



THE AFFORDABLE CARE ACT IN THE 112TH CONGRESS: THE HR 2 REPEAL VOTE

*As the 112th Congress convened, the new Republican leadership in the House of Representatives established dismantling the **Patient Protection and Affordable Care Act** (PL 111-148), and the health-related provisions of the **Health Care and Education Reconciliation Act of 2010** (PL 111-152), as a top legislative priority. In so doing, House Republicans brought legislation to repeal the ACA in its entirety to the floor for vote on January 20, 2011. The bill, **To Repeal the Job-Killing Health Care Law and Health-Care Related Provisions in the Health Care and Education Reconciliation Act of 2010** (HR 2), passed easily in the GOP-dominated House, but it was not expected to reach the floor of the Democratically-led Senate, or the desk of President Obama, who pledged to veto any such legislation. An overview of the repeal effort, including the legislative process, the conflicting reports on budgetary impacts of repeal, and the vote itself, is below.*

HR 2. On January 5, House Republican leaders introduced legislation to repeal the ACA, [To Repeal the Job-Killing Health Care Law and Health Care-Related Provisions in the Health Care and Education Reconciliation Act of 2010 \(HR 2\)](#). The following day, the House Rules Committee reported out [H Res 26](#), a resolution setting the debate rules for the lower chamber's consideration of HR 2, including a seven hour debate period and language preventing Democrats from amending the measure. In the same resolution, the Rules Committee limited Democratic amendments and set a one-hour floor debate period for [H Res 9](#), a GOP proposal seeking to instruct certain House committees to develop ACA-replacement language. By a partisan vote of 236-181, the House adopted H Res 26, thus agreeing to consider HR 2 and H Res 9 under the rules set forth by the Rules Committee.

House Republicans and the CBO Disagree on the Budgetary Effects of ACA

Repeal. On January 6, 2011, the nonpartisan Congressional Budget Office (CBO), which was founded with the enactment of the *Congressional Budget and Impoundment Control Act* in order to provide nonpartisan and timely analysis on information required for the Congressional budget process, released a [preliminary analysis of the effects of HR 2](#), estimating that repeal of the ACA would increase the deficit by an estimated \$230 billion over ten years. In response, House Speaker John Boehner's (R-Ohio) office released a competing analysis conducted by House Budget Committee Republicans, [Obamacare: A Budget-Busting, Job-Killing Health Care Law](#), stating that the law would cost \$2.6 trillion when fully implemented, adding \$701 billion to the deficit in its first ten years. The dispute over the disparate figures comes in part from the uncertainty about how the overhaul will actually be implemented in the coming years, as CBO is required to score bills as they are written without speculating as to potential changes, while House Republicans are not similarly bound. CBO noted that it is working on a more



detailed analysis of the estimate of the effects of repealing the ACA, in partnership with the Joint Committee on Taxation.

Vote to Repeal. As anticipated, on January 19, the Republican-controlled House passed HR 2, by a margin of 245-189, with three Democrats supporting the repeal, and no Republicans opposing it. The vote is largely seen as symbolic of the new House leadership's promise to repeal the ACA and impede its implementation, as the measure is not expected to advance to the Senate. Despite 179 cosponsors and passage in the lower chamber, Senate Majority Leader Harry Reid (D-Nev.) has made it clear that he will not allow the bill to come to a vote in the Senate, and the White House has promised to veto the measure in the unlikely event that it were to reach the President's desk.

Looking Ahead. Given the lack of bipartisan support for repeal of the ACA in its entirety, Republicans are expected to turn to alternative means to dismantle the ACA, such as conducting committee oversight hearings, defunding parts of the law, and tailoring repeal efforts to initiatives with the potential for bipartisan support.