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REPORT
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INSTRUCTING CERTAIN COMMITTEES TO REPORT LEGISLATION REPLACING THE JOB-KILLING HEALTH CARE LAW

JANUARY 6, 2011.—Referred to the House Calendar and ordered to be printed

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Mr. DREIER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 9]

The Committee on Rules, to whom was referred the resolution (H. Res. 9) instructing certain committees to report legislation replacing the job-killing health care law, having considered the same, report favorably thereon and recommend that the resolution be agreed to, without amendment.

PURPOSE AND SUMMARY

H. Res. 9 directs the Committee on Education and Labor, the Committee on Energy and Commerce, the Committee on the Judiciary, and the Committee on Ways and Means to report to the House legislation proposing changes to replace the existing health care law.

BACKGROUND AND NEED FOR LEGISLATION

The 111th Congress passed health care reform proposing it would create jobs, lower costs, and allow Americans to keep their health care. President Obama signed health care reform into law in March 2010. Immediately following enactment of the law, several lawsuits were filed in various courts challenging the constitutionality of the law's individual mandate and expansion of Medicaid. On December 13, 2010, a District Court Judge ruled in *Virginia v. Sebelius* that section 1501 of P.L. 111–148 requiring individuals to purchase health insurance is unconstitutional because it exceeds Congress's authority under the Commerce Clause. At the end of 2010, seven States: Arizona, Georgia, Idaho, Louisiana, Missouri, Utah and Virginia have enacted statutes exempting state residents from compliance with certain health care law provisions.

During the last ten months public opposition to the law has grown, as has support for its repeal. On January 2, 2011, Rasmussen Reports conducted a national survey of 1,000 likely voters and 60 percent favored repealing the health care law. It is important that "the People's House" respond to the concerns of the American people and work to develop common-sense health care solutions that will help create jobs, lower costs, and allow Americans to keep their health care.

Create jobs

At a time when economic growth is vital, House Committees must focus on solutions to help create private-sector jobs and spur the economy by eliminating policies and regulations that hinder job creation. According to the Heritage Foundation the tax increases in the health care law "will cost taxpayers $503 billion between 2010 and 2019." A study by the National Federation of Independent Business shows that the law's employer mandate could destroy as many as 1.6 million jobs over the next few years and 66 percent of them from small businesses.

Lower costs

It is essential that House Committees look at ways to lower health care premiums, reduce wasteful health care spending and provide States greater flexibility to administer Medicaid. The non-partisan Congressional Budget Office (CBO) found that premiums on individual health care policies would rise by 10 to 13 percent more under the health care law than they would have otherwise. A June 2010 study from PricewaterhouseCoopers confirms that "companies that offer employee health insurance expect another steep jump in medical costs next year, and more will ask workers to share a bigger chunk of the expense." CBO further concludes the health care law would cost States an extra $20 billion to comply with the Federal government's new mandates, while the Kaiser Commission on Medicaid and the Uninsured put the figure closer to $43 billion. The chief actuary at the Centers for Medicare & Medicaid Services (CMS) believes the health care law fails to lower health care costs and will increase national health care spending by 6.3 percent per year and total health care spending will hit $4.6 trillion by 2019.

Allow Americans to keep their health care

House Committees must focus on policies that preserve a patient's ability to keep his or her health plan if he or she likes it. House Ways and Means Committee Republicans found that by 2013 over 87 million Americans, and one out of two Americans with employer coverage, will no longer be able to retain the health plan they have and like. According to non-partisan actuaries at the CMS, next year, 1.2 million seniors will be forced out of the Medicare Advantage or the Medicare prescription drug plan they have currently, 7.4 million seniors will either lose or be denied access to a Medicare Advantage plan, and those still enrolled in a Medicare Advantage plan will soon receive "less generous benefit packages" over the next 10 years as a result of the health care law.

In an effort to jump start the committee process, this resolution was introduced on the first day of the 112th Congress. It complements legislation to repeal the health care law, H.R. 2.

HEARINGS

On January 6, 2011, the Committee on Rules held a hearing on H. Res. 9 and H.R. 2 and received testimony from members of the committees of jurisdiction for the health care law, as well as rank-and-file members who were offering amendments.

COMMITTEE CONSIDERATION

The Committee on Rules met on January 6, 2011 in open session and ordered H. Res. 9 favorably reported to the House without amendment by a record vote of 6 yeas and 4 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. A motion by Ms. Foxx to report the bill to the House with a favorable recommendation was agreed to by a record vote of 6 yeas and 4 nays.

RULES COMMITTEE RECORD VOTE NO. 3

Motion by Ms. Foxx to report the resolution to the House with a favorable recommendation. Agreed to: 6 yeas and 4 nays.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Woodall	Yea	Mr. McGovern	Nay
Mr. Nugent	Yea	Mr. Hastings (FL)	Nay
Mr. Scott	Yea	Mr. Polis	Nay
Mr. Webster	Yea		
Mr. Dreier, Chairman	Yea		

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee made findings that are reflected in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee states, with respect to H. Res. 9, that the Director of the Congressional Budget Office did not submit a cost estimate and comparison under section 402 of the Congressional Budget Act of 1974.

PERFORMANCE GOALS AND OBJECTIVES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974, the Committee finds that this legislation would result in no new budget authority, entitlement authority, or tax expenditures or revenues.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

H. Res. 9 instructs the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on the Judiciary, and the Committee on Ways and Means to each report legislation to the House proposing changes to existing law within the committee's jurisdiction with provisions that—

- Foster economic growth and private sector job creation;
- Lower health care premiums;
- Preserve a patient's ability to keep his or her health insurance;
- Provide people with pre-existing conditions access to affordable health coverage;
- Reform medical liability system;
- Increase the number of insured Americans;
- Protect the doctor-patient relationship;
- Provide States greater flexibility to administer Medicaid programs;
- Expand incentives to encourage personal responsibility for health care coverage and costs;
- Prohibit taxpayer funding of abortions and provide conscience protections for health care providers;
- Eliminate duplicative government programs and wasteful spending; or
- Do not accelerate the insolvency of entitlement programs or increase the tax burden on Americans.

CHANGES IN EXISTING HOUSE RULES MADE BY H. RES. 9, AS REPORTED

In compliance with clause 3(g) of rule XIII of the Rules of the House of Representatives, H. Res. 9 does not propose to repeal or amend a standing rule of the House.

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