

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2) TO REPEAL THE JOB-KILLING HEALTH CARE LAW AND HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010; PROVIDING FOR CONSIDERATION OF THE RESOLUTION (H. RES. 9) INSTRUCTING CERTAIN COMMITTEES TO REPORT LEGISLATION REPLACING THE JOB-KILLING HEALTH CARE LAW; AND FOR OTHER PURPOSES

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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. 26]

The Committee on Rules, having had under consideration House Resolution 26, by a record vote of 6 to 4, to report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2, the “Repealing the Job-Killing Health Care Law Act,” under a closed rule. The resolution waives all points of order against consideration of H.R. 2. The resolution provides that the amendment to H.R. 2 printed in part A of this report shall be considered as adopted. H.R. 2, as amended, shall be considered as read. The resolution waives all points of order against provisions of H.R. 2, as amended. The resolution provides seven hours of debate on H.R. 2 in the House with 30 minutes equally divided and controlled by the Majority Leader and Minority Leader or their respective designees, 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce, 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means, 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget, 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 40 minutes equally divided and controlled by the chair and ranking minority member of the

Committee on Small Business. The resolution provides one motion to recommit H.R. 2 with or without instructions.

The resolution provides a structured rule for consideration of H. Res. 9, instructing certain committees to report legislation replacing the job-killing health care law. The resolution provides that H. Res. 9 shall be considered as read. The resolution provides 1 hour of debate on H. Res. 9 equally divided and controlled by the chair and ranking minority member of the Committee on Rules, or their designees. The resolution makes in order the amendment to H. Res. 9 printed in part B of this report, if offered by Representative Matheson of Utah, or his designee, which shall be considered as read and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent. All points of order are waived against the amendment printed in part B of the report. The resolution provides one motion to recommit H. Res. 9 without instructions.

The resolution provides for consideration of a resolution if offered by the Majority Leader or his designee, relating to the status of certain actions taken by Members-elect, under a closed rule. The resolution provides 4 minutes of debate on the resolution equally divided and controlled by the Majority Leader and Minority Leader, or their designees.

#### EXPLANATION OF WAIVERS

With respect to H.R. 2, the rule waives section 303(a) of the Congressional Budget Act, which prohibits the consideration of legislation providing new budget authority, change in revenues, change in public debt, new entitlement authority, or new credit authority for a fiscal year until the budget resolution for that fiscal year has been agreed to. The waiver is necessary because a budget resolution was never adopted for fiscal year 2011, and the Chairman of the Committee on the Budget has yet to submit in the Congressional Record budgetary aggregates and allocations for fiscal year 2011 pursuant to section 3(b)(1) of H. Res. 5.

Although the rule waives all points of order against consideration of H. Res. 9, the committee is not aware of any waivers. The waiver of all points of order is prophylactic in nature.

Although the rule waives all points of order against the consideration of the resolution contemplated in section 3 of the resolution, the committee does not anticipate the need for any waivers. The waiver of all points of order is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 4*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Ms. Slaughter.

Summary of motion: Motion that the rule be amended to strike the Cantor Amendment.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 5*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Ms. Slaughter.

Summary of motion: Motion to report an open rule.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 6*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Ms. Slaughter.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Tsongas (MA) et al. #15, which would state that repeal of the Affordable Care Act shall not take effect until the date upon which CBO certifies that repeal will not permit insurance companies to discriminate against women.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 7*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Ms. Slaughter.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Sanchez (CA) et al., #16, would state that repeal of the Affordable Care Act shall not take effect until the date upon which CBO certifies that repeal will not permit insurance companies to rescind an individual's health coverage due to illness or impose annual and lifetime limits, as prohibited under the Affordable Care Act.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 8*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Edwards (MD) and Rep. Engel (NY), #26, which would state repeal of the Patient Protection and Affordable Care Act shall not take effect unless and until the Director of the Office of Management and Budget, in consultation with the Director of the Congressional Budget Office, certifies to the Congress that the repeals effected by such section will not restore

the ability of insurance companies to impose unreasonable premium increases as protected against under the Patient Protection and Affordable Care Act.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 9*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Tierney (MA) et al. #27, which would state repeal of the Affordable Care Act shall not take effect unless and until the date upon which CBO certifies that repeal will not restore the ability of insurance companies to divert premium dollars from patients into insurance company profits and executive perks as prohibited under section 1001 of the Affordable Care Act.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 10*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Castor (FL) et al. #14, which would state that repeal of the Affordable Care Act shall not take effect until the date upon which CBO certifies that repeal will not permit insurance companies to deny coverage to individuals due to a pre-existing condition, as prohibited under the Affordable Care Act.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 11*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Larsen (WA) et al. #17, which would state that repeal of the Affordable Care Act shall not take effect until the date upon which CBO certifies that repeal will not eliminate health insurance coverage for young adults under 26 who are otherwise eligible for coverage under their parents' plan as a result of the Affordable Care Act.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 12*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Thompson (MS) et al. #23, which would state that repealing the Patient Protection and Affordable Care Act shall not take effect unless and until the Director of the Office of Management and Budget, in consultation with the Director of the Congressional Budget Office, certifies to the Congress that the repeals effected by such section will not undermine access to primary care.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 13*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Deutch (FL) et al., #20, which would state that the Repeal of the Affordable Care Act shall not take effect until the date upon which CBO certifies that repeal will not imperil Medicare and raise costs on seniors. Specifically, repeal will not: (a) raise drug costs to seniors and people with disabilities by re-opening the Medicare prescription drug donut hole; (b) eliminate free preventive health coverage; or (c) increase the incidence of fraud and abuse.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 14*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Van Hollen (MD) et al., #18, which would state that repeal of the Affordable Care Act shall not take effect until the date upon which CBO certifies that repeal will not increase the deficit by eliminating the \$230B over 10 years and \$1.2T over 20 years in deficit savings achieved by the Affordable Care Act.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 15*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Mr. Polis.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Peters (MI) et al., #19, which would state that repeal of the Affordable Care Act shall not take effect until the date upon which CBO certifies that repeal will not increase taxes on small businesses offering health insurance, including through the elimination of any tax credit as provided under the Affordable Care Act and will not increase costs for employers offering retiree benefits by eliminating the assistance provided to them under the Affordable Care Act to help maintain retiree health care benefits.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 16*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Mr. Polis.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Heinrich (NM) et al., #22, which would state that repealing the Patient Protection and Affordable Care Act shall not take effect unless and until the Director of the Office of Management and Budget, in consultation with the Director of the Congressional Budget Office, certifies to the Congress that the repeals effected by such section will not shorten the life of the Federal Hospital Insurance Trust Fund, which the Patient Protection and Affordable Care Act extended by 12 years.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 17*

Date: January 6, 2011.

Measure: H.R. 2.

Motion by: Mr. Polis.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Welch (VT) et al., #21, which would state that repeal of the Affordable Care Act shall not take effect until the date upon which CBO certifies that repeal will not increase cost sharing or otherwise reduce access to preventive health benefits such as mammograms, colonoscopies, and diabetes screenings, including such benefits offered by private health plans or by Medicare provided by sections 1001 and 4104 of the Affordable Care Act.

Results: Defeated 4–6.

Vote by Members: Dreier—Nay; Foxx—Nay; Woodall—Nay; Nugent—Nay; Scott—Nay; Webster—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Polis—Yea.

*Rules Committee record vote No. 18*

Date: January 6, 2011.

Measure: H.R. 2 and H. Res. 9.

Motion by: Ms. Foxx.

Summary of motion: To report the rule.

Results: Adopted 6–4.

Vote by Members: Dreier—Yea; Foxx—Yea; Woodall—Yea; Nugent—Yea; Scott—Yea; Webster—Yea; Slaughter—Nay; McGovern—Nay; Hastings (FL)—Nay; Polis—Nay.

SUMMARY OF AMENDMENT IN PART A TO BE CONSIDERED AS ADOPTED  
TO H.R. 2

1. Cantor (VA): Would add the language required by statutory PAYGO for CBO scoring.

SUMMARY OF AMENDMENT IN PART B TO BE MADE IN ORDER TO H.  
RES. 9

1. Matheson (UT): Would instruct the Committee of jurisdiction to include a permanent fix to the Medicare physician payment formula in legislation to replace the Patient Protection and Affordable Care Act. (10 minutes)

PART A—TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED TO  
H.R. 2

At the end of the bill, insert the following new section:

**SEC. 3. BUDGETARY EFFECTS OF THIS ACT.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

PART B—TEXT OF AMENDMENT TO BE MADE IN ORDER TO H. RES. 9

In paragraph (11) of the resolved clause, strike “or.”

In paragraph (12) of the resolved clause, strike the period and insert “; or”.

Add after paragraph (12) of the resolved clause the following:

(13) enact a permanent fix to the flawed Medicare sustainable growth rate formula used to determine physician payments under title XVIII of the Social Security Act to preserve health care for the nation’s seniors and to provide a stable environment for physicians.