

Calendar No. 299

114TH CONGRESS
1ST SESSION**H. R. 3762**

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2015

Received; read the first time

NOVEMBER 19, 2015

Read the second time and placed on the calendar

AN ACT

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 ENERGY AND COMMERCE

- Sec. 101. Repeal of the Prevention and Public Health Fund.
 Sec. 102. Federal payment to States.
 Sec. 103. Funding for community health center program.

TITLE II—COMMITTEE ON WAYS AND MEANS

- Sec. 201. Repeal of individual mandate.
 Sec. 202. Repeal of employer mandate.
 Sec. 203. Repeal of medical device excise tax.
 Sec. 204. Repeal of the tax on employee health insurance premiums and health plan benefits and related reporting requirements.

1 **TITLE I—COMMITTEE ON**
 2 **ENERGY AND COMMERCE**

3 **SEC. 101. REPEAL OF THE PREVENTION AND PUBLIC**
 4 **HEALTH FUND.**

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 7 repealed.

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 10 gated balance is rescinded.

11 **SEC. 102. FEDERAL PAYMENT TO STATES.**

12 (a) IN GENERAL.—Notwithstanding section 504(a),
 13 1902(a)(23), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1)
 14 of the Social Security Act (42 U.S.C. 704(a),
 15 1396b(a)(23), 1397a, 1397d(a)(4), 1397bb(a)(2),
 16 1397ee(a)(1)), or the terms of any Medicaid waiver in ef-
 17 fect on the date of enactment of this Act that is approved
 18 under section 1115 or 1915 of the Social Security Act (42
 19 U.S.C. 1315, 1396n), for the 1-year period beginning on
 20 the date of the enactment of this Act no Federal funds

1 may be made available to a State for payments to a pro-
2 hibited entity, whether made directly to the prohibited en-
3 tity or through a managed care organization under con-
4 tract with the State.

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

8 (1) that, as of the date of enactment of this
9 Act—

10 (A) is an organization described in section
11 501(c)(3) of the Internal Revenue Code of 1986
12 and exempt from tax under section 501(a) of
13 such Code;

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

19 (C) provides for abortions, other than an
20 abortion—

21 (i) if the pregnancy is the result of an
22 act of rape or incest; or

23 (ii) in the case where a woman suffers
24 from a physical disorder, physical injury,
25 or physical illness that would, as certified

1 by a physician, place the woman in danger
2 of death unless an abortion is performed,
3 including a life-endangering physical condi-
4 tion caused by or arising from the preg-
5 nancy itself; and

6 (2) for which the total amount of Federal and
7 State expenditures under the Medicaid program
8 under title XIX of the Social Security Act in fiscal
9 year 2014 made directly to the entity and to any af-
10 filiates, subsidiaries, successors, or clinics of the en-
11 tity, or made to the entity and to any affiliates, sub-
12 sidiaries, successors, or clinics of the entity as part
13 of a nationwide health care provider network, ex-
14 ceeded \$350,000,000.

15 **SEC. 103. FUNDING FOR COMMUNITY HEALTH CENTER**
16 **PROGRAM.**

17 Effective as if included in the enactment of the Medi-
18 care Access and CHIP Reauthorization Act of 2015 (Pub-
19 lic Law 114–10, 129 Stat. 87), paragraph (1) of section
20 221(a) of such Act is amended by inserting after “Section
21 10503(b)(1)(E) of the Patient Protection and Affordable
22 Care Act (42 U.S.C. 254b–2(b)(1)(E)) is amended” the
23 following: “by striking ‘\$3,600,000,000’ and inserting
24 ‘\$3,835,000,000’ and”.

1 **TITLE II—COMMITTEE ON WAYS**
2 **AND MEANS**

3 **SEC. 201. REPEAL OF INDIVIDUAL MANDATE.**

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

7 “(h) TERMINATION.—This section shall not apply
8 with respect to any month beginning after December 31,
9 2014.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 5000A(c) of such Code is amend-
12 ed—

13 (A) in paragraph (2)(B) by striking
14 clauses (ii) and (iii),

15 (B) in paragraph (3)(B) by striking
16 “2014” and all that follows and inserting
17 “2014.”, and

18 (C) in paragraph (3) by striking subpara-
19 graph (D).

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

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

1 **SEC. 202. REPEAL OF EMPLOYER MANDATE.**

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

5 “(e) TERMINATION.—This section shall not apply
6 with respect to any month beginning after December 31,
7 2014.”.

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

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

13 **SEC. 203. REPEAL OF MEDICAL DEVICE EXCISE TAX.**

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

16 (b) CONFORMING AMENDMENTS.—

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

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

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

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

1 **SEC. 204. REPEAL OF THE TAX ON EMPLOYEE HEALTH IN-**
2 **SURANCE PREMIUMS AND HEALTH PLAN**
3 **BENEFITS AND RELATED REPORTING RE-**
4 **QUIREMENTS.**

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

7 (b) **REPORTING REQUIREMENT.**—Section 6051(a) of
8 such Code is amended by inserting “and” at the end of
9 paragraph (12), by striking “, and” at the end of para-
10 graph (13) and inserting a period, and by striking para-
11 graph (14).

12 (c) **CLERICAL AMENDMENT.**—The table of sections
13 for chapter 43 of such Code is amended by striking the
14 item relating to section 4980I.

15 (d) **EFFECTIVE DATES.**—

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

20 (2) **REPORTING REQUIREMENT.**—The amend-
21 ment made by subsection (b) shall apply to calendar
22 years beginning after December 31, 2014.

Passed the House of Representatives October 23,
2015.

Attest:

KAREN L. HAAS,

Clerk.

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114TH CONGRESS
1ST Session

H. R. 3762

AN ACT

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