

HCR Now Law; NRF Key Votes Against Reconciliation, For Enzi Motion on Mandates; House Votes

E. Neil Trautwein

Vice President, Employee Benefits Policy Counsel
National Retail Federation

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1. **President Obama Signs Health Reform Law** – a new day has dawned but the health care forecast ahead is far from rosy. Nevertheless, President Obama has now achieved his top objective: signing health care reform into law. Public Law 111-148 is in the books. Follow the link from an ally's very good [flowchart timeline](#). Join us in congratulating the President for his achievement.

We opposed – for very good cause – this legislation. Nevertheless, I tried very hard in my blog entry ([The Wrong Step Forward](#)) yesterday to take the high road. We wish it could have been a different bill and actual cause for celebration – as I explain in my blog – but it is now what it is. The Wall Street Journal quoted me recently as saying that we went from being drivers of change to bystanders, if not the [roadkill](#) of the process. It may well be the height of hubris, but I think that sums up the debate pretty well. We will live with what we can live with, work to fix what we can and work to repeal what we can't live with.

2. **NRF Key Votes Against Budget Reconciliation** – follow the link to the [NRF letter](#) of March 23, 2010 indicating that Senate votes in connection with H.R. 4872, the Health Care and Education Affordability Reconciliation Act, will be considered as Key Retail Votes. H.R. 4872 is intended to implement certain understandings between the House and Senate majority and the Obama Administration that persuaded a bare majority of the House to pass the Senate bill. We think these changes make a bad law much worse.

As we note in relevant part:

We continue to strongly oppose the combination of the new law and this bill, chiefly because of: their lack of greater and more immediate cost savings for employer-sponsored coverage; the conditional mandate penalties for full-time employees; and higher taxes that will pass through to both employers and consumers. H.R. 4872 greatly increases employer penalties, a dangerous move in our view given that we found the Senate-passed mandate penalties unacceptable. H.R. 4872 also counts part-time employees in coverage threshold calculations – an approach that could ensnare small to mid-sized retailers. We should note that the bill removes the penalties for waiting periods between 60 and 90 days, a welcome change. Nevertheless, the problems in this bill by far outweigh any positive measures contained within.

3. **NRF Key Votes in Favor of Enzi Motion** – we strongly support Sen. Mike Enzi's (R-WY) motion to recommit (actually, commit) the bill to the Finance Committee to strip the reconciliation bill's higher penalties. H.R. 4872 doubles and almost triples the penalty mandates in the law. Given that the

original mandates will kill jobs, these higher penalties are absolutely staggering in their utter indifference of their anti-stimulative effect. We thank Sen. Enzi, ranking member on the Senate HELP Committee and also a former retailer, for his authorship of this important motion. We'll count votes in connection with it as Key Retail Votes.

4. **House Votes** – here are the key House votes from this past Sunday in case you missed them. We owe the 34 or so House Ds who bucked their conference to support our position our profound thanks. They are the heroes of the moment, at least in my view. But for a backroom, fig leaf of an Executive Order on the abortion issue, we would have beaten the bad health reform bill and thus forced action on more moderate measures that we could have supported.

- Rule to consider H.R. 3590 and H.R. 4782. NRF position: NO. [PASSED](#) 224-206. <http://clerk.house.gov/evs/2010/roll163.xml>
- H.R. 3590 – passage. NRF position: NO. [PASSED](#) 219-212. <http://clerk.house.gov/evs/2010/roll165.xml>
- H.R. 4782 – passage. NRF position: NO. [PASSED](#) 220-211. <http://clerk.house.gov/evs/2010/roll167.xml>

5. **Table of Links** – in my continuing effort to surmount the difficulty some of you have had with hyperlinks in these emails, we are using the following work-around. I'll list the key URL links in this table. You should be able to cut and paste each link into your web browser. Please note that with some of these links – particularly documents – it may be a multi-step process involving opening sequential links.

Flowchart Timeline: http://www.nrf.com/modules.php?name=Documents&op=showlivedoc&sp_id=4619

Wrong Step Forward Blog: <http://blog.nrf.com/2010/03/23/the-wrong-step-forward>

Roadkill: <http://en.wikipedia.org/wiki/Roadkill>

NRF Senate Key Vote Ltr: http://www.nrf.com/modules.php?name=Documents&op=showlivedoc&sp_id=4623

NRF Press Release: http://www.nrf.com/modules.php?name=News&op=viewlive&sp_id=908

6. Recent Emails

[March 20, 2010 – House Debate Directly Ahead; Sunday Votes? Outcome Uncertain; NRF Key Vote Warns](#)

[March 12, 2010 – Red Alert – House Debate Ahead; Twisted Procedures; Myths & Facts; ERISA Challenge at OMB; Murphy Bill on MSP](#)

[March 5, 2010 – Part-Time Employee Mandate; NRF Rejects Fast-Track Approach; Root of All Health Care Evil Blog](#)

[February 26, 2010 – Summit Lows and Highs; Finding Compromise; Starting Over \(Again\)](#)

[February 19, 2010 – Obama Summit; Responsible Reform; Higher Penalties; Public Option; Blog](#)