

## REFORM

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hopes the victory — even as a companion Senate “fix-it” bill moves through the Senate — will revitalize an Obama presidency that has been all but preoccupied with health care for his first year and two months in office. Vice President Joe Biden was caught whispering a profanity as he exclaimed to the president what a big deal it was.

Indeed, the reshaping of one-sixth of the U.S. economy, to be phased in over several years, ranks among the biggest changes ever devised by Washington. That was a main complaint from Republicans who characterize the measure as a costly, wrongheaded government power grab. Obama and the Democrats portray it as literally a lifesaver for countless Americans.

The core of the massive law is the extension of health care coverage to 32 million who now lack it, a goal to be achieved through a complex cocktail of new mandates for individuals and employers, subsidies for people who can't afford to buy coverage on their own, consumer-friendly rules clamped on insurers, tax breaks, and marketplaces to shop for health plans.

The law's most far-reaching changes don't kick in until 2014, including a requirement that most Americans carry health insurance — whether through an employer, a government program or their own purchase —

## LAWSUIT

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care insurance and say we're repealing that ... go right ahead.”

A 14th state, Virginia, did not join the bigger lawsuit, but filed its own, which other states are also considering.

McCollum, a Republican running for governor, has been talking about suing to overturn the bill since December. This month he invited other attorneys general to join him. So far South Carolina, Nebraska, Texas, Michigan, Utah, Pennsylvania, Alabama, South Dakota, Idaho, Washington, Colorado and Louisiana have agreed.

All the attorneys general are Republican except James “Buddy” Caldwell of Louisiana, a Democrat, who said he signed on because Republican Gov. Bobby Jindal asked him to and he felt the effort had merit.

The lawsuit, filed in Pensacola, asks a judge to declare the bill unconstitutional because “the Constitution nowhere authorizes the United States to mandate, either directly or under threat of penalty, that all citizens and legal residents have qualifying health care coverage.”

Robert Sedler, a constitutional law professor at Wayne State University in Detroit, said the effort isn't going anywhere.

“This is pure, pure political posturing and they have to know it,” he said.

But South Dakota Attorney General Marty Jackley disputed that characterization, saying his state will have to cut education and other programs to make up for increased Medicaid costs under the overhaul.

“This isn't about attorneys general trying to break into the realm of telling what needs to happen with health care reform,” he said. “This is attorneys general saying you went too far with unfunded federal mandates. You exceeded your power under the Constitution.”

Not so, said Bruce Jacob, a constitutional law professor at Stetson University in Florida, who said the suit seems like a political ploy and is unlikely to succeed.

“The federal government certainly can compel people to pay taxes, can compel people to join the Army,” he said.

Some more states, including Missouri, may join the multistate suit. Still others are looking at other ways to avoid participating, like passing legislation to block requirements in the bill.

McCollum predicted his suit would eventually end up before the U.S. Supreme Court.

The health care bill “is not lawful,” he said. “It may have passed Congress, but there are three branches of government.”

The lawsuit claims the health care bill violates the 10th Amendment, which says the federal government has no authority beyond the powers granted to it under the Constitution, by forcing the states to carry out its provisions but not reimbursing them for the costs.

Washington Gov. Chris Gregoire, a Democrat, said he strongly disagrees with Attorney General Rob McKenna's decision to sue, calling the lawsuit an effort to “gut the bill.”

or pay a fine. To make that a reality, tax credits to help cover the cost of premiums will start flowing to middle-class families and Medicaid will be expanded to cover more low-income people. Insurers would no longer be allowed to deny coverage to people with health problems.

Among the new rules on insurance companies that take effect this year are banning lifetime dollar limits on policies and policy cancellations when someone gets sick. Insurers also will have to allow parents to keep children on their plans up to age 26. But a much-touted provision to protect children in poor health has a gap. Insurers would still be able to deny new coverage to kids with health problems until 2014,

although they could no longer refuse to pay for a particular condition once the child is covered.

The changes are to be paid for with cuts in projected government payment increases to hospitals, insurance companies and others under Medicare and other health programs, an increase in the Medicare payroll tax for some, fees on insurance companies, drug makers and medical device manufacturers, a new excise tax on high-value insurance plans and a tax on indoor tanning services.

For seniors, the plan will gradually close the “doughnut hole” prescription coverage gap and improve preventive care. But it also will cut funding for popular private insurance plans offered through Medicare Advantage.

About one-quarter of seniors have signed up for such plans, which generally offer lower out-of-pocket costs.

Democrats, led by Obama, celebrated a “new wind at our backs” from an achievement accomplished after more than a year of high tension and deep division — stretching back to shouted protests that interrupted lawmakers' town hall meetings on the subject last summer. Obama signed the measure less than two days after the cliffhanger final House vote in a rare Sunday night session.

“Our presence here today is remarkable and improbable,” Obama said, his grin wider than any in recent memory. “With all the punditry, all of the lobbying, all the game-playing that passes

for governing in Washington, it's been easy at times to doubt our ability to do such a big thing, such a complicated thing.”

At a second celebration later, he said, “After a century of striving, after a year of debate, after a historic vote, health care reform is no longer an unmet promise. It is the law of the land.”

The president now faces the task of selling to the public a bill that satisfies neither side of the political spectrum.

Liberals bemoan that a government-run plan to compete with private ones was shed from the legislation during bitter negotiations. Conservatives fear an expansion of government and costs they say will bankrupt the country, despite an estimate from the nonpartisan Congressional

Budget Office that the law will cut federal budget deficits by an estimated \$143 billion over a decade.

Obama's explanatory hurdle is not an easy one, given the law's multilayered provisions and timetables. A bumper-sticker slogan it is not. But he must help protect the Democrats — particularly those from conservative-leaning districts — who stand to suffer in the fall elections from their votes.

Republicans face a challenge as well. Aware of traditional American suspicions of government intrusion, they cast themselves throughout the process against major changes. They now must explain to voters impatient for action in Washington why nothing was their best choice.

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