

115TH CONGRESS
1ST SESSION

H. R. 4200

To provide for temporary funding for health insurance cost-sharing reduction payments and provide targeted tax relief, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2017

Mr. BRADY of Texas 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 provide for temporary funding for health insurance cost-sharing reduction payments and provide targeted tax relief, 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 “Healthcare Market
5 Certainty and Mandate Relief Act of 2017”.

6 **SEC. 2. COST-SHARING REDUCTION PAYMENTS.**

7 (a) IN GENERAL.—

1 (1) APPROPRIATIONS.—There is appropriated
2 to the Secretary of Health and Human Services, out
3 of any funds in the Treasury not otherwise appro-
4 priated, such sums as may be necessary for pay-
5 ments for cost-sharing reductions authorized by sec-
6 tion 1402 of Public Law 111–148, including through
7 advanced payment of such reductions under section
8 1412 of such Public Law for plan years 2017, 2018,
9 and 2019 (and including for adjustments to any
10 prior obligations for such payments).

11 (2) ADJUSTMENTS.—Notwithstanding any
12 other provision of this Act, payments and other ac-
13 tions for adjustments to obligations incurred prior to
14 December 31, 2019, may be made through Decem-
15 ber 31, 2020.

16 (3) LIMITATION.—Amounts appropriated under
17 paragraph (1) shall not include payment to an issuer
18 of a qualified health plan that includes coverage of
19 abortion (other than any abortion necessary to save
20 the life of the mother or any abortion with respect
21 to a pregnancy that is the result of an act of rape
22 or incest).

23 (b) SPECIAL RULE FOR PLAN YEAR 2018 PAY-
24 MENTS.—Section 1402(c) of Public Law 111–148 (42
25 U.S.C. 18071(c)) is amended—

1 (1) in paragraph (3)(A), by striking “An
2 issuer” and inserting “Subject to paragraph (6), an
3 issuer”; and

4 (2) by adding at the end the following new
5 paragraph:

6 “(6) SPECIAL RULE FOR PLAN YEAR 2018 PAY-
7 MENTS.—

8 “(A) IN GENERAL.—The Secretary shall
9 make payments under paragraph (3)(A), includ-
10 ing through advanced payment for cost-sharing
11 reduction under section 1412, for plan year
12 2018 to an issuer of a qualified health plan
13 only, subject to subparagraph (C), if the Sec-
14 retary determines, based on a certification and
15 appropriate documentation from the issuer and
16 a certification from State regulators, that the
17 premium rates applied under such plan for such
18 plan year were based on the assumption of re-
19 ceiving payments under paragraph (3)(A) for
20 such plan year (including by reason of the plan
21 being offered in a State in which the State reg-
22 ulators instructed issuers of health plans in
23 such State to make such an assumption).

24 “(B) RECOVERY OF PAST PAYMENTS.—If
25 the Secretary makes payments to an issuer of

1 a qualified health plan under paragraph (3)(A)
2 for plan year 2018 and subsequently determines
3 that such issuer increased premium rates for
4 that plan year because the issuer expected, or
5 was instructed by applicable State regulators to
6 expect, that the issuer would not receive such
7 payments (or, in the case of such payments
8 made to an issuer of a qualified health plan for
9 plan year 2018 pursuant to subparagraph (C),
10 determines that such issuer did not reduce pre-
11 mium rates under such plan for such plan year
12 to such rates as described in clause (i)(I) of
13 such subparagraph) the Secretary may reduce
14 payments due to such issuer under paragraph
15 (3)(A) for a subsequent plan year by the
16 amount paid to such issuer under such para-
17 graph for plan year 2018.

18 “(C) PAYMENTS ALLOWED IN CASE OF
19 ISSUERS IN STATES PROVIDING FOR PREMIUM
20 ADJUSTMENT PROCESS.—Notwithstanding sub-
21 paragraph (A), the Secretary may make pay-
22 ments under paragraph (3)(A) for plan year
23 2018 to an issuer of a qualified health plan not
24 otherwise eligible for such payments pursuant
25 to subparagraph (A) if—

1 “(i) the qualified health plan is of-
2 ferred in a State for such plan year for
3 which the State insurance commissioner
4 notifies the Secretary of the Treasury and
5 the Secretary of Health and Human Serv-
6 ices of a process provided for in the State
7 under which—

8 “(I) issuers of qualified health
9 plans in such State choosing to par-
10 ticipate in such process are required
11 to reduce premium rates under such
12 plans for plan year 2018 to the rates
13 that would have been applied under
14 such plans for such plan year had the
15 issuers assumed payments for cost-
16 sharing reductions under such para-
17 graph would be received for such plan
18 year; and

19 “(II) the State submits to the
20 Secretaries information to verify that
21 the reduction of the premium rate
22 under a qualified health plan offered
23 by an issuer participating under such
24 process satisfies the reduction require-
25 ment described in subclause (I); and

1 “(ii) the issuer of such qualified
2 health plan chooses to participate in such
3 process.

4 “(D) RECONCILIATION PROCESS.—The
5 Secretary of the Treasury and the Secretary of
6 Health and Human Services shall adjust the
7 methodologies under section 156.430 of title 45,
8 Code of Federal Regulations (as in effect on the
9 date of enactment of the Healthcare Market
10 Certainty and Mandate Relief Act of 2017), as
11 may be necessary to correct for any overpay-
12 ments or underpayments made under this sec-
13 tion to an issuer in accordance with this para-
14 graph.”.

15 **SEC. 3. MORATORIUM ON INDIVIDUAL MANDATE.**

16 Section 5000A of the Internal Revenue Code of 1986
17 is amended—

18 (1) in subsection (a), by striking “An applica-
19 ble” and inserting “Except as provided in subsection
20 (h), an applicable”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(h) SUSPENSION.—This section shall not apply to
24 any month beginning after December 31, 2016, and before
25 January 1, 2022.”.

1 **SEC. 4. MORATORIUM ON EMPLOYER MANDATE.**

2 Section 4980H of the Internal Revenue Code of 1986
3 is amended by adding at the end the following new sub-
4 section:

5 “(e) **SUSPENSION.**—This section shall not apply to
6 any month beginning after December 31, 2014, and before
7 January 1, 2018.”.

8 **SEC. 5. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAV-**
9 **INGS ACCOUNT INCREASED TO AMOUNT OF**
10 **DEDUCTIBLE AND OUT-OF-POCKET LIMITA-**
11 **TION.**

12 (a) **IN GENERAL.**—Subsection (b) of section 223 of
13 the Internal Revenue Code of 1986 is amended by adding
14 at the end the following new paragraph:

15 “(9) **INCREASED LIMITATION.**—In the case of
16 any month beginning after December 31, 2017, and
17 before January 1, 2023—

18 “(A) paragraph (2)(A) shall be applied by
19 substituting ‘the amount in effect under sub-
20 section (c)(2)(A)(ii)(I)’ for ‘\$2,250’, and

21 “(B) paragraph (2)(B) shall be applied by
22 substituting ‘the amount in effect under sub-
23 section (c)(2)(A)(ii)(II)’ for ‘\$4,500’.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to taxable years beginning after
3 December 31, 2017.

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