

115TH CONGRESS
1ST SESSION

H. R. 4620

To amend the Patient Protection and Affordable Care Act to provide temporary relief from the annual fee imposed on health insurance providers.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2017

Mrs. NOEM (for herself and Ms. SINEMA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 the Patient Protection and Affordable Care Act to provide temporary relief from the annual fee imposed on health insurance providers.

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 “Protecting Families
5 and Small Businesses Act of 2017”.

1 **SEC. 2. RELIEF FROM ANNUAL FEE ON HEALTH INSUR-**
2 **ANCE PROVIDERS.**

3 (a) PARTIAL RELIEF FOR 2018 FOR CERTAIN PRO-
4 VIDERS.—

5 (1) IN GENERAL.—Section 9010 of the Patient
6 Protection and Affordable Care Act is amended by
7 adding at the end the following new subsection:

8 “(k) OPTIONAL RELIEF FOR 2018.—

9 “(1) IN GENERAL.—In the case of a covered en-
10 tity that meets the requirements of paragraph (2),
11 the fee described in subsection (a)(1) shall be re-
12 duced by the sum of the premium rebates provided
13 pursuant to paragraph (2).

14 “(2) REBATES FOR INDIVIDUALS.—A covered
15 entity meets the requirements of this paragraph if
16 such entity demonstrates to the satisfaction of the
17 Secretary of the Treasury (in consultation with the
18 Secretary of Health and Human Services, Adminis-
19 trator of the Centers for Medicare and Medicaid
20 Services, and the National Association of Insurance
21 Commissioners, as appropriate) that such entity will
22 provide—

23 “(A) not later than April 30, 2019, to each
24 individual enrolled in calendar year 2018 in a
25 qualified rebate plan offered by such entity a
26 premium rebate equal to the lesser of—

1 “(i) 2 percent of the net premiums
2 written for coverage under such plan for
3 such individual for calendar year 2018, or

4 “(ii) the amount of the premiums de-
5 scribed in subparagraph (A) paid by such
6 individual, and

7 “(B) for individuals who will receive a pre-
8 mium rebate described in subparagraph (A)
9 after September 30, 2018, notice to such indi-
10 viduals by such date of such premium rebate.

11 “(3) QUALIFIED REBATE PLAN.—For purposes
12 of this subsection, the term ‘qualified rebate plan’
13 means, with respect to a covered entity, any com-
14 bination, as elected by the covered entity, of the fol-
15 lowing categories of health plans:

16 “(A) A health plan offered in the indi-
17 vidual market.

18 “(B) A health plan offered in the group
19 market.

20 “(C) A Medicare Advantage plan under
21 part C of title XVIII of the Social Security Act.

22 “(D) A prescription drug plan offered
23 under part D of such title XVIII.

24 “(4) REDUCTION IN PREMIUMS TREATED AS
25 REBATES.—For purposes of this subsection, a reduc-

1 tion in premiums owed by an individual for a month
 2 shall be treated as a premium rebate paid to such
 3 individual on the first day of such month.

4 “(1) MEDICAID MANAGED CARE PLANS REDUCTION
 5 FOR 2018.—In the case of a medicaid managed care orga-
 6 nization (as defined in section 1903(m)(1)(A) of the Social
 7 Security Act), the fee described in subsection (a)(1) shall
 8 be reduced by an amount equal to 2 percent of the net
 9 premiums written for coverage under a medicaid managed
 10 care plan (under section 1903(m) or section 1932 of such
 11 Act) for calendar year 2018.”.

12 (2) CONFORMING AMENDMENT.—Paragraph (1)
 13 of section 9010(b) of the Patient Protection and Af-
 14 fordable Care Act is amended by striking “the fee
 15 under this section” and inserting “the amount deter-
 16 mined under this subsection”.

17 (b) RELIEF FOR 2019.—

18 (1) IN GENERAL.—Section 9010(j) of the Pa-
 19 tient Protection and Affordable Care Act is amended
 20 by striking “and” at the end of paragraph (1), by
 21 striking the period at the end of paragraph (2) and
 22 inserting “, and ending before January 1, 2019,
 23 and”, and by adding at the end the following new
 24 paragraph:

25 “(3) beginning after December 31, 2019.”.

1 (c) MEDICAL LOSS RATIO.—Section 2718 of the
2 Public Health Service Act is amended by adding at the
3 end the following new subsection:

4 “(f) AMOUNTS EXPENDED FOR PREMIUM REBATES
5 NOT INCLUDED.—No amount expended pursuant to sub-
6 sections (k) or (l) of section 9010 of the Patient Protec-
7 tion and Affordable Care Act shall be taken into account
8 for purposes of this section.”.

9 (d) EFFECTIVE DATE.—

10 (1) The amendments made by subsections (a)
11 and (b) shall apply with respect to calendar years
12 beginning after December 31, 2017.

13 (2) The amendment made by subsection (c)
14 shall apply with respect to plan years beginning
15 after December 31, 2017.

○