

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5424

To repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and enact the Common Sense Health Care Reform and Affordability Act.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 27, 2010

Mr. HERGER (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mrs. McMORRIS RODGERS, Mr. SESSIONS, Mr. MCCARTHY of California, Mr. BLUNT, Mr. CAMP, Mr. BARTON of Texas, Mr. KLINE of Minnesota, Mr. SHIMKUS, Mr. PRICE of Georgia, Mr. BRADY of Texas, Mr. LINDER, Mr. TIBERI, Mr. DAVIS of Kentucky, Mr. REICHERT, Mr. BOUSTANY, Mr. HELLER, and Mr. ROSKAM) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and enact the Common Sense Health Care Reform and Affordability Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reform Americans Can  
3 Afford Act of 2010”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The nonpartisan Congressional Budget Of-  
7 fice (referred to in this section as the “CBO”) pre-  
8 dicts that health insurance premiums will increase  
9 by \$2,100 for millions of families by 2016 as a re-  
10 sult of the Democrats’ health overhaul.

11 (2) The Obama Administration’s own actuaries  
12 at the Centers for Medicare & Medicaid Services (re-  
13 ferred to in this section as the “CMS”) predict that,  
14 “[N]ational health expenditures under the health re-  
15 form act would increase by a total of  
16 \$311,000,000,000 (0.9 percent) during calendar  
17 years 2010–2019” as a result of the Democrats’  
18 health overhaul.

19 (3) The CMS actuaries predict that 14,000,000  
20 Americans would lose their employer-sponsored in-  
21 surance as a result of the Democrats’ health over-  
22 haul.

23 (4) The Democrats’ health overhaul penalizes  
24 Americans who save money to pay for their health  
25 care and threatens to reduce the value of the health  
26 benefits of 43,000,000 Americans with Flexible

1 Spending Arrangements and Health Savings Ac-  
2 counts.

3 (5) CBO estimates the Democrats' health over-  
4 haul slashes Medicare by more than one-half trillion  
5 dollars in order to fund a new Government entitle-  
6 ment program.

7 (6) The Medicare actuaries found these Medi-  
8 care cuts to be so drastic that they caution, "pro-  
9 viders for whom Medicare constitutes a substantive  
10 portion of their business could find it difficult to re-  
11 main profitable and, absent legislative intervention,  
12 might end their participation in the program (pos-  
13 sibly jeopardizing access to care for beneficiaries)".

14 (7) The CMS actuaries predict 7,000,000 Medi-  
15 care beneficiaries will no longer be enrolled in a  
16 Medicare Advantage plan and millions of seniors  
17 who are currently enrolled in a Medicare Advantage  
18 plan will see their benefits slashed and out-of-pocket  
19 costs increase.

20 (8) According to the Joint Committee on Tax-  
21 ation and the CBO, the Democrats' health law con-  
22 tains a total of \$569,200,000,000 in tax increases,  
23 including a dozen separate provisions that break  
24 President Obama's pledge to avoid tax increases on  
25 middle-class Americans earning less than \$200,000

1 per year and families earning less than \$250,000  
2 per year.

3 (9) The national unemployment rate remains  
4 near 10 percent.

5 (10) CBO estimates that the Democrats' health  
6 overhaul will raise taxes on employers who fail to  
7 provide Government-approved health insurance to  
8 their employees by \$52,000,000,000.

9 (11) CBO said that “employees largely bear the  
10 cost of . . . [employer mandate] fees in the form of  
11 lower wages”.

12 (12) The costs incurred by businesses who  
13 avoid the tax by complying with the employer man-  
14 date may also be felt by potential workers (who will  
15 have fewer employment opportunities as businesses  
16 respond to the mandate by reducing additional hir-  
17 ing) and by consumers (who may have to pay more  
18 for goods and services to offset the higher costs im-  
19 posed on businesses by the mandate).

20 (13) The U.S. Chamber of Commerce, which  
21 represents more than 3,000,000 businesses and or-  
22 ganizations, said the Democrats' health overhaul,  
23 “will not increase coverage—rather it will lead to out-  
24 sourcing, off-shoring, hiring of independent contrac-

1       tors, spinning-off small new companies, reducing  
2       workforces, and reducing wages”.

3           (14) The National Federation of Independent  
4       Business, which represents 350,000 small busi-  
5       nesses, said through mandates, “employees ulti-  
6       mately bear the cost of their health insurance  
7       through lower employment, depressed wages, de-  
8       pressed productivity, and loss of economic opportuni-  
9       ties”.

10          (15) CBO found that 3,900,000 Americans  
11       would pay \$17,000,000,000 in taxes for not pur-  
12       chasing Government-approved health insurance and  
13       that nearly half of these taxes would be paid by fam-  
14       ilies earning less than 300 percent of the Federal  
15       poverty level.

16          (16) The Internal Revenue Service may have to  
17       hire as many as 16,500 additional agents, auditors,  
18       and other workers to enforce all the new taxes and  
19       penalties in the Democrats’ health overhaul, dan-  
20       gerously expanding the Government’s reach into the  
21       lives of virtually every American.

22          (17) The CMS actuaries predict the nearly  
23       \$110,000,000,000 in new health care industry taxes  
24       in the Democrats’ health overhaul will be passed

1 onto consumers in the form of higher premiums and  
2 out-of-pocket costs.

3 (18) The subsidies for individuals and families  
4 (who earn less than 400 percent of the Federal pov-  
5 erty level) in the Democrats' health overhaul are  
6 structured in a way that will financially punish mar-  
7 ried couples. For example, a woman earning  
8 \$32,000 in 2016 who gets married to a man earning  
9 the same amount will pay an average marriage pen-  
10 alty of \$9,640 versus what they would have paid for  
11 health coverage had they not married.

12 (19) The rapid phase-out of the premium tax  
13 credits, when combined with existing income and  
14 payroll tax rates, create effective marginal tax rates  
15 exceeding 100 percent in certain cases, thus destroy-  
16 ing any incentive to work harder and earn more in-  
17 come.

18 (20) The so-called "Patient-Centered Outcomes  
19 Research Institute" paves the way for Government-  
20 sanctioned rationing of life-saving treatments by al-  
21 lowing the coverage of health care treatments and  
22 services to be based on how much those treatments  
23 and services cost.

24 (21) The CMS actuaries predict the program to  
25 help cover the sickest Americans will be so inad-

1 equately funded that premiums will have to increase  
2 “substantially” to maintain solvency.

3 (22) The CMS actuaries estimate 18,000,000  
4 Americans will be dumped into Medicaid, a program  
5 in which they are likely to have a difficult time find-  
6 ing a doctor to treat them, as a result of the Demo-  
7 crats’ health overhaul.

8 (23) The Medicaid expansion in the Democrats’  
9 health overhaul will force States to spend an addi-  
10 tional \$20,000,000,000 on their Medicaid programs  
11 at time where the vast majority of States are facing  
12 a budget crisis.

13 (24) The 2010 budget deficit currently stands  
14 at \$1,400,000,000,000 and the national debt totals  
15 \$12,000,000,000,000.

16 (25) The CMS actuaries exposed the Demo-  
17 crats’ budget gimmicks, saying a new Government-  
18 run long-term care program that Democrats have  
19 touted as saving \$72,000,000,000 over the next ten  
20 years will “face a significant risk of failure” and  
21 also that “the improved [Medicare] financing cannot  
22 be simultaneously used to finance other Federal out-  
23 lays (such as the coverage expansions) and to extend  
24 the trust fund”.

1           (26) CBO estimates the House Republican  
2 health reform bill would reduce premiums across the  
3 board by up to \$1,050 annually.

4           (27) The House Republican health reform bill  
5 would not cut Medicare or increase taxes.

6           (28) CBO estimates the Republican health re-  
7 form bill would reduce the Federal deficit by  
8 \$68,000,000,000 over the next 10 years.

9           (29) As of introduction of this bill, 21 State at-  
10 torneys general are suing the Federal Government,  
11 challenging the constitutionality of the Democrats'  
12 new health care law.

13 **SEC. 3. REPEAL OF THE PATIENT PROTECTION AND AF-**  
14 **FORDABLE CARE ACT AND THE HEALTH**  
15 **CARE AND EDUCATION RECONCILIATION ACT**  
16 **OF 2010.**

17           (a) PATIENT PROTECTION AND AFFORDABLE CARE  
18 ACT.—Effective as of the enactment of the Patient Pro-  
19 tection and Affordable Care Act, such Act is repealed, and  
20 the provisions of law amended or repealed by such Act  
21 are restored or revived as if such Act had not been en-  
22 acted.

23           (b) HEALTH CARE AND EDUCATION RECONCILI-  
24 ATION ACT OF 2010.—Effective as of the enactment of  
25 the Health Care and Education Reconciliation Act of



1 2010, such Act is repealed, and the provisions of law  
2 amended or repealed by such Act are restored or revived  
3 as if such Act had not been enacted.

4 **SEC. 4. ENACTMENT OF THE COMMON SENSE HEALTH**  
5 **CARE REFORM AND AFFORDABILITY ACT.**

6 H.R. 4038, entitled the “Common Sense Health Care  
7 Reform and Affordability Act”, as introduced in the  
8 House of Representatives on November 6, 2009, is en-  
9 acted into law.

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