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.

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

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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) The nonpartisan Congressional Budget Office (referred to in this section as the “CBO”) predicts that health insurance premiums will increase by $2,100 for millions of families by 2016 as a result of the Democrats’ health overhaul.

(2) The Obama Administration’s own actuaries at the Centers for Medicare & Medicaid Services (referred to in this section as the “CMS”) predict that, “[N]ational health expenditures under the health reform act would increase by a total of $311,000,000,000 (0.9 percent) during calendar years 2010–2019” as a result of the Democrats’ health overhaul.

(3) The CMS actuaries predict that 14,000,000 Americans would lose their employer-sponsored insurance as a result of the Democrats’ health overhaul.

(4) The Democrats’ health overhaul penalizes Americans who save money to pay for their health care and threatens to reduce the value of the health benefits of 43,000,000 Americans with Flexible
Spending Arrangements and Health Savings Accounts.

(5) CBO estimates the Democrats’ health overhaul slashes Medicare by more than one-half trillion dollars in order to fund a new Government entitlement program.

(6) The Medicare actuaries found these Medicare cuts to be so drastic that they caution, “providers for whom Medicare constitutes a substantive portion of their business could find it difficult to remain profitable and, absent legislative intervention, might end their participation in the program (possibly jeopardizing access to care for beneficiaries).”

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

(8) According to the Joint Committee on Taxation and the CBO, the Democrats’ health law contains a total of $569,200,000,000 in tax increases, including a dozen separate provisions that break President Obama’s pledge to avoid tax increases on middle-class Americans earning less than $200,000
per year and families earning less than $250,000 per year.

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

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

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

(12) The costs incurred by businesses who avoid the tax by complying with the employer mandate may also be felt by potential workers (who will have fewer employment opportunities as businesses respond to the mandate by reducing additional hiring) and by consumers (who may have to pay more for goods and services to offset the higher costs imposed on businesses by the mandate).

(13) The U.S. Chamber of Commerce, which represents more than 3,000,000 businesses and organizations, said the Democrats’ health overhaul, “will not increase coverage—rather it will lead to outsourcing, off-shoring, hiring of independent contrac-
tors, spinning-off small new companies, reducing workforces, and reducing wages’.

(14) The National Federation of Independent Business, which represents 350,000 small businesses, said through mandates, “employees ultimately bear the cost of their health insurance through lower employment, depressed wages, depressed productivity, and loss of economic opportunities”.

(15) CBO found that 3,900,000 Americans would pay $17,000,000,000 in taxes for not purchasing Government-approved health insurance and that nearly half of these taxes would be paid by families earning less than 300 percent of the Federal poverty level.

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

(17) The CMS actuaries predict the nearly $110,000,000,000 in new health care industry taxes in the Democrats’ health overhaul will be passed
onto consumers in the form of higher premiums and out-of-pocket costs.

(18) The subsidies for individuals and families (who earn less than 400 percent of the Federal poverty level) in the Democrats’ health overhaul are structured in a way that will financially punish married couples. For example, a woman earning $32,000 in 2016 who gets married to a man earning the same amount will pay an average marriage penalty of $9,640 versus what they would have paid for health coverage had they not married.

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

(20) The so-called “Patient-Centered Outcomes Research Institute” paves the way for Government-sanctioned rationing of life-saving treatments by allowing the coverage of health care treatments and services to be based on how much those treatments and services cost.

(21) The CMS actuaries predict the program to help cover the sickest Americans will be so inad-
equately funded that premiums will have to increase “substantially” to maintain solvency.

(22) The CMS actuaries estimate 18,000,000 Americans will be dumped into Medicaid, a program in which they are likely to have a difficult time finding a doctor to treat them, as a result of the Democrats’ health overhaul.

(23) The Medicaid expansion in the Democrats’ health overhaul will force States to spend an additional $20,000,000,000 on their Medicaid programs at time where the vast majority of States are facing a budget crisis.

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

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

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

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

(28) CBO estimates the Republican health reform bill would reduce the Federal deficit by $68,000,000,000 over the next 10 years.

(29) As of introduction of this bill, 21 State attorneys general are suing the Federal Government, challenging the constitutionality of the Democrats’ new health care law.


(a) Patient Protection and Affordable Care Act.—Effective as of the enactment of the Patient Protection and Affordable Care Act, such Act is repealed, and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) Health Care and Education Reconciliation Act of 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of
2010, such Act is repealed, and the provisions of law
amended or repealed by such Act are restored or revived
as if such Act had not been enacted.

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

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