

## HR 3762

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

**Congress:** 114 (2015–2017, Ended)

**Chamber:** House

**Policy Area:** Health

**Introduced:** Oct 16, 2015

**Current Status:** On passage, the objections of the President to the contrary notwithstanding Failed by the Yeas and N

**Latest Action:** On passage, the objections of the President to the contrary notwithstanding Failed by the Yeas and Nays: (2/3 required): 241 - 186 (Roll no. 53). (consideration: CR H482) (Feb 2, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/house-bill/3762>

### Sponsor

**Name:** Rep. Price, Tom [R-GA-6]

**Party:** Republican • **State:** GA • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Budget Committee	House	Reported Original Measure	Oct 16, 2015

### Subjects & Policy Tags

**Policy Area:**

Health

### Related Bills

Bill	Relationship	Last Action
114 HRES 579	Related bill	<b>Jan 6, 2016:</b> Motion to reconsider laid on the table Agreed to without objection.
114 HRES 483	Procedurally related	<b>Oct 22, 2015:</b> Motion to reconsider laid on the table Agreed to without objection.

## TITLE I--HEALTH, EDUCATION, LABOR, AND PENSIONS

(Sec. 101) This bill amends the Patient Protection and Affordable Care Act (PPACA) to terminate the Prevention and Public Health Fund, which provides for investment in prevention and public health programs to improve health and restrain the rate of growth in health care costs. Unobligated funds are rescinded.

(Sec. 102) Funding for community health centers is increased.

(Sec. 103) Certain funding for U.S. territories that establish health insurance exchanges is no longer available after 2017.

(Sec. 104) The Department of Health and Human Services (HHS) may not collect fees or make payments under the transitional reinsurance program.

(Sec. 105) This bill makes appropriations for FY2016 and FY2017 for HHS to award grants to states to address substance abuse or to respond to urgent mental health needs.

## TITLE II--FINANCE

(Sec. 201) This bill amends the Internal Revenue Code to require individuals to pay back the full amount of advance payments in excess of their premium assistance tax credit. (Currently, there is a limit on the amount of excess an individual must pay back.)

(Sec. 202) Provisions relating to the premium assistance tax credit, reduced cost-sharing, and eligibility determinations for these subsidies are repealed on December 31, 2017.

(Sec. 203) The small employer health insurance tax credit does not apply after 2017. (This credit is for certain employers who make contributions toward employee health coverage purchased through a health insurance exchange.)

(Sec. 204) The penalty for individuals who do not maintain minimum essential health care coverage is eliminated.

(Sec. 205) Large employers are no longer required to make shared responsibility payments.

(Sec. 206) For one year, this bill restricts the availability of federal funding to a state for payments to an entity (e.g., Planned Parenthood Federation of America) that:

- is a 501(c)(3) tax-exempt organization;
- is an essential community provider primarily engaged in family planning services and reproductive health;
- provides for abortions other than abortions in cases of rape or incest, or where a physical condition endangers a woman's life unless an abortion is performed; and
- received a total of more than \$350 million under Medicaid in FY2014, including payments to affiliates, subsidiaries, successors, or clinics.

(Sec. 207) This bill amends part A (General Provisions) of title XI of the Social Security Act (SSAct) to require the additional payments to U.S. territories for Medicaid under the Health Care and Education Reconciliation Act of 2010 to be made by the end of FY2017 instead of the end of FY2019.

This bill amends title XIX (Medicaid) of the SSAct to end the expansion of Medicaid under PPACA on December 31,

2017.

After 2017, hospitals may no longer elect to provide Medicaid services to individuals during a presumptive eligibility period.

States must maintain Medicaid eligibility standards for individuals under 19 years old through FY2017 instead of through FY2019.

The federal medical assistance percentage (FMAP, the federal matching rate for Medicaid expenditures) for U.S. territories is 50% after 2017 (currently, the FMAP is 55%).

The increased FMAP for childless adults and home and community-based attendant services under PPACA ends December 31, 2017.

After 2017, states may no longer elect to provide certain individuals with a presumptive eligibility period for Medicaid.

Medicaid benchmark plans are no longer required to provide minimum essential health benefits after 2017.

After 2017, states are no longer required to operate a website for Medicaid enrollment that is linked to the state's health benefit exchange and Children's Health Insurance program (CHIP).

(Sec. 208) Medicaid allotments for disproportionate share hospitals are increased.

(Sec. 209) The excise tax on high cost employer-sponsored health coverage (popularly known as the "Cadillac tax") does not apply after 2017.

(Sec. 210) Health savings accounts (HSAs), Archer medical savings accounts (MSAs), health flexible spending arrangements (HFSA), and health reimbursement arrangements may be used to pay for over-the-counter medications.

(Sec. 211) This bill lowers the tax on distributions from HSAs and Archer MSAs that are not used for medical expenses.

(Sec. 212) Salary reduction contributions to an HFSA under a cafeteria plan are no longer limited.

(Sec. 213) The annual fee on manufacturers and importers of brand name prescription drugs is eliminated.

(Sec. 214) The excise tax on medical devices is eliminated.

(Sec. 215) The annual fee on health insurers is eliminated.

(Sec. 216) Medical costs are allowed as a tax deduction regardless of whether the costs are taken into account when determining the amount of the subsidy for an employer-sponsored retiree prescription drug plan under Medicare part D (Voluntary Prescription Drug Benefit Program).

(Sec. 217) A tax deduction is allowed for medical expenses in excess of 7.5% (currently, 10%) of adjusted gross income.

(Sec. 218) The additional Medicare tax on income above a certain threshold is eliminated.

(Sec. 219) The indoor tanning services tax is eliminated.

(Sec. 220) The net investment income tax is eliminated.

(Sec. 221) A health insurer is allowed a tax deduction for the full amount of an employee's compensation. (Currently, there is a limit on the amount of an employee's compensation that a health insurer may deduct.)

(Sec. 222) Provisions relating to the economic substance doctrine are repealed. (The economic substance doctrine treats a transaction as having economic substance if it has a purpose other than reducing income taxes. Currently, there are penalties for claiming tax benefits for transactions without economic substance.)

(Sec. 223) Funds are transferred from the Department of the Treasury to the Federal Hospital Insurance Trust Fund.

## Actions Timeline

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- **Feb 2, 2016:** Pursuant to the order of the House of January 25, 2016, the Chair announced that the unfinished business was the further consideration of the veto message of the President on H.R. 3762.
- **Feb 2, 2016:** DEBATE - The House proceeded with one hour of debate on the question of passage of H.R. 3762, the objections of the President to the contrary, notwithstanding.
- **Feb 2, 2016:** POSTPONED PROCEEDINGS - Pursuant to rule 8, clause 20, the Chair postponed further proceedings on the question of passage of H.R. 3762, the objections of the President to the contrary notwithstanding, until later in the legislative day.
- **Feb 2, 2016:** The Chair announced the unfinished business to be the consideration of the veto.
- **Feb 2, 2016:** Considered as unfinished business. (consideration: CR H482)
- **Feb 2, 2016:** Failed of passage in House over veto: On passage, the objections of the President to the contrary notwithstanding Failed by the Yeas and Nays: (2/3 required): 241 - 186 (Roll no. 53).(consideration: CR H482)
- **Feb 2, 2016:** The Chair announced that the bill and accompanying veto message were referred to the Committee on the Budget. The Chair directed the Clerk to notify the Senate of the action to the House.
- **Feb 2, 2016:** On passage, the objections of the President to the contrary notwithstanding Failed by the Yeas and Nays: (2/3 required): 241 - 186 (Roll no. 53). (consideration: CR H482)
- **Jan 25, 2016:** Notwithstanding the order of the House on January 8, 2016, the Chair announced that further consideration of the veto message on H.R. 3762 shall be postponed until Tuesday, February 2, 2016. Agreed to without objection.
- **Jan 8, 2016:** Vetoed by President.(text of veto message: CR H210-211)
- **Jan 8, 2016:** Vetoed by President. (text of veto message: CR H210-211)
- **Jan 8, 2016:** The Chair laid before the House the veto message from the President. (consideration: CR H210-211)
- **Jan 8, 2016:** The Chair announced that the objections of the President to H.R. 3762 would be spread at large upon the Journal and the veto message would be printed as a House document (114-91). (consideration: CR H211)
- **Jan 8, 2016:** Mr. Scalise moved to postpone consideration of the veto message until Jan. 26. (consideration: CR H211)
- **Jan 8, 2016:** Floor summary: DEBATE - The House proceeded with one hour of debate on the Scalise motion to postpone consideration of the veto message.
- **Jan 8, 2016:** The previous question on the motion to postpone consideration of the veto message was ordered without objection. (consideration: CR H211)
- **Jan 8, 2016:** On motion to postpone consideration of the veto message until Jan. 26. Agreed to by voice vote.
- **Jan 7, 2016:** Presented to President.
- **Jan 6, 2016:** Pursuant to the provisions of H. Res. 579, Mr. Price, Tom was recognized for a motion. (consideration: CR H52)
- **Jan 6, 2016:** Mr. Price, Tom moved that the House concur in the Senate amendment. (consideration: CR H52-67; text of the motion: CR H54)
- **Jan 6, 2016:** DEBATE - Pursuant to the provisions of H. Res. 579, the House proceeded with one hour of debate on the motion that the House agree to Senate amendment to H.R.3762.
- **Jan 6, 2016:** The previous question was ordered pursuant to the rule. (consideration: CR H66)
- **Jan 6, 2016:** Resolving differences -- House actions: On motion that the House agree to the Senate amendment Agreed to by the Yeas and Nays: 240 - 181 (Roll no. 6).(text as House agreed to the Senate amendment: CR H52-54)
- **Jan 6, 2016:** On motion that the House agree to the Senate amendment Agreed to by the Yeas and Nays: 240 - 181 (Roll no. 6). (text as House agreed to the Senate amendment: CR H52-54)
- **Jan 6, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 4, 2015:** Message on Senate action sent to the House.
- **Dec 3, 2015:** Considered by Senate. (consideration: CR S8326-8357)
- **Dec 3, 2015:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 52 - 47. Record Vote Number: 329.
- **Dec 3, 2015:** Passed Senate with an amendment by Yea-Nay Vote. 52 - 47. Record Vote Number: 329.
- **Dec 2, 2015:** Considered by Senate. (consideration: CR S8250-8266, S8268-8283)
- **Dec 1, 2015:** Motion to proceed to consideration of measure agreed to in Senate by Voice Vote. (consideration: CR S8233)
- **Dec 1, 2015:** Measure laid before Senate by motion. (consideration: CR S8233-8234)
- **Nov 19, 2015:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 299.

- Nov 18, 2015:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Oct 23, 2015:** Considered under the provisions of rule H. Res. 483. (consideration: CR H7143-7164)
  - **Oct 23, 2015:** Rule provides for consideration of H.R. 3762 with 2 hours of general debate. The resolution provides that the amendment printed in the report shall be considered as adopted for H.R. 3762. The resolution waives clause 6(a) of rule XIII and provides that it shall be in order at any time on the legislative day of Oct. 22, 2015 or Oct. 23, 2015 for the Speaker to entertain motions to suspend the rules.
  - **Oct 23, 2015:** DEBATE - Pursuant to the provisions of H. Res. 483, the House proceeded with two hours of debate on H.R. 3762.
  - **Oct 23, 2015:** The previous question was ordered pursuant to the rule. (consideration: CR H7163)
  - **Oct 23, 2015:** Passed/agreed to in House: On passage Passed by recorded vote: 240 - 189 (Roll no. 568).(text: CR H7143-7144)
  - **Oct 23, 2015:** On passage Passed by recorded vote: 240 - 189 (Roll no. 568). (text: CR H7143-7144)
  - **Oct 23, 2015:** Motion to reconsider laid on the table Agreed to without objection.
  - **Oct 22, 2015:** Rule H. Res. 483 passed House.
  - **Oct 21, 2015:** Rules Committee Resolution H. Res. 483 Reported to House. Rule provides for consideration of H.R. 3762 with 2 hours of general debate. The resolution provides that the amendment printed in the report shall be considered as adopted for H.R. 3762. The resolution waives clause 6(a) of rule XIII and provides that is shall be in order at any time on the legislative day of Oct. 22, 2015 or Oct. 23, 2015 for the Speaker to entertain motions to suspend the rules.
  - **Oct 16, 2015:** Introduced in House
  - **Oct 16, 2015:** The House Committee on the Budget reported an original measure, H. Rept. 114-293, by Mr. Price, Tom.
  - **Oct 16, 2015:** Placed on the Union Calendar, Calendar No. 222.