

113TH CONGRESS
1ST SESSION

H. R. 3367

To amend section 9010 of the Patient Protection and Affordable Care Act to delay the application of the health insurance provider annual fee until 2016 and to provide a process to return to consumers any amounts attributable to the expected application of the annual fee to 2014 or 2015.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2013

Mr. BOUSTANY (for himself and Mr. BERA of California) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 amend section 9010 of the Patient Protection and Affordable Care Act to delay the application of the health insurance provider annual fee until 2016 and to provide a process to return to consumers any amounts attributable to the expected application of the annual fee to 2014 or 2015.

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. HEALTH INSURANCE PROVIDER ANNUAL FEE**
2 **DELAYED UNTIL 2016.**

3 (a) IN GENERAL.—Section 9010 of the Patient Pro-
4 tection and Affordable Care Act is amended—

5 (1) in subsection (a)(1), by striking “2013” and
6 inserting “2015”;

7 (2) in subsection (e)(1), by striking the entries
8 in the table relating to 2014 and to 2015; and

9 (3) in subsection (j), by striking “2013” and
10 inserting “2015”.

11 (b) EFFECTIVE DATE.—Except as provided in sub-
12 section (c), the amendments made by subsection (a) shall
13 take effect as if included in section 9010 of the Patient
14 Protection and Affordable Care Act.

15 (c) RETURN TO CONSUMERS OF AMOUNTS ATTRIB-
16 UTABLE TO EXPECTED APPLICATION OF ANNUAL FEE TO
17 2014 AND 2015.—Notwithstanding any other provision of
18 law, the Secretary of the Treasury, in consultation with
19 the Secretary of Health and Human Services, shall issue
20 guidance directing covered entities (as defined for pur-
21 poses of section 9010 of the Patient Protection and Af-
22 fordable Care Act) to return any amounts collected from
23 consumers or other sources that were attributed in State
24 filings or otherwise to the annual fee which (as in effect
25 prior to the enactment of this Act) was scheduled to be
26 imposed on such entities under such section for 2014 and

1 2015. If the Secretary of the Treasury, in consultation
2 with the Secretary of Health and Human Services, deter-
3 mines that any such entity has failed to comply with such
4 guidance and such entity does not promptly cure such fail-
5 ure upon notice from the Secretary of the Treasury, the
6 amendments made by this section shall not apply with re-
7 spect to such entity.

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