

114TH CONGRESS
1ST SESSION

H. R. 1624

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2015

Received

AN ACT

To amend title I of the Patient Protection and Affordable Care Act and title XXVII of the Public Health Service Act to revise the definition of small employer.

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. SHORT TITLE.**

2 This Act may be cited as the “Protecting Affordable
3 Coverage for Employees Act”.

4 **SEC. 2. REVISION OF DEFINITION OF SMALL EMPLOYER**
5 **UNDER HEALTH INSURANCE MARKET PROVI-**
6 **SIONS.**

7 (a) PPACA AMENDMENTS.—Section 1304(b) of the
8 Patient Protection and Affordable Care Act (42 U.S.C.
9 18024(b)) is amended—

10 (1) in paragraph (1), by striking “101” and in-
11 serting “51”;

12 (2) in paragraph (2), by striking “100” and in-
13 serting “50”; and

14 (3) by amending paragraph (3) to read as fol-
15 lows:

16 “(3) STATE OPTION TO EXTEND DEFINITION
17 OF SMALL EMPLOYER.—Notwithstanding paragraphs
18 (1) and (2), nothing in this section shall prevent a
19 State from applying this subsection by treating as a
20 small employer, with respect to a calendar year and
21 a plan year, an employer who employed an average
22 of at least 1 but not more than 100 employees on
23 business days during the preceding calendar year
24 and who employs at least 1 employee on the first
25 day of the plan year.”.

1 (b) PHSA AMENDMENTS.—Section 2791(e) of the
2 Public Health Service Act (42 U.S.C. 300gg–91(e)) is
3 amended—

4 (1) in paragraph (2), by striking “101” and in-
5 serting “51”;

6 (2) in paragraph (4), by striking “100” and in-
7 serting “50”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(7) STATE OPTION TO EXTEND DEFINITION
11 OF SMALL EMPLOYER.—Notwithstanding paragraphs
12 (2) and (4), nothing in this section shall prevent a
13 State from applying this subsection by treating as a
14 small employer, with respect to a calendar year and
15 a plan year, an employer who employed an average
16 of at least 1 but not more than 100 employees on
17 business days during the preceding calendar year
18 and who employs at least 1 employee on the first
19 day of the plan year.”.

20 (c) DEPOSIT OF SAVINGS INTO MEDICARE IMPROVE-
21 MENT FUND.—Section 1898(b)(1) of the Social Security

- 1 Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$0”
- 2 and inserting “\$205,000,000”.

Passed the House of Representatives September 28,
2015.

Attest:

KAREN L. HAAS,
Clerk.