult. They tend not to be particularly competitive. It -- oftentimes, they don't really allow a lengthy process of -- for the parties to run primaries and then to have a general election.  
  
SCHNEIDER: Senator Feingold doesn't buy it.  
  
(BEGIN AUDIO CLIP)  
  
FEINGOLD: It works with the House races, so this argument that, somehow, it doesn't work in a Senate race doesn't hold water with me.  
  
(END AUDIO CLIP)  
  
SCHNEIDER: Since the 17th Amendment was ratified in 1913, 183 senators have been appointed to fill vacancies. About a third of them were placeholders who did not later run for election.  
  
About a third ran and lost. About a third ran and won, including some, like Walter Mondale and George Mitchell, who went on to distinguished careers.  
  
But most appointed senators never actually went on to get elected.  
  
(END VIDEOTAPE)  
  
SCHNEIDER: No one has ever served in the House of Representatives without being elected. The House is proud of that. They call it the people's house. In New York, for instance, the governor appointed Kirsten Gillibrand to the Senate. But there will be a special election to replace her in the House

<https://transcripts.cnn.com/show/sitroom/date/2009-01-26/segment/01>

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14-13d 20090828 Kennedy's seat: What's next? \* 2:01

14-13d 20090828 yellin.kennedy.seat.whats.next.cnn\_576x324\_dl.flv

( Now that there is a vacant Senate seat in Massachusetts, what's next? CNN's Jessica Yellin reports

• Ted Kennedy's family, friends prepare for memorial )

JESSICA YELLIN, CNN NATIONAL POLITICAL CORRESPONDENT: Wolf, Senator Kennedy knew that the vote on health care was looming and one of his last wishes was that his seat be filled quickly. Some of the top Democrats nationwide are fighting now to make that happen.  
  
(BEGIN VIDEOTAPE)  
  
YELLIN (voice-over): Before he died, Senator Kennedy sent a letter to his state's top officials writing: "I believe it is vital for this Commonwealth to have two votes in the Senate." He asked that state law be changed to allow the governor to appoint someone to Kennedy's seat as soon as it became vacant.  
  
Massachusetts' new senior senator echoed that request.  
  
SEN. JOHN KERRY (D), MASSACHUSETTS: He's asking simply for a temporary ability to appoint someone who will not run, will not get in the way of other people who want to run, who will be there for a moment only.  
  
YELLIN: Currently, the state is required to hold a special election, which would happen January 19th at the earliest. That's probably too late for a vote on health care reform, the issue Kennedy called "the cause of my life."  
  
In this climate, Democrats need every vote they can get, and the math is not good. With Kennedy's death, Democrats are one vote shy of a 60-vote supermajority.  
  
They could try to pass reform using a special tactic called reconciliation that requires only 51 votes. But Senator Robert Byrd is ill, and top Democrats worry at least six of their own senators, plus Independent Joe Lieberman, could vote no depending on the contents of the bill.  
  
If they pick up no Republicans and lose all fence sitters, Democrats have barely enough votes to pass health care reform. Massachusetts' governor is pressing lawmakers to change the law and give Democrats that vote.  
  
GOV. DEVAL PATRICK, (D) MASSACHUSETTS: I'm hoping that the legislature will turn to it and turn to it soon. If they send me a bill, I will sign it.  
  
YELLIN: State leaders have not made clear whether they favor a temporary appointment, but top national Democrats tell CNN they believe lawmakers will ultimately support it.

<https://transcripts.cnn.com/show/sitroom/date/2009-08-28/segment/02>

Certainly many people are likely to be interested in running for Kennedy. Seat speculation has centered on Kennedy's widow Vicki and his nephew Joe, but people close to the Kennedy family, saying neither one of them is considering a run now.

Jessica Yellin, CNN Washington.

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14-13e 20090925 Paul Kirk becomes emotional \* 0:22

14-13e 20090925 sot.paul.kirk.becomes.emotional.cnn\_576x324\_dl.flv

( Paul Kirk becomes emotional while taking questions on his appointment as the late Sen. Kennedy's interim replacement. )

• Paul Kirk to fill Kennedy's Senate seat

(BEGIN VIDEO CLIP)  
DANA BASH, CNN SENIOR CONGRESSIONAL CORRESPONDENT:   
BASH: Can you take one minute just to tell us what that was like to go into that office, which is still filled with all the photos and all the memorabilia and all the years...  
  
PAUL KIRK (D-MA), SENATOR-DESIGNATE: Very hard to describe to you. Sobering. Emotional. And I know how they feel.  
  
(END VIDEO CLIP)

<https://transcripts.cnn.com/show/cnr/date/2009-09-25/segment/05>

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----------C Bill passes 2:49\*

14-13f 20091224 Oops! Reid votes no on accident \* 0:48

14-13f 20091224 sot.reid.accidental.vote.cnn\_576x324\_dl.flv

( Sen. Harry Reid says "no" by accident when voting on the health care bill before correcting himself and voting yes. )

TONY HARRIS, CNN ANCHOR:

Democratic Senator Harry Reid, the Majority Leader right, accidentally voted no at first before voting yes on his baby. The health care bill.

The assistant legislative clerk called the roll: Mr. Reid of Nevada.

SEN. HARRY REID (D-NV), MAJORITY LEADER: No.… Aye.

The assistant legislative clerk: Mr Reid of Nevada, Aye.

Sen. Harry Reid:

I spent a very restless night last night. Trying to figure out how I could. Show some bipartisanship. And I think I was able to accomplish that for a few minutes today.

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14-13g 20091224 More work ahead on health \* 2:05

14-13g 20091224 yellin.senate.passes.hcrb.cnn\_576x324\_dl.flv

( The U.S. Senate passes a major health care overhaul bill. CNN's Jessica Yellin reports.

• Senate approves health care reform bill )

JESSICA YELLIN, CNN NATIONAL POLITICAL CORRESPONDENT: Suzanne, after three weeks of debate, more than 800 floor speeches, and countless hours of negotiation, the Senate Democrats finally passed their health reform bill, but they are not to the finish line yet.  
  
(voice-over): Senators arrived bright and early. But, for some, this vote did not come soon enough. On the floor of the Senate, Republicans staked their ground.  
  
SEN. MITCH MCCONNELL (R-KY), MINORITY LEADER: Opposition to this monstrosity. And I want to assure you, Mr. President, this fight isn't over.  
YELLIN: But this was the Democrats' day.  
  
SEN. HARRY REID (D-NV), MAJORITY LEADER: Progress and opportunity are what this historic bill represents.

UNIDENTIFIED FEMALE: Mr. Kirk, aye.  
  
YELLIN: Some cast their vote in the name of a lost champion for health care reform.  
  
SEN. ROBERT BYRD (D-WV): This is for my friend Edward Kennedy. Aye.  
  
YELLIN: As Vice President Biden presided, all 60 Democrats voted yes.  
JOSEPH BIDEN, VICE PRESIDENT OF THE UNITED STATES: The yeas are 60. The nays are 30.  
  
YELLIN: But it was almost a close call.  
  
UNIDENTIFIED FEMALE: Mr. Reid of Nevada.  
  
YELLIN: The chamber broke up in laughter when Senate Majority Leader Harry Reid, no doubt exhausted after weeks of negotiations, accidentally voted no.  
  
UNIDENTIFIED FEMALE: Mr. Reid of Nevada, aye.  
  
(LAUGHTER)  
  
YELLIN: He was allowed to fix the vote. Reid later joked it was his attempt at bipartisanship. Then, a few Democrats went to the cameras...  
  
SEN. CHRISTOPHER DODD (D), CONNECTICUT: This was an enormous victory for the American public.  
  
YELLIN: ... while the rest of the Senate hightailed it out of town for the holiday.  
  
CNN caught up with some at the airport. And Republicans were full of worry and criticism of the bill.  
  
SEN. JOHN MCCAIN (R), ARIZONA: It's bitterly partisan, unfortunate, an unsavory study in Chicago-style sausage-making.  
  
SEN. JON KYL (R-AZ), MINORITY WHIP: Those who voted for it are going to get an earful from their constituents when they get home.  
  
YELLIN (on camera): Next, Democrats are going to begin the tricky task of merging the very different House and Senate versions of this bill. And House Democrats are making it clear that they do not plan to cave in and simply swallow the Senate's version of this bill whole.  
  
In fact, one top House Democrat tells us they expect that merging these two bills will be filled with surprises, some of them unpleasant

<https://transcripts.cnn.com/show/sitroom/date/2009-12-24/segment/01>

JESSICA YELLIN, CNN Caritol Hill.

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----------D MA Special election

14-13h 20100119 Brown claims victory \*\* 3:28

14-13h 20100119 sot.brown.winner.cnn\_576x324\_dl.flv

( Republican Scott Brown makes his victory speech after being declared the winner in the Massachusetts Senate race.

• Brown wins Massachusetts Senate race - CNN.com )

SCOTT BROWN, SENATOR-ELECT, MASSACHUSETTS:

BROWN: Thank you. Thank you! Yes. Thank you! Thank you, yes, I did this morning, thank you.  
  
And I hope they're paying -- I hope they're paying close attention, because tonight, the independent voice of Massachusetts has spoken! From the Birches to Boston, from Springfield to Cape Cod, the voters of this commonwealth defied the odds and the experts. Tonight, the independent majority has delivered a great victory!  
  
I thank the people of Massachusetts for electing me as your next United States senator!

CROWD: 41! 41! 41! 41! 41! 41! 41! 41! 41! 41!

BROWN: And every day I hold this office, I will give all that is in me to serve you well and make you proud. And most of all, most of all, I will remember -- thank you. Most of all, I will remember that while the honor is mine, this Senate seat belongs to no one person, no one political party, and as I said before and you've heard it today, and you'll hear it loud and clear, this is the **people's seat!**

CROWD: people's seat! people's seat! people's seat! people's seat! people's seat! people's seat! people's seat! people's seat! people's seat! people's seat! people's seat! people's seat!

BROWN: Thank you very much. I spoke to interim Senator Paul Kirk, and he has completed his work as the senator.  
  
CROWD: Seat him now! Seat him now! Seat him now!  
BROWN: I spoke to -- I spoke to Senator Kirk, and he was very gracious. He said that he would help in the transition. He welcomes me as soon as I can get there. And I want to thank him from the bottom of my heart. I want to thank him, and I want to thank him very much. The people, as you know, by their votes, have now filled the office themselves, and I'm ready to go to Washington without delay!

<https://transcripts.cnn.com/show/acd/date/2010-01-19/segment/01>

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----------E Mr. Brown comes to Washington

14-13i 20100204 Scott Brown takes oath \* 2:12

14-13i 20100204 scott.brown.swearing.in.cnn\_576x324\_dl.flv

( Republican Scott Brown is officially sworn in to the U.S. Senate.

• Brown sworn in as new senator from Massachusetts )

*February 4, 2010* CONGRESSIONAL RECORD — SENATE S473

CERTIFICATE OF ELECTION

The VICE PRESIDENT. The Chair lays before the Senate the certificate of election to fill the unexpired term created by the death of the late Senator Edward M. Kennedy of the Commonwealth of Massachusetts. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived and will be printed in full in the RECORD. There being no objection,

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-elect will now present himself at the desk, the Chair will administer the oath of office.

The Senator-elect, escorted by Mr. KERRY and Mr. KIRK, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

<https://www.congress.gov/111/crec/2010/02/04/CREC-2010-02-04-pt1-PgS473.pdf>

Staffer (voice-over): You raise your right hand and then

JOSEPH BIDEN, VICE PRESIDENT OF THE UNITED STATES:

will you please raise your right hand?

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic, that you will bear true faith and allegiance to the same that you take this oath of obligate this. You take this obligation freely without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office upon which you're about to enter. So help you, God,

SCOTT BROWN (R), MASSACHUSETTS SENATOR-ELECT:   
BROWN: I do.  
  
BIDEN: Congratulations, senator.  
  
BROWN: Thank you.  
  
BIDEN: Welcome. Welcome.

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---------J END-Dad said what

14-13j 20100120 Dad said what?! \* 2:35

14-13j 20100120 moos.dad.said.what.cnn\_576x324\_dl.flv

( A former "Idol" contestant became the most eligible bachelorette thanks to Senator-elect Dad. Jeanne Moos reports. )

Dad!! Scott Brown Embarrasses Daughters During Acceptance Speech http://www.mediaite.com/online/dad-scott-brown-embarrasses-daughters-during-acceptance-speech/

"Yes they both available,..... Arianna definitely's not available, Ayla is."

**available**接受追求 **not available**不接受追求

JEANNE MOOS, CNN CORRESPONDENT (voice-over): She was the mystery woman dancing while pundits prognosticated.  
  
SEAN HANNITY, FOX NEWS HOST: The American people don't want one- party rule.  
  
MOOS: Behind their backs...  
JOHN KING, CNN CHIEF NATIONAL CORRESPONDENT: I'm told she congratulated Scott Brown.  
MOOS: Stealing the show from a commentary.  
  
UNIDENTIFIED MALE: It's being sold to the people state by state in a corrupt fashion.

MOOS: Don't look now but it's the winning candidates' daughter performing at his victory party and breaking the news to the crowd that Scott Brown's opponent had conceded.  
  
UNIDENTIFIED FEMALE: My dad is the next senator of Massachusetts!  
  
MOOS: But we really got to meet the senator-elect's two daughters when he had a "Dad said what" moment.  
  
BROWN: Yes, they're both **available.** No, no.  
  
MOOS: Ayla whispered...  
  
AYLA BROWN, SENATOR-ELECT SCOTT BROWN'S DAUGHTER: Not Arianna.  
  
MOOS: Then her younger sister is **not available**.  
  
S. BROWN: Only kidding. Only kidding. Arianna definitely is not available. But Ayla is.  
MOOS: And thus began the debate. A proud dad teasing his daughter in a loving way? Or just plan creepy. They sure seem to have fun together. This photo began circulating on the Web, captioned by one kid, "Found a picture of Scott wearing clothes." That "wearing clothes" jabs stems from this, Scott posing for "Cosmopolitan." Back when he was a law student.  
  
JOY BEHAR, CO-HOST, "THE VIEW": This guy has got like machoness. Wow.  
  
WHOOPI GOLDBERG, CO-HOST, "THE VIEW": This is guy is hot. He's ringing my bell.  
  
MOOS: But bells were ringing for the senator-elect's daughters as well. "Easy on the eyes." "Some kind of hot." The younger daughter is a premed student. And if the older daughter Ayla looks vaguely familiar, you may have seen her on season five of "American Idol" a few years back.  
  
(On camera): But the "American Idol" river was apparently too wide for Ayla. She made it to the top 16 and then.  
  
SIMON COWELL, JUDGE, "AMERICAN IDOL": It was good, it just wasn't fantastic.  
  
MOOS (voice-over): She left the competition with her self in tact and hopes for a singing career. So what if her dad hit an odd note? Watch mom's face.  
  
S. BROWN: Yes, they're both available.  
  
MOOS: But this was one happy day as they left fake confetti out of her cleavage. Her cup truly runs over.  
  
Jeanne Moos, CNN, New York. (END VIDEOTAPE)

<https://transcripts.cnn.com/show/sitroom/date/2010-01-20/segment/02>

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2月25日歐巴馬總統在白宮對街西北角賓夕法尼亞大道(Pennsylvania Avenue)北側的總統賓館布萊爾宮(Blair House)花園室(Garden Room)，邀集國會兩黨領導階層及相關委員會兩黨領導人等，連同行政部門官員，舉行醫改法案高峰會，針對控制支出、保險改革、降低赤字、擴大納保範圍等四項主題討論，雖然在若干議題上兩黨看法相近，但在如何以跨兩黨性的方式前進卻少有共識。

雖然在媒體面前舉行高峰會，實際上民主黨領導階層已經在盤算，如何利用預算劃一(budget reconciliation)程序，以51票簡單多數讓平價醫療法最後的調整在參議院通過。3月4日，白宮公布了修訂後的醫改法案最終版，其中並未包含公營醫保選項，先前參院版中為Ben Nelson增列的低收入戶醫保費用Nebraska州豁免一節(Cornhusker Kickback)也被篩除，歐巴馬並強調已經把高峰會中共和黨所提意見納入。(這樣Nelson 後來在劃一法案投票時當然就變成反對票，但劃一法案已經不需要超級多數，所以參院民主黨的這幾票保守派議員已經無關緊要。)



2010年2月25日醫改法案高峰會，CNN拍到的「obama.poker.face」，見影片檔

14-13n 20100228 Obama's frustration \* 01:13

14-13n 20100228 sotu.obama.poker.face.cnn\_576x324\_dl.flv

字幕檔在22頁

相關新聞及字幕檔如下(後面還有)

14-13k 20100226 Obama meets on health care \* 3:08

14-13l 20100226 Health care stagecraft \* 2:24

14-13m 20100228 The summit in two minutes \* 1:55

14-13n 20100228 Obama's frustration \* 1:13

----------A Health-care summit

14-13k 20100226 Obama meets on health care \* 3:08

14-13k 20100226 henry.obama.health.summit.cnn\_576x324\_dl.flv

( President Obama meets with members of Congress to discuss health care. CNN's Ed Henry reports. )

(BEGIN VIDEOTAPE)  
ED HENRY, CNN SR. WHITE HOUSE CORRESPONDENT (voice-over): The stakes couldn't be higher. He's betting his presidency on getting a health reform deal. This was his last-ditch attempt to save it.  
  
BARACK OBAMA, PRESIDENT OF THE UNITED STATES: What I'm hoping to accomplish today is for everybody to focus not just on where we differ, but focus on where we agree.  
  
HENRY: A tall order, when you throw dozens of members of Congress into a made-for-TV drama at the historic Blair House.  
  
SEN. JOHN MCCAIN (R), ARIZONA: Can I just finish, please?  
  
HENRY: The president's 2008 rival, Republican John McCain, quickly tweaked him over campaign promises.  
MCCAIN: Eight times you said that negotiations on health care reform would be conducted with the C-SPAN cameras. I'm glad more than a year later that they are here.  
  
Unfortunately, this product was not produced in that fashion. It was produced behind closed doors. It was produced with unsavory -- I say that with respect -- deal-making.  
  
HENRY: The president defended the transparency of the talks and gave as good as he got.  
  
OBAMA: Let me just make this point, John, because we're not campaigning anymore.  
  
The election's over.  
  
(CROSSTALK)  
  
MCCAIN: Well, I -- I'm reminded of that every day.  
  
(LAUGHTER)  
  
OBAMA: Well, I -- yes.  
  
HENRY: Even the sharp exchanges were civil, if a bit jaded, each party hammering familiar talking points.  
  
SEN. JAY ROCKEFELLER (D), WEST VIRGINIA: The health insurance industry is the shark that swims just below the water. And you don't see that shark until you feel the teeth of that shark.  
  
REP. PAUL RYAN (R), WISCONSIN: Should (AUDIO GAP) regulate all this? Should (AUDIO GAP) people in Washington decide exactly how this works and what you can and cannot buy?  
  
HENRY: After about six hours, Republicans believe they made their case to the American people that the president's plan is simply too costly.  
  
SEN. LAMAR ALEXANDER (R), TENNESSEE: It means that, for millions of Americans, premiums will go up, because those -- when -- when people pay those new taxes, premiums will go up, and they will also go up because of the government mandates.  
  
HENRY: But Democrats believe the president got the better of the Republicans. OBAMA: So, Lamar, when you mentioned earlier that you said premiums go up, that's just not the case, according to the Congressional Budget Office.  
  
ALEXANDER: Mr. President, if you're going to contradict me, I ought to have a chance to -- to...  
  
(CROSSTALK)  
  
BARACK OBAMA: Oh, no, no, no, no. Let me -- and this is an example of where we've got to get our facts straight.  
  
HENRY: A CNN fact check gives the edge to the president. The CBO found that his plan would lower premiums for millions of Americans, and those facing hikes would get better coverage.  
  
(END VIDEOTAPE)

<https://transcripts.cnn.com/show/cnr/date/2010-02-26/segment/03>

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14-13l 20100226 Health care stagecraft \* 02:24

14-13l 20100226 foreman.obama.healthcare.cnn\_576x324\_dl.flv

( CNN's Tom Foreman reports on the substance and political stagecraft of the president's health care summit.

• Health News - Medical, Mental and Dental Treatment - Beauty, Nutrition and Fitness - CNN.com

http://edition.cnn.com/HEALTH/index.html )

(BEGIN VIDEOTAPE)  
BARACK OBAMA, PRESIDENT OF THE UNITED STATES:  
OBAMA: Everybody, please have a seat.  
  
TOM FOREMAN, CNN CORRESPONDENT (voice-over): From the opening curtain, the president made it clear what he did not want as director of the show.  
  
OBAMA: I hope that this isn't political theater, where we're just playing to the cameras and criticizing each other.  
  
FOREMAN: But, on both sides of the stage, the players had other ideas. So, act one started with a turf war over speaking time -- Republicans calling foul.  
  
SEN. MITCH MCCONNELL (R-KY), MINORITY LEADER: To this point, the Republicans have used 24 minutes, the Democrats 52 minutes. Let's try to have as much balance as -- as we can. FOREMAN: As political stagecraft, that served two purposes. It implied the Democrats were being unfair and put the president on the defensive.  
  
OBAMA: I don't think (AUDIO GAP) quite right, but I'm -- I'm just going back and forth here, Mitch.  
  
FOREMAN: Act two: the casting. The president time and again referred to everyone in the room by first name.  
OBAMA: Thank you, George.  
  
MCCONNELL: Mr. President...  
  
FOREMAN: It looked friendly, but protocol demanded that they still call him Mr. President, giving him the upper hand, even when they tried to call him out.  
  
MCCAIN: Could I just say, Mr. President, the American people care about what we did and how we did it?  
  
OBAMA: We can have a debate about process, or we can have a debate about how we're actually going to help the American people at this point.  
  
FOREMAN: Act three: the props. It was no accident that a huge copy of the health care bill dominated the table on the Republican side. That's Republican Whip Eric Cantor peeking over it. It was so his party could remind voters of just how big, complicated and expensive it is.  
  
RYAN: And the Senate Budget Committee chairman said that this is a Ponzi scheme that would make Bernie Madoff proud.  
  
FOREMAN: And act four: the monologues.  
  
REP. NANCY PELOSI (D-CA), SPEAKER OF THE HOUSE: Certain things are facts.  
  
REP. JOHN BOEHNER (R-OH), HOUSE MINORITY LEADER: Why can't we come to an agreement?  
  
JOSEPH BIDEN, VICE PRESIDENT OF THE UNITED STATES: We all agree on.  
  
ALEXANDER: We want you to succeed.  
  
FOREMAN (on camera): Over and over, despite a fair amount of meaningful discussion, lawmakers broke into speeches, implying that the facts supported them, that the other side was being unreasonable, and, if no agreement comes, it will be the opposition's fault.  
  
(voice-over): In the end, there were no bows, only exits, and, in D.C. a true oddity of political theater. The president, normally the first to depart, was the last to leave.  
  
OBAMA: You guys are still here?  
  
(LAUGHTER)  
  
FOREMAN: Tom Foreman, CNN.  
  
(END VIDEOTAPE)

<https://transcripts.cnn.com/show/acd/date/2010-02-25/segment/01>

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14-13m 20100228 The summit in two minutes \* 01:55

14-13m 20100228 sotu.healthcare.summit.2.minutes.cnn\_576x324\_dl.flv

( CNN's State of the Union condenses the seven-hour health care summit into two minutes. )

(BEGIN VIDEOTAPE)  
BARACK OBAMA, PRESIDENT OF THE UNITED STATES:  
OBAMA: I would like to make sure that this discussion is actually a discussion, and not just us trading talking points. And we will just open it up and start that way, all right?  
  
SEN. LAMAR ALEXANDER, R-TENN.: We believe we have a better idea. PELOSI: This bill is not only about the health security in America, it's about jobs.  
  
SEN. HARRY REID, D-NEV.: Health reform should not be about political parties fighting each other.  
  
ALEXANDER: We have to start by taking the current bill and putting it on the shelf and starting from a clean sheet of paper.  
  
REP. JOHN A. BOEHNER, R-OHIO: Let's start with a clean sheet of paper.  
  
MCCONNELL: Start over with a blank piece of paper.  
  
SEN. JOHN MCCAIN, R-ARIZ.: Both of us during the campaign promised change in Washington. Unfortunately, this product was not produced in that fashion.  
  
OBAMA: Let me just guess, that's the 2,400-page health care bill.  
BOEHNER: This 2,700-page bill will bankrupt our country.  
  
REP. CHARLES RANGEL, D-N.Y.: I don't really think that someone sick in the emergency room is concerned about the size of the bill.  
  
ALEXANDER: We don't do comprehensive well.  
  
(UNKNOWN): The better approach is to go step by step.  
  
REP. ERIC CANTOR, R-VA: You go step by step.  
  
(UNKNOWN): And an incremental approach is like a swimmer who's 50 feet offshore drowning, and you throw him a 10-foot rope.  
  
OBAMA: There actually is some significant agreement.  
  
SEN. MAX BAUCUS, D-MONT.: We are not really that far apart.  
  
(UNKNOWN): Frankly, we may be closer together than people really think.  
  
SEN. CHARLES SCHUMER, D-N.Y.: We agree with most of them.  
  
KATHLEEN SEBELIUS, HEALTH AND HUMAN SERVICES SECRETARY: There is a lot of agreement.  
  
(UNKNOWN): We agree with that.  
  
(UNKNOWN): We don't agree with that.  
  
(UNKNOWN): We are vehemently opposed to this.  
  
(UNKNOWN): Where our big disagreement is--  
  
SEN. JON KYL, R-ARIZ.: Fundamental differences. (UNKNOWN): Structural differences.  
  
CANTOR: We don't care for this bill. I think you know that.  
  
OBAMA: Is there enough serious effort that in a month's time or a few weeks' time, or six weeks's time we could actually resolve something? And if we can't, then I think we have got to go ahead and make some decisions, and then that's what elections are for.

<https://transcripts.cnn.com/show/sotu/date/2010-02-28/segment/01>

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14-13n 20100228 Obama's frustration \* 01:13

14-13n 20100228 sotu.obama.poker.face.cnn\_576x324\_dl.flv

( President Obama had trouble keeping his poker face at times during the health care summit. )

CANDY CROWLEY, HOST:

(COMMERCIAL BREAK) CROWLEY: As we mentioned earlier, President Obama's face said a lot last week. I was in the studio where you can watch what which call an ISO, that's the camera focused only on the president as Republicans made their points. We wanted to share.  
  
(BEGIN VIDEO CLIP)  
  
(UNKNOWN): Between eight million and nine million people may very well lose the coverage that they have because of this, because of the construct of this bill.  
(UNKNOWN): For the first time in 30 years, allows for the taxpayer funding of abortions. What we've been saying for a long time is let's scrap the bill.  
  
(UNKNOWN): What is the consequence of that? We know there are consequences that small businesses will feel because of the impact on job creation.  
  
(UNKNOWN): Both bills hit small business with higher tax rates. The House bill by 33 percent, the Senate bill by 20 percent.  
  
(UNKNOWN): We're here because we Republicans care about health care just as the Democrats in this room.  
  
(END VIDEOTAPE)  
  
CROWLEY: All we're saying is this is not the face of a man who ought to play poker anytime soon.

<https://transcripts.cnn.com/show/sotu/date/2010-02-28/segment/01>

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3月20日星期六，歐巴馬親自到達國會大廈，參與眾議院民主黨黨團會議誓師，敦促黨籍議員支持平價醫療法，還以「好政策即為好政治(Good policy is good politics)」一語勉勵，認為醫改案通過將能幫助黨籍議員在11月期中選舉順利連任。21日晚間10:49，眾院以219比212通過了H R 3590參議院版的平價醫療法，219票贊成均為民主黨，共和黨178票全體反對，另有34票民主黨反對，情形與2009年11月首次表決時大同小異。晚間11:37 HR4872「醫療與教育劃一法(Health Care and Education Reconciliation Act of 2010)」(預算劃一法案)接著以220比211通過，共和黨仍係178票全體反對。

相關新聞及字幕檔如下(後面還有)

14-13o 20100321 'Good policy is good politics' \* 3:00

14-13p 20100321 Boehner's fiery plea to House \* 1:28

14-13q 20100321 Health care bill passes (H R 3590) \* 0:54

14-13r 20100321 Pelosi's historic gavel (HR 4872) \* 0:47

----------A Obama's last pitch

14-13o 20100321 'Good policy is good politics' \* 3:00

14-13o 20100321 bash.saturday.obama.cnn\_576x324\_dl.flv

( A look at the final 24 hours before the House vote on Obama's health care reform bill. CNN's Dana Bash reports. ) policy 指立法 politics 指選舉連任

DANA BASH, CNN CONGRESSIONAL CORRESPONDENT: Don, Democrats are working late into the night here, counting the votes, hoping to have a victory on health care by this time tomorrow night. And today they got a personal push from the man who has the most at stake politically.  
  
(BEGIN VIDEOTAPE)  
  
BASH (voice-over): The president came in confident.  
  
OBAMA: We are going to get this done.  
  
BASH: And use his final pep rally for House Democrats to cast the moment in historic terms.  
  
OBAMA: Is this the single most important step that we have taken on health care since Medicare? Absolutely.  
  
BASH: He acknowledged political reality.  
  
OBAMA: I know this is a tough vote.  
  
BASH: But insisted at the end of the day, voting yes on health care will be a political plus for Democrats.  
  
OBAMA: I am actually confident. I have talked to some of you, individually, that it will end up being the smart thing to do politically. Because I believe good policy is good politics.  
  
BASH: Even before the president's hard sell, Democratic leaders for the first time said they've secured the votes to pass health care.  
  
UNIDENTIFIED MALE: Really we believe we have the votes.  
  
BASH: That prediction after a frenzied Saturday of last-minute meetings to count the votes and cajole fence sitters.  
  
(on camera): Do you think when you come out of that meeting, you're going to essentially have the firm 216?  
  
UNIDENTIFIED MALE: I still have a smile.  
  
BASH (voice-over): In the midst of their 11th hour scramble, House Democrats abruptly abandon plans to pass health care with a controversial procedure "Deem and Pass." That would have let House Democrats avoid a direct vote on the Senate health care bill many don't like. But the maneuver became explosive and backfired.  
  
REP. DENNIS CARDOZA (D), CALIFORNIA: I don't support that and won't support a rule that does it that way.  
  
BASH: Democratic leaders racked up some nine votes by resolving a regional issue, disparities in Medicare payments to hospital.  
  
REP. RON KIND (D), WISCONSIN: I think this resolution is crucial for getting them to a yes on this legislation.  
  
BASH: Yet as momentum appeared to build, so did the opposition.  
  
PROTESTORS: Kill the bill! Kill the bill!  
  
BASH: Protesters descended on the capitol.  
  
UNIDENTIFIED FEMALE: Abortion is not health care. Vote no.

BASH: Yelling for lawmakers to kill the bill as they walked outside on a sunny Saturday, and cheering at the sight of the House Republican leader.  
  
UNIDENTIFIED MALE: Kill the bill, John!  
  
BASH: But the protests also turned personal and ugly.  
  
PROTESTORS: Kill the bill!  
  
BASH: Inside this office building, a CNN producer overheard protesters yelling the word faggot at openly gay Congressman Barney Frank and Congressman John Lewis, a civil rights icon who marched in Selma, Alabama --  
  
UNIDENTIFIED MALE: Kill the bill.  
  
BASH: -- told CNN protestors hurled racial slurs at him repeatedly yelling the "N" word.  
  
(END VIDEOTAPE)  
  
BASH: The turbulent and intense day here included more wrangling on the emotional issue of abortion. But the house speaker insist that she will not give into demands from anti-abortion Democrats for a new vote on language making prohibition on taxpayer funding for abortion more restrictive.

<https://transcripts.cnn.com/show/cnr/date/2010-03-20/segment/09>

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----------B Health care bill passes

14-13p 20100321 Boehner's fiery plea to House \* 1:28

14-13p 20100321 sot.boehner.pre.vote.speech.cnn\_576x324\_dl.flv

( House Republican leader John Boehner urges lawmakers to vote "no" on the health care bill. )

REP. JOHN BOEHNER (R-OH), HOUSE MINORITY LEADER:

Rep. BOEHNER.

In this economy, with this unemployment, with our desperate need for jobs and economic growth, is this really the time to raise taxes, to create bureaucracies, and burden every job creator in our land? The answer is no.

Can you go home and tell your senior citizens that these cuts in Medicare will not limit their access to doctors or further weaken the program instead of strengthening it? No, you cannot.

Can you go home and tell your constituents with confidence that this bill respects the sanctity of all human life and that it won’t allow for taxpayer funding of abortions for the first time in 30 years? No, you cannot.

And look at how this bill was written. Can you say it was done openly, with transparency and accountability? Without backroom deals and struck behind closed doors hidden from the people? Hell, no, you can’t.

Have you read the bill?

Have you read the reconciliation bill?

Have you read the manager’ s amendment?

Hell, no, you haven’t.

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14-13q 20100321 Health care bill passes (H R 3590) \* 0:54

14-13q 20100321 natsot.gavel.vote.passes.cnn\_576x324\_dl.flv

( House lawmakers pass a health care overhaul bill by a 219-212 vote. )

Democrat:

Yes we can, Yes we can, Yes we can, Yes we can, Yes we can, Yes we can, Yes we can, Yes we can, Yes we can, Yes we can,

The SPEAKER pro tempore. Rep David Obey:

On this vote, the yeas are 219, the nays are 212, the motion to concur in the Senate amendments is adopted, without objection, a motion to reconsider was laid on the table.

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14-13r 20100321 Pelosi's historic gavel (HR4872) 0:47

14-13r 20100321 natsot.pelosi.gavel.vote.cnn\_576x324\_dl.flv

( House Speaker Nancy Pelosi brings a landmark health care reform vote to a close. )

The SPEAKER. Rep. Nancy Pelosi:

On this vote, the yeas are 220, the nays are 211, the bill is passed, without objection, a motion to reconsider was laid on the table.

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預算劃一法案的目的，原本在使相關現行法的規定，能與國會年度預算決議案(budget resolution)中所訂下的收支額度「劃一」，亦即必須依據預算決議案的標準修改現行法律。由於係一種控制政府預算赤字的工具，因此有法定的20小時院會討論時間限制，參議院院會討論時少數黨無法以冗長發言杯葛。由於H R 3590平價醫療法先前已經通過，HR4872預算劃一法案遂以修正現行法的方式，將歐巴馬在高峰會後宣布的修訂內容納入，眾院通過後參議院也必須在院會審議20小時後進行表決，由於僅需51票簡單多數通過，共和黨乃至民主黨黨團內部保守派議員是否支持已經無關緊要。

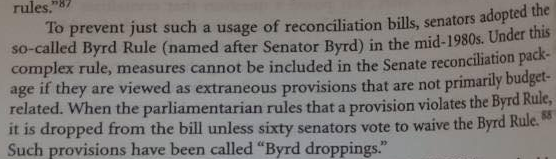
在此近一年之前，2009年4月29日參眾兩院通過預算共同決議案(S.CON.RES.13)兩院最後版本協商報告(Conference report)，其中規定兩院共計五個委員會(即醫改法案的五個委員會)應各自提出能夠降低赤字10億美元的相關現行法修正提案，並規定眾院教育與勞工委員會另外提出降低赤字10億美元「投資教育(Investing in Education)」的修法提案，依字面意義而言，五個委員會合計應提出降低40億美元赤字的修法提案(參院兩個委員會如有提案最後應與眾院協商後併案)。事實上降低赤字僅為表面的手段，因此參院衛生、財政、預算等委員會先前均未曾討論過降低赤字的預算劃一法案。為了避免HR4872預算劃一法案送達參院之後在委員會拖延，多數黨領袖Reid遂利用參院14號規則(Rule XIV)的規定，直接操作HR4872劃一法案二讀，然後反對付委，劃一法案遂可避開委員會審查，直接在院會提出。儘管如此，但參議院預算劃一法案不經委員會討論、亦無委員會報告即直接排入院會亦史無前例，因此共和黨領袖Mitch McConnell在HR4872劃一法案「進行審議動議(to proceed to consideration)」提出後，即就此一開先例的做法請主席答覆確定以列入紀錄。

[14號規則是指議案在付委前應於不同的立法日(legislative day)經過二讀(僅宣讀標題)，一、二讀後如兩次均有人反對進一步處理(further proceedings 意即反對付委)該案即直接編入立法日程(legislative calendar)待審。]

3月23日參院開始討論HR4872預算劃一法案，共和黨方面提出了大量的修正案，但因法定討論時間20小時限制，停止討論動議亦僅需51票簡單多數即可通過，事實上完全無力杯葛。24日晚間參院院會開始處理共和黨所提的修正案與程序動議，會議進行至25日清晨2:45才散會。25日上午9:45繼續開會，兩天內持續進行的一連串表決下參院共處理了42件修正案。25日下午2:00，HR4872劃一法案遂以56比43通過，其中民主黨保守派的Blanche Lincoln (D-AR)、Ben Nelson (D-NE)、Mark Pryor (D-AR)三人都投下反對票。

HR4872劃一法案不僅僅是醫改法的「修補」---所謂「修補法案(fixes bill)」，民主黨並將「高等教育法(Higher Education Act of 1965)」學生助學貸款(student loans)的修正也納入，將原本政府撥給商業銀行承辦的學生貸款經費，移轉至聯邦政府教育部直屬部門處理。共和黨雖然反對，但因民主黨仍掌握過半數，修正案等程序杯葛手段亦僅能拖延最後表決時間。

講義p.426



25日下午劃一法案全案表決前，預算委員會共和黨高階委員(ranking member) Judd Gregg終於找到了劃一法案的瑕疵，依據國會預算法(Congressional Budget and Impoundment Control Act of 1974)的程序規定，凡「與政府收支變更無關(does not produce changes in outlay or revenues and thus is extraneous)」的內容不得列入劃一法案(即所謂Byrd Rule)，如欲排除Byrd Rule的限制必須3 / 5多數--60票贊成。Gregg提出秩序問題(point of order)，指出劃一法案有兩處與學生助學金(Federal Pell Grant)額度計算有關的內容，與收支變更無關，故應刪除。由於民主黨已經喪失60票的超級多數，事實上無法以表決排除Byrd Rule的限制，只好接受主席的裁決，刪除這兩段內容。劃一法案在參院最後全案表決時，多數黨領袖Harry Reid仍然不自覺的先回答「反對(No)」然後才趕緊更正為「贊成(Aye)」。

14-13s 20100326 Sen. Reid's accidental 'No' 0:45

14-13s 20100326 sot.reid.accidental.no.vote.cnn\_576x324\_dl.flv

( During Thursday's health care reconciliation vote, "no" meant "yes" for Senate Majority Leader Harry Reid.

• Reid casts wrong vote on health care for second time - CNN.com http://edition.cnn.com/2010/POLITICS/03/26/reid.vote.gaffe/index.html?npt=NP1 )

The assistant legislative clerk called the roll: Mr. Reid of Nevada.

Sen. Harry Reid: No.… Aye.

He did it again.

clerk : Mr. Reid of Nevada, Aye.

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參院既然將HR4872相關內容刪除後才通過，因此必須再送回眾議院同意。25日晚間9:02眾院以220比207同意參院的修正。平價醫療法發展至此時，國會程序已全部完成，歐巴馬也先後在3月23日、30日簽署了H R 3590、HR4872兩案。雖然歐巴馬與國會民主黨領導階層充分運用2009年的優勢，使平價醫療法順利在參院通過，但欠缺跨兩黨支持的結果，使此項醫療制度變革引發的爭議，始終持續不斷，2010年期中選舉，更因此使茶黨壯大、喪失眾議院多數，2012年歐巴馬總統連任雖然獲勝，但共和黨仍然贏得眾議院多數，2014年期中選舉不但使眾議院共和黨席次增至247席，連參議院多數也落入共和黨手中。套用歐巴馬在2009年3月21日民主黨誓師大會上自己提出的邏輯來說，「歐巴馬治療」恐怕不是個好政策。

相關新聞及字幕檔如下

14-13t 20100323 Bill not final yet \* 2:14

14-13u 20100325 Health care vote reconciliation \* 1:03

14-13v 20100325 House passes health bill changes \* 0:50

----------A Reconciliation approved

14-13t 20100323 Bill not final yet \* 2:14

14-13t 20100323 bash.health.care.not.so.fast.cnn\_576x324\_dl.flv

( Democrats' promises on health care may not happen unless the Senate clears the "fix it" bill. CNN's Dana Bash reports. )

DANA BASH, CNN SENIOR CONGRESSIONAL CORRESPONDENT:

(BEGIN VIDEOTAPE)  
  
BASH (voice-over): Jubilation on the House floor. And the celebration continued today at this photo-op -- signing the Senate health care bill to send to the president.  
  
REP. NANCY PELOSI (D-CA), SPEAKER OF THE HOUSE: We are making history and progress for the American people.  
  
BASH: But "Keeping Them Honest" it is not over yet. Until the Senate passes a bill of fixes, some of the promises Democrats have been making will not happen. Take this one for example --  
  
REP. JOHN TIERNEY (D), MASSACHUSETS: It will close the so-called "doughnut hole" in the current coverage.  
  
BASH: The so-called "doughnut hole", a Medicare loophole that makes seniors pay more out-of-pocket for prescription drug coverage. Democrats say over and over, they closed it.  
  
REP. JAMES CLYBURN (D), SOUTH CAROLINA: This bill will immediately begin closing the "doughnut hole" for prescription medications for seniors.  
  
BASH: But the Senate health care bill headed to the White House does don't that. It only narrows the gap by $500. It is actually the yet-to-be passed fixes bill that closes the "doughnut hole" by 2020. And the Senate's road to passing that bill through the process known as reconciliation is not easy.  
  
Marty Paone is a parliamentary expert. He was a top Democratic aide for 30 years.  
  
MARTY PAONE, FORMER DEMOCRATIC SENATE SECRETARY: In order to qualify for its use, the provision has to affect either federal revenues or outlays. So you have to have something that's related to the budget of the federal government.  
  
BASH: So Republicans are scrubbing the bill for violations and can raise unlimited objections. GOP senators can also slow things down by offering unlimited amendments  
  
(on camera): Amendment after amendment after amendment, and if any of those amendments pass?  
  
PAONE: Then it goes back to the House. So, you can see that is a nightmare scenario.  
  
BASH (voice-over): A nightmare scenario, because that would once again delay the final passage of health care.  
  
(END VIDEOTAPE)

<https://transcripts.cnn.com/show/acd/date/2010-03-22/segment/02>

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14-13u 20100325 Health care vote reconciliation \* 1:03

14-13u 20100325 sot.senate.health.care.vote.cnn\_576x324\_dl.flv

( The Senate votes to pass a propose package of changes to the new health care law. )

The VICE PRESIDENT. Are there any other Senators and you wish to vote or to change their vote? Not. On this vote, there are 56 yeas 43nays, The bill (H.R. 4872), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The VICE PRESIDENT.

without objection, a motion to reconsider was laid on the table.

Mr. REID. No quorum

The VICE PRESIDENT. Clerk will call the roll

The Clerk: Mr. Akaka.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

14-13v 20100325 House passes health bill changes \* 0:50

14-13v 20100325 sot.pelosi.bill.passes.cnn\_576x324\_dl.flv

( The House passed the health care "fixes" bill Thursday to send the measure to President Barack Obama's desk.

• House passes Senate's health care 'fixes' bill - CNN.com http://edition.cnn.com/2010/POLITICS/03/25/health.care.main/index.html?hpt=T1 )

Motion to concur in Senate amendments H.R.4872

REP. NANCY PELOSI (D-CA), SPEAKER OF THE HOUSE:

On this vote, the yeas are 220, the nays are 207, the motion is adopted, without objection, a motion to reconsider was laid on the table.

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十、廢除與取代：平價醫療法的挑戰

2011年共和黨掌握眾議院多數，嘗試廢除平價醫療法的議案遂從112屆國會起不斷提出，但因當時參議院仍為民主黨控制，此類議案僅有宣示作用。2015年共和黨成為參議院多數黨，第62次嘗試廢除平價醫療法的議案(H.R.3762: Restoring Americans' Healthcare Freedom Reconciliation Act of 2015)終於在2016年元月6日在眾議院以240比181票最後通過(眾院同意2015年12月3日參院以52比47票通過的版本)，但是歐巴馬總統隨即在元月8日否決本案，退回國會覆議。由於共和黨的議席距兩院2/3多數的覆議門檻太遠，這第62次的行動仍然是宣示而已。

2016年11月美國總統及國會大選共和黨獲勝，立法與行政均回歸共和黨掌握中。2017年元月20日，共和黨總統川普就職當天，川普在晚間簽署行政命令，指示衛生部長及其他部門官員，在最大可能範圍內對平價醫療法的管制規定放寬解釋，使個人、保險公司、醫療機構等均能將其財務負擔降至最低，命令中強調各部門在法律許可的最大範圍內，得免除、展期、授與豁免或延遲實施平價醫療法中任何加重財務負擔的規定。儘管川普政府藉此宣示了共和黨的政策方向，但平價醫療法已經是現行法律，想要完全廢除或大幅變更仍須循立法途徑為之。

115屆國會(2017-2019)共和黨在參議院僅擁有52席多數，立法行動想要排除少數黨冗長發言的杯葛，必須借助預算劃一程序，猶如2010年3月民主黨通過平價醫療法時的策略一般。但預算劃一法案嚴格限制在「必須與政府收支變更相關」的項目，其他與此無關的政策性變更不能納入，因此共和黨雖可大幅修正平價醫療法，卻無法在現階段將其完全廢除。

2017年共和黨變更平價醫療法可分為兩階段，第一階段企圖以2017財政年度 (FY2017)預算劃一法案變更現行法，但因實質問題在參議院始終無法獲得過半數支持，最後不了了之；第二階段自10月1日2018財政年度開始後，在2018年預算劃一法案中完成修法。

2017年元月12、13日參眾兩院先後通過了2017財政年度預算決議案(S.Con.Res.3)，其中規定參院財政、衛生，眾院能源與商業、財稅等四委員會應各自提報2017-2026年間縮減十億美元支出的修法提案。眾院兩委員會在3月9日各自通過了「廢除與取代(Repeal and Replace)」平價醫療法及相關稅法的修法建議後，眾院預算委員會在3月20日提報了整合後的預算劃一法案-美國醫療法(HR 1628: American Health Care Act of 2017)。由於共和黨黨團內部保守派與溫和派意見分歧，本案原始版本無法獲得218票過半數支持，3月24日提交院會討論4小時候即被保留暫擱(postponed)。4月下旬，眾院共和黨的保守派團體Freedom Caucus與溫和派團體Tuesday Group共同提出了本案的修正版，修正版在5月3日由規則委員會納入本案的特別規則中(H.Res.308)，5月4日特別規則在院會通過後，本案隨後以217比213通過。217票贊成票均為共和黨，213票反對票中除民主黨193票外，另有20票為共和黨，其中有12人為溫和派Tuesday Group成員，僅有1人為保守派Freedom Caucus成員。

6月7日、8日HR1628送參議院後，經過二讀均未付委，直接編入參院議案日程。7月25日本案的進行考慮動議(Motion to proceed to consideration)在議長副總統彭思(Mike Pence)投下第51票贊成後，以51比50通過。反對票中除民主黨黨團全體48人外，還包括共和黨Maine州Susan Collins與Alaska州Lisa Murkowski兩位女性參議員。7月27日多數黨領袖Mitch McConnell 為爭取這幾位黨內溫和派同僚的支持，以修正案的方式 (S.Amdt.667)提出了所謂「薄皮廢除(skinny repeal)」的「醫療自由法(The Health Care Freedom Act)」。28日清晨1時24分，此案仍以49比51否決(Vote Number: 179)，反對票中除先前Collins與Murkowski兩位女議員外，還包括2008年歐巴馬競選總統時的共和黨對手--- Arizona 州參議員John McCain。本案發展至此，HR1628直接修改平價醫療法的程序已經走到了盡頭，如何取得三位共和黨溫和派參議員的支持，便成為多數黨領袖McConnell必須解決的問題。

9月30日2017財政年度(FY2017)結束，無法完成的HR1628-2017預算劃一法案也就正式宣布告終，10月1日2018財政年度開始，於是共和黨改以FY2018預算劃一程序來修改平價醫療法。

11月2日眾議院財稅委員會主席Kevin Brady提出了「減稅與就業法(HR1 Tax Cuts and Jobs Act)」，11月13日HR1在眾院財稅委員會通過，14日參院多數黨領袖McConnell便宣布將在HR1中加入一項修改平價醫療法的關鍵條款---廢除強制個人必須購買醫療保險，否則課以罰款的規定( Individual mandate )。此項條款實為平價醫療法的根本基礎，廢除後必定造成保費收入下滑，長期發展必將導致平價醫療法完全變形。16日HR1在眾院以227比205通過(Roll no. 637)，12月2日在參院以51比49通過(Record Vote Number: 303)共和黨參議員僅有Tennessee州Bob Corker投下反對票。本案經兩院協商後，因參議院對預算劃一法案內容規定必須與赤字縮減、支出調整相關 (Byrd Rule)，最後眾議院在12月20日同意了參議院的版本，川普總統隨即於12月22日簽署。

平價醫療法能夠成功實施的關鍵，即在Individual mandate的強制規定，因為此項規定，使人人都須購買保險，保費收入足以維持支出所需。此項強制購買的規定最早始見於2009年9月16日參院財政委員會主席Max Baucus公布、10月13日財政委員會通過的版本(S.1796 America's Healthy Future Act of 2009)。

2010年3月23日歐巴馬總統簽署平價醫療法之後，以Florida 州檢察長(Attorney General) Bill McCollum為首的13位共和黨籍州檢察長 (Joining Florida were attorneys general from South Carolina, Nebraska, Texas, Utah, Alabama, Louisiana, Colorado, Michigan, Pennsylvania, Washington, Idaho, South Dakota.) 隨即向法院提起平價醫療法違憲的訴訟，此外同樣是共和黨籍的Virginia州檢察長Ken Cuccinelli也單獨另件提起平價醫療法的違憲訴訟，此後強制個人購買保險等是否違憲的訴訟陸續提出，2012年6月28日最高法院判決平價醫療法強制個人購買保險否則罰款係合憲的，院長John Robert指出，罰款係一種稅，國會有徵稅權，所以Individual Mandate是合憲的。此項判決既然確定罰款為稅，2017年共和黨便利用減稅的預算劃一法案(HR1)，將Individual Mandate的罰款減為0元，實質上破除了平價醫療法強制人人都須購買保險的基礎。至於平價醫療法未來的演變，仍有待觀察。

由於本週影片眾多，2017年共和黨透過預算劃一法案，以減稅的方式廢除平價醫療法罰款的相關影片，下週再介紹。