

115TH CONGRESS  
1ST SESSION

# H. R. 1408

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 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

MARCH 7, 2017

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, Appropriations, House Administration, and Rules, 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 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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. REPEAL OF PPACA AND HEALTH CARE-RELATED**  
5 **PROVISIONS OF HCERA.**

6 (a) PPACA.—Effective beginning with the first cal-  
7 endar year beginning 2 years after the date of the enact-  
8 ment of this Act, 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9 Care Act (Public Law 111–148) is repealed and the provi-  
10 sions of law amended or repealed by such Act are restored  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.—Effective beginning with the  
15 first calendar year beginning 2 years after the date  
16 of the enactment of this Act, the health care-related  
17 provisions of the Health Care and Education Rec-  
18 onciliation Act of 2010 (Public Law 111–152) are  
19 repealed and the provisions of law amended or re-  
20 pealed by such health care-related provisions are re-  
21 stored or revived as if such provisions had not been  
22 enacted.

23 (2) HEALTH CARE-RELATED PROVISIONS DE-  
24 FINED.—In paragraph (1), the term “health care-re-  
25 lated provisions” means, with respect to the Health

1 Care and Education Reconciliation Act of 2010, title  
2 I and subtitle B of title II of such Act.

3 **SEC. 3. EXTENSION AND MODIFICATION OF FEDERAL EM-**  
4 **PLOYEE HEALTH INSURANCE.**

5 (a) FEHBP.—

6 (1) IN GENERAL.—Chapter 89 of title 5, United  
7 States Code, is amended by adding at the end the  
8 following:

9 **“§ 8915. Health insurance for individuals who are not**  
10 **Federal employees**

11 “(a) Except as provided in this section, any individual  
12 may enroll in a health benefits plan provided under this  
13 chapter and receive health benefits, to the greatest extent  
14 practicable, in the same manner as an employee.

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

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

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

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

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

1           “(D) any other program determined by the  
2           Office;

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

5           “(3) is not a citizen or national of the United  
6           States or an alien lawfully present in the United  
7           States.

8           “(c)(1) No Government contribution may be made for  
9           any individual enrolled in a health benefits plan pursuant  
10          to this section.

11          “(2) Pursuant to regulations that the Office of Per-  
12          sonnel Management may prescribe, an employer of an in-  
13          dividual enrolled in such a plan may make a contribution  
14          on behalf of the individual.

15          “(d) In carrying out this section, the Office shall en-  
16          sure that individuals enrolled in a health benefits plan  
17          under this section shall be in the same risk pool main-  
18          tained for employees covered by this chapter.

19          “(e) The Office shall issue regulations as are nec-  
20          essary to carry out this section.

21          **“§ 8916. No lifetime or annual limits**

22          “(a) A carrier offering a health benefits plan under  
23          this chapter may not establish—

24                  “(1) lifetime limits on the dollar value of bene-  
25                  fits for any individual enrolled in such plan; or

1           “(2) unreasonable annual limits (within the  
2           meaning of section 223 of the Internal Revenue  
3           Code of 1986) on the dollar value of benefits for any  
4           such individual.

5           “(b) Subsection (a) shall not be construed to prevent  
6           a health benefits plan under this chapter from placing an-  
7           nual or lifetime per beneficiary limits on specific covered  
8           benefits to the extent that such limits are otherwise per-  
9           mitted under Federal or State law.

10   **“§ 8917. Non-discrimination in health care**

11           “A carrier offering a health benefits plan under this  
12           chapter may not discriminate with respect to participation  
13           under the plan or coverage against any health care pro-  
14           vider who is acting within the scope of that provider’s li-  
15           cense or certification under applicable State law. This sec-  
16           tion shall not require that a health benefits plan or carrier  
17           contract with any health care provider willing to abide by  
18           the terms and conditions for participation established by  
19           the plan or issuer. Nothing in this section shall be con-  
20           strued as preventing a health benefits plan, a carrier, or  
21           the Director of the Office of Personnel Management from  
22           establishing varying reimbursement rates based on quality  
23           or performance measures.”.

24           (2) CHILD UNDER THE AGE OF 26.—Section  
25           8901(5) of title 5, United States Code, is amended

1 by striking “22” in each instance it appears and in-  
 2 serting “26”.

3 (3) APPLICATION.—Sections 8916 and 8917 of  
 4 such title (as added by paragraph (1)) shall begin to  
 5 apply to any contract for health benefits plans en-  
 6 tered into by the Office of Personnel Management  
 7 under chapter 89 of such title after the date of en-  
 8 actment of this Act.

9 (4) CLERICAL AMENDMENT.—The table of sec-  
 10 tions of chapter 89 of title 5, United States Code,  
 11 is amended by inserting after the item relating to  
 12 section 8914 the following new items:

“8915. Health insurance for individuals who are not Federal employees.

“8616. No lifetime or annual limits.

“8917. Non-discrimination in health care.”.

13 (b) DENTAL AND VISION BENEFITS.—

14 (1) DENTAL.—Section 8952 of title 5, United  
 15 States Code, is amended by adding at the end the  
 16 following:

17 “(d) The Office shall issue regulations necessary to  
 18 enroll individuals described in section 8915 in dental bene-  
 19 fits plan offered under this chapter, consistent with the  
 20 requirements of such section.”.

21 (2) VISION.—Section 8982 of title 5, United  
 22 States Code, is amended by adding at the end the  
 23 following:

1       “(d) The Office shall issue regulations necessary to  
2 enroll individuals described in section 8915 in vision bene-  
3 fits plan offered under this chapter, consistent with the  
4 requirements of such section.”.

5       (c) SPECIAL ENROLLMENT PERIOD FOR FEDERAL  
6 EMPLOYEES AND UNINSURED INDIVIDUALS.—The Direc-  
7 tor of the Office of Personnel Management shall issue reg-  
8 ulations to provide for a special enrollment period, to  
9 begin on the date of enactment of this Act and ending  
10 on the date that is 180 after such date of enactment or  
11 the last day of the calendar year in which such date of  
12 enactment occurs, whichever is later, under which the fol-  
13 lowing individuals may enroll in a health benefits plan  
14 under chapter 89, 89A, or 89B of title 5, United States  
15 Code:

16           (1) Any employee (as that term is defined in  
17 section 8901(1) of such title) who is not enrolled in  
18 a health benefits plan under any such chapter but  
19 who is otherwise eligible to enroll in such a plan, in-  
20 cluding any employee excluded by section  
21 1312(d)(3)(D) of the Patient Protection and Afford-  
22 able Care Act (Public Law 111–148).

23           (2) Any individual not covered by paragraph (1)  
24 and who is not covered by any health insurance, as

1 determined by the Director of the Office of Per-  
2 sonnel Management.

3 (d) ENROLLMENT OF INSURED INDIVIDUALS WHO  
4 ARE NOT FEDERAL EMPLOYEES.—For plan years begin-  
5 ning in the year immediately following the year in which  
6 this subsection is enacted, the Director of the Office of  
7 Personnel Management shall issue regulations to provide  
8 for the enrollment of individuals (as described under sec-  
9 tion 8915 of title 5, United States Code, as added by sub-  
10 section (a)) in health benefits plans under chapter 89,  
11 89A, or 89B of such title.

12 **SEC. 4. DEDUCTION FOR PREMIUMS PAID BY FEHBP NON-**  
13 **EMPLOYEE ENROLLEES.**

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

17 (1) by redesignating section 224 as section 225;

18 and

19 (2) by inserting after section 223 the following  
20 new section:

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

22 “(a) IN GENERAL.—In the case of an individual,  
23 there shall be allowed as a deduction an amount equal to  
24 the amount paid as premiums during the taxable year for  
25 coverage for the taxpayer, the spouse of the taxpayer, and



1 dependents under health insurance provided pursuant to  
2 section 8915 title 5, United States Code.

3 “(b) SPECIAL RULES.—

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

13 “(2) DEDUCTION NOT ALLOWED FOR SELF-EM-  
14 PLOYMENT TAX PURPOSES.—The deduction allow-  
15 able by reason of this section shall not be taken into  
16 account in determining an individual’s net earnings  
17 from self-employment (within the meaning of section  
18 1402(a)) for purposes of chapter 2.”.

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

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

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

4 (1) redesignating the item relating to section  
5 224 as an item relating to section 225; and

6 (2) inserting before such item the following new  
7 item:

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

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

11 **SEC. 5. PLAN FOR EXTENSION OF FEDERAL EMPLOYEE**  
12 **HEALTH BENEFITS PROGRAM.**

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

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

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

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