

## Union Calendar No. 222

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3762

[Report No. 114-293]

To provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2015

Mr. PRICE of Georgia reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **A BILL**

To provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
 5 “Restoring Americans’ Healthcare Freedom Reconcili-  
 6 ation Act of 2015”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of  
 8 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—COMMITTEE ON EDUCATION AND THE WORKFORCE**

Sec. 101. Repeal of automatic enrollment requirement.

**TITLE II—COMMITTEE ON ENERGY AND COMMERCE**

Sec. 201. Repeal of the Prevention and Public Health Fund.

Sec. 202. Federal payment to States.

Sec. 203. Funding for community health center program.

**TITLE III—COMMITTEE ON WAYS AND MEANS**

**Subtitle A—Revenue Provisions**

Sec. 301. Repeal of individual mandate.

Sec. 302. Repeal of employer mandate.

Sec. 303. Repeal of medical device excise tax.

Sec. 304. Repeal of the tax on employee health insurance premiums and health  
 plan benefits and related reporting requirements.

**Subtitle B—Repeal of Independent Payment Advisory Board**

Sec. 311. Repeal of Independent Payment Advisory Board.

9 **TITLE I—COMMITTEE ON EDU-**  
 10 **CATION AND THE WORK-**  
 11 **FORCE**

12 **SEC. 101. REPEAL OF AUTOMATIC ENROLLMENT REQUIRE-**  
 13 **MENT.**

14 The Fair Labor Standards Act of 1938 (29 U.S.C.  
 15 201 et seq.) is amended by repealing section 18A (as

1 added by section 1511 of the Patient Protection and Af-  
2 fordable Care Act (Public Law 111–148)).

3 **TITLE II—COMMITTEE ON**  
4 **ENERGY AND COMMERCE**

5 **SEC. 201. REPEAL OF THE PREVENTION AND PUBLIC**  
6 **HEALTH FUND.**

7 (a) IN GENERAL.—Section 4002 of the Patient Pro-  
8 tection and Affordable Care Act (42 U.S.C. 300u–11) is  
9 repealed.

10 (b) RESCISSION OF UNOBLIGATED FUNDS.—Of the  
11 funds made available by such section 4002, the unobli-  
12 gated balance is rescinded.

13 **SEC. 202. FEDERAL PAYMENT TO STATES.**

14 (a) IN GENERAL.—Notwithstanding sections 504(a),  
15 1902(a)(23), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1)  
16 of the Social Security Act (42 U.S.C. 704(a),  
17 1396b(a)(23), 1397a, 1397d(a)(4), 1397bb(a)(2),  
18 1397ee(a)(1)), or the terms of any Medicaid waiver in ef-  
19 fect on the date of enactment of this Act that is approved  
20 under section 1115 or 1915 of the Social Security Act (42  
21 U.S.C. 1315, 1396n), for the one-year period beginning  
22 on the date of the enactment of this Act no Federal funds  
23 may be made available to a State for payments to a pro-  
24 hibited entity.

1 (b) DEFINITION OF PROHIBITED ENTITY.—In this  
2 section, the term “prohibited entity” means an entity, in-  
3 cluding its affiliates, subsidiaries, successors, and clinics—

4 (1) that, as of the date of enactment of this  
5 Act—

6 (A) is an organization described in section  
7 501(c)(3) of the Internal Revenue Code of 1986  
8 and exempt from tax under section 501(a) of  
9 such Code;

10 (B) is an essential community provider de-  
11 scribed in section 156.235 of title 45, Code of  
12 Federal Regulations, that is primarily engaged  
13 in family planning services, reproductive health,  
14 and related medical care; and

15 (C) provides for elective abortions; and

16 (2) for which the total amount of Federal and  
17 State expenditures under the Medicaid program  
18 under title XIX of the Social Security Act in fiscal  
19 year 2014 made directly to the entity and to any af-  
20 filiates, subsidiaries, successors, or clinics of the en-  
21 tity, or made to the entity and to any affiliates, sub-  
22 sidiaries, successors, or clinics of the entity as part  
23 of a nationwide health care provider network, ex-  
24 ceeded \$350,000,000.

1 **SEC. 203. FUNDING FOR COMMUNITY HEALTH CENTER**  
2 **PROGRAM.**

3 Effective as if included in the enactment of the Medi-  
4 care Access and CHIP Reauthorization Act of 2015 (Pub-  
5 lic Law 114–10, 129 Stat. 87), paragraph (1) of section  
6 221(a) of such Act is amended by inserting after “Section  
7 10503(b)(1)(E) of the Patient Protection and Affordable  
8 Care Act (42 U.S.C. 254b-2(b)(1)(E)) is amended” the  
9 following: “by striking ‘\$3,600,000,000’ and inserting  
10 ‘\$3,835,000,000’ and”.

11 **TITLE III—COMMITTEE ON WAYS**  
12 **AND MEANS**

13 **Subtitle A—Revenue Provisions**

14 **SEC. 301. REPEAL OF INDIVIDUAL MANDATE.**

15 (a) IN GENERAL.—Section 5000A of the Internal  
16 Revenue Code of 1986 is amended by adding at the end  
17 the following:

18 “(h) TERMINATION.—This section shall not apply  
19 with respect to any month beginning after December 31,  
20 2014.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 5000A(c) of such Code is amend-  
23 ed—

24 (A) in paragraph (2)(B) by striking  
25 clauses (ii) and (iii),

1 (B) in paragraph (3)(B) by striking  
2 “2014” and all that follows and inserting  
3 “2014.”, and

4 (C) in paragraph (3) by striking subpara-  
5 graph (D).

6 (2) Section 5000A(e)(1) of such Code is amend-  
7 ed by striking subparagraph (D).

8 (c) EFFECTIVE DATE.—The amendments made by  
9 this section shall apply to months beginning after Decem-  
10 ber 31, 2014.

11 **SEC. 302. REPEAL OF EMPLOYER MANDATE.**

12 (a) IN GENERAL.—Section 4980H of the Internal  
13 Revenue Code of 1986 is amended by adding at the end  
14 the following:

15 “(e) TERMINATION.—This section shall not apply  
16 with respect to any month beginning after December 31,  
17 2014.”.

18 (b) CONFORMING AMENDMENT.—Section 4980H(c)  
19 of such Code is amended by striking paragraph (5).

20 (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply to months beginning after Decem-  
22 ber 31, 2014.

23 **SEC. 303. REPEAL OF MEDICAL DEVICE EXCISE TAX.**

24 (a) IN GENERAL.—Chapter 32 of the Internal Rev-  
25 enue Code of 1986 is amended by striking subchapter E.

1 (b) CONFORMING AMENDMENTS.—

2 (1) Subsection (a) of section 4221 of such Code  
3 is amended by striking the last sentence.

4 (2) Paragraph (2) of section 6416(b) of such  
5 Code is amended by striking the last sentence.

6 (c) CLERICAL AMENDMENT.—The table of sub-  
7 chapters for chapter 32 of such Code is amended by strik-  
8 ing the item relating to subchapter E.

9 (d) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to sales in calendar quarters begin-  
11 ning after the date of the enactment of this Act.

12 **SEC. 304. REPEAL OF THE TAX ON EMPLOYEE HEALTH IN-**  
13 **SURANCE PREMIUMS AND HEALTH PLAN**  
14 **BENEFITS AND RELATED REPORTING RE-**  
15 **QUIREMENTS.**

16 (a) EXCISE TAX.—Chapter 43 of the Internal Rev-  
17 enue Code of 1986 is amended by striking section 4980I.

18 (b) REPORTING REQUIREMENT.—Section 6051(a) of  
19 such Code is amended by inserting “and” at the end of  
20 paragraph (12), by striking “, and” at the end of para-  
21 graph (13) and inserting a period, and by striking para-  
22 graph (14).

23 (c) CLERICAL AMENDMENT.—The table of sections  
24 for chapter 43 of such Code is amended by striking the  
25 item relating to section 4980I.



1 (d) EFFECTIVE DATES.—

2 (1) IN GENERAL.—Except as provided by para-  
3 graph (2), the amendments made by this section  
4 shall apply to taxable years beginning after Decem-  
5 ber 31, 2017.

6 (2) REPORTING REQUIREMENT.—The amend-  
7 ment made by subsection (b) shall apply to calendar  
8 years beginning after December 31, 2014.

9 **Subtitle B—Repeal of Independent**  
10 **Payment Advisory Board**

11 **SEC. 311. REPEAL OF INDEPENDENT PAYMENT ADVISORY**  
12 **BOARD.**

13 Effective as of the enactment of the Patient Protec-  
14 tion and Affordable Care Act (Public Law 111–148), sec-  
15 tions 3403 and 10320 of such Act (including the amend-  
16 ments made by such sections) are repealed, and any provi-  
17 sion of law amended by such sections is hereby restored  
18 as if such sections had not been enacted into law.

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1<sup>ST</sup> Session

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## **A BILL**

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