



C. L. "BUTCH" OTTER
GOVERNOR

December 28, 2009

The Honorable Harry Reid
Senate Majority Leader
522 Hart Senate Office Bldg
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker of the House
235 Cannon HOB
Washington, DC 20515

RE: "Health Care Reform"

Dear Madam Speaker and Majority Leader,

I am alarmed by the recent actions of Congress, with both the House and Senate rushing to pass "health care reform" over the past two months. The deal making, arm twisting and the ends-justifying-the means attitude that we saw throughout the process and recent votes on HR 3590 (as amended) and HR 3962 reflected a fundamental disconnect with the real challenges and priorities of ordinary Americans.

Where does the U.S. Constitution grant Congress the power to pass legislation mandating compulsory health care coverage or creating a nationalized health care system? Even the wildest interpretations of the "general welfare clause" in Article I, section 8 of the U.S. Constitution cannot justify what congressional leadership and the Administration propose within the bills. It is disappointing that some members of Congress have seemingly forgotten that the U.S. Constitution limits the authority of the legislative branch to the enumerated powers of Article I, and that absent such power it cannot enact laws no matter how "just" or "well-intentioned."

States – including Idaho – continue to point out the financial burdens associated with the most recent proposals. The astronomical costs projected with either bill will greatly impact our children and grandchildren as taxpayers shoulder the tremendous debt associated with these potential "solutions." Moreover, many states and local governments will experience increased costs not covered by either bill, which could constitute a crushing unfunded mandate and violation of federal law.

Perhaps even more troubling are the undemocratic and inequitable compromises reached in the U.S. Senate to push HR 3590 through the process. It is appalling to learn that both Nebraska and Louisiana have received deals, now referred to as the "Nebraska Compromise" and new "Louisiana Purchase" in return for their senators' support. I find it dubious that taxpayers in Idaho and other states will have to cover 100 percent of costs associated with newly eligible Medicaid enrollees in Nebraska or provide an additional \$300 million in Medicaid aid to Louisiana.

I understand many families are struggling to meet their basic needs today, including health care. However, that is no excuse to sacrifice fiscal responsibility, sound judgment and constitutionality for political expediency. We need

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an open and robust discussion about health care in America. That has not happened and I am skeptical that it could in the short amount of time members of Congress had to consider these voluminous bills.

I will follow the conference committee and Congress as they hastily proceed to pass health care legislation in the upcoming weeks. I also will continue working with Idaho's congressional delegation to ensure Idahoans' voices are heard in the process.

I question the wisdom as well as the constitutionality and legality of these bills and will explore all my options, including legal action, to protect Idaho and the U.S. Constitution should Congress adopt and the President sign compromise health care legislation. Given the bills now before the conference committee all that truly will be "compromised" is our American system of government in exchange for a multi-generational legacy of debt.

As Always – Idaho, "Esto Perpetua"

A handwritten signature in black ink, appearing to read "C.L. Butch Otter".

C.L. "Butch" Otter
Governor of Idaho

Cc: Senator Mike Crapo
Senator James Risch
Congressman Mike Simpson
Congressman Walt Minnick