

114TH CONGRESS  
1ST SESSION

# H. R. 138

To repeal the Patient Protection and Affordable Care Act and the health care-related provisions in the Health Care and Education Reconciliation Act of 2010 and to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2015

Mr. ISSA introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Oversight and Government Reform, Education and the Workforce, Natural Resources, the Judiciary, Rules, Appropriations, and House Administration, 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

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## A BILL

To repeal the Patient Protection and Affordable Care Act and the health care-related provisions in the Health Care and Education Reconciliation Act of 2010 and to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes.

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.**

4 This Act may be cited as the “Access to Insurance  
5 for All Americans Act”.

6 **SEC. 2. REPEAL OF PPACA AND HEALTH CARE-RELATED**  
7 **PROVISIONS OF HCERA.**

8 (a) PPACA.—The Patient Protection and Affordable  
9 Care Act (Public Law 111–148) is repealed and the provi-  
10 sions of law amended or repealed by such Act are restored  
11 or revived as if such Act had not been enacted.

12 (b) HEALTH CARE-RELATED PROVISIONS OF  
13 HCERA.—

14 (1) IN GENERAL.—The health care-related pro-  
15 visions of the Health Care and Education Reconcili-  
16 ation Act of 2010 (Public Law 111–152) are re-  
17 pealed and the provisions of law amended or re-  
18 pealed by such health care-related provisions are re-  
19 stored or revived as if such provisions had not been  
20 enacted.

21 (2) HEALTH CARE-RELATED PROVISIONS DE-  
22 FINED.—In paragraph (1), the term “health care-re-  
23 lated provisions” means, with respect to the Health  
24 Care and Education Reconciliation Act of 2010, title  
25 I and subtitle B of title II of such Act.

1 **SEC. 3. EXTENSION OF FEDERAL EMPLOYEE HEALTH IN-**  
2 **SURANCE.**

3 (a) IN GENERAL.—Subpart G of part III of title 5,  
4 United States Code, is amended—

5 (1) by redesignating chapters 89A and 89B as  
6 chapters 89B and 89C, respectively; and

7 (2) by inserting after chapter 89 the following:

8 **“CHAPTER 89A—HEALTH INSURANCE FOR**  
9 **NON-FEDERAL EMPLOYEES**

10 **“SEC. 8921. DEFINITIONS.**

11 “In this chapter—

12 “(1) the terms defined under section 8901 shall  
13 have the meanings given such terms under that sec-  
14 tion; and

15 “(2) the term ‘Office’ means the Office of Per-  
16 sonnel Management.

17 **“SEC. 8922. HEALTH INSURANCE FOR NON-FEDERAL EM-**  
18 **PLOYEES.**

19 “(a) The Office shall administer a health insurance  
20 program for non-Federal employees in accordance with  
21 this chapter.

22 “(b) Except as provided under this chapter, the Of-  
23 fice shall prescribe regulations to apply the provisions of  
24 chapter 89 to the greatest extent practicable to eligible  
25 individuals covered under this chapter.

1 **“SEC. 8923. CONTRACT REQUIREMENT.**

2 “(a) For each calendar year, the Office shall enter  
3 into a contract with 1 or more carriers to make available  
4 1 or more health benefits plans (subject to the provisions  
5 of this chapter) to eligible individuals under this chapter.

6 “(b) In carrying out this section, the Office may re-  
7 quire 1 or more carriers to enter into a contract described  
8 in subsection (a), as a condition of entering into a contract  
9 under section 8902.

10 **“SEC. 8924. ELIGIBILITY OF NON-FEDERAL EMPLOYEES.**

11 “(a) Except as provided under subsection (b), any in-  
12 dividual may enroll in a health benefits plan under this  
13 section.

14 “(b) An individual may not enroll in a health benefits  
15 plan under this chapter if the individual—

16 “(1) is enrolled or eligible to enroll for coverage  
17 under a public health insurance program, includ-  
18 ing—

19 “(A) title XVIII of the Social Security Act;

20 “(B) a State plan under title XIX of the  
21 Social Security Act;

22 “(C) a State plan under title XXI of the  
23 Social Security Act; or

24 “(D) any other program determined by the  
25 Office;

1           “(2) is enrolled or eligible to enroll in a plan  
2           under chapter 89; or

3           “(3) is a member of the uniformed services as  
4           defined under section 101(a)(5) of title 10.

5   **“SEC. 8925. ALTERNATIVE CONDITIONS TO FEDERAL EM-**  
6                           **PLOYEE HEALTH BENEFITS PLANS.**

7           “(a) Rates charged and premiums paid for a health  
8           benefits plan under this chapter may differ between or  
9           among geographic regions.

10          “(b) No Government contribution shall be made for  
11          any individual under this chapter.

12          “(c) In the administration of this chapter, the Office  
13          shall ensure that individuals covered under this chapter  
14          shall be in a risk pool that is separate from the risk pool  
15          maintained for individuals covered under chapter 89.”.

16          (b) TECHNICAL AND CONFORMING AMENDMENTS.—

17                  (1) CONTRACT REQUIREMENT UNDER CHAPTER  
18                  89.—Section 8902 of title 5, United States Code, is  
19                  amended by adding after subsection (o) the fol-  
20                  lowing:

21                  “(p) Any contract under this chapter may include,  
22                  at the discretion of the Office, a provision that the carrier  
23                  shall enter into a contract to provide 1 or more health  
24                  benefits plans as described under chapter 89A.”.

1           (2) TABLE OF CHAPTERS.—The table of chap-  
2           ters for part III of title 5, United States Code, is  
3           amended—

4                   (A) by redesignating the items relating to  
5           chapters 89A and 89B as chapters 89B and  
6           89C, respectively; and

7                   (B) by inserting after the item relating to  
8           chapter 89 the following:

**“89A. Health Insurance for Non-Federal Employees ..... 8921”.**

9           **SEC. 4. DEDUCTION FOR PREMIUMS PAID BY FEHBP NON-**  
10                   **EMPLOYEE ENROLLEES.**

11           (a) IN GENERAL.—Part VII of subchapter B of chap-  
12           ter 1 of the Internal Revenue Code of 1986 (relating to  
13           additional itemized deductions) is amended—

14                   (1) by redesignating section 224 as section 225;  
15           and

16                   (2) by inserting after section 223 the following  
17           new section:

18           **“SEC. 224. PREMIUMS PAID FOR FEHBP COVERAGE.**

19                   “(a) IN GENERAL.—In the case of an individual,  
20           there shall be allowed as a deduction an amount equal to  
21           the amount paid as premiums during the taxable year for  
22           coverage for the taxpayer, his spouse, and dependents  
23           under health insurance provided pursuant to chapter 89A  
24           of title 5, United States Code.

25                   “(b) SPECIAL RULES.—

1           “(1) COORDINATION WITH MEDICAL DEDUC-  
2           TION, ETC.—Any amount paid by a taxpayer for in-  
3           surance to which subsection (a) applies shall not be  
4           taken into account in computing the amount allow-  
5           able to the taxpayer as a deduction under section  
6           162(l) or 213(a). Any amount taken into account in  
7           determining the credit allowed under section 35 shall  
8           not be taken into account for purposes of this sec-  
9           tion.

10           “(2) DEDUCTION NOT ALLOWED FOR SELF-EM-  
11           PLOYMENT TAX PURPOSES.—The deduction allow-  
12           able by reason of this section shall not be taken into  
13           account in determining an individual’s net earnings  
14           from self-employment (within the meaning of section  
15           1402(a)) for purposes of chapter 2.”.

16           (b) DEDUCTION ALLOWED IN COMPUTING AD-  
17           JUSTED GROSS INCOME.—Subsection (a) of section 62 of  
18           such Code is amended by inserting before the last sentence  
19           the following new paragraph:

20           “(22) PREMIUMS PAID FOR FEHBP COV-  
21           ERAGE.—The deduction allowed by section 224.”.

22           (c) CLERICAL AMENDMENT.—The table of sections  
23           for part VII of subchapter B of chapter 1 of such Code  
24           is amended by—

1           (1) redesignating the item relating to section  
2           224 as an item relating to section 225; and

3           (2) inserting before such item the following new  
4           item:

“Sec. 224. Premiums paid for FEHBP coverage.”.

5           (d) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply to taxable years ending after the  
7 date of the enactment of this Act.

8 **SEC. 5. PLAN FOR EXTENSION OF FEDERAL EMPLOYEE**  
9 **HEALTH BENEFITS PROGRAM.**

10          Not later than 6 months after the date of enactment  
11 of this Act and after consultation with appropriate ex-  
12 perts, representatives of affected individuals, and Federal  
13 officers, the Director of the Office of Personnel Manage-  
14 ment shall submit a comprehensive plan to Congress  
15 that—

16           (1) provides for the orderly implementation of  
17           the amendments made by this Act; and

18           (2) includes a schedule of actions to be taken  
19           to provide for that implementation.

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