



Legislative Bulletin.....September 10, 2014

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H.R. 3522 - Employee Health Care Protection Act of 2013

**H.R. 3522 - Employee Health Care Protection Act of 2013 —
(Cassidy, R - LA)**

Order of Business: [H.R. 3522](#) is scheduled for consideration on Wednesday, September 10, 2014, under a [closed rule](#), and provides for one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The rule also includes an amendment that is considered as adopted, by Representative Burgess which clarifies that group health plans may offer such coverage to individuals.

Summary: This bill allows health insurance insurers to continue to offer any group health plan they had on the market in 2013 to be sold outside of the health insurance exchanges through December 31, 2018. These plans will be treated as grandfathered health plans; therefore, in compliance with mandates and requirements imposed by the Affordable Care Act (ACA).

Additional Background: During the debate surrounding the ACA, President Obama infamously [stated](#), “If you like your doctor, you will be able to keep your doctor, period. If you like your health care plan, you’ll be able to keep your health care plan, period.” However, many plans offered prior to the ACA were no longer compliant with the numerous requirements the law imposed, and as a result many Americans were no longer able to purchase their old plans. To help the [millions](#) of Americans who lost their insurance which was purchased in the *individual market*, the House passed ([251-157](#)) H.R. 3350, the Keep Your Health Plan Act of 2013.

In addition, millions of Americans who purchase their insurance through the *group market* are also faced with the cancellation of policies. [25-30 million](#) Americans are covered by group plans that are not grandfathered and are now subject to new requirements regarding benefits and premiums. In 2010, the Administration [estimated](#) 49 percent to 80 percent of small-employer plans and 34 percent to 64 percent of large-employer plans would lose grandfathered status. The Administration has announced some exceptions to re-enroll individuals and small groups in existing coverage that does not comply with certain market and benefit rules (those that took effect on January 1, 2014) through October 1, 2016 (extending that coverage through September

2017). However, there is still a substantial amount of discretion left to the states about whether to allow this or how long these plans may be renewed.

Read the committee report [here](#).

Committee Action: This bill was introduced by Representative Cassidy on November 18, 2013, and was referred to the Committee on Energy and Commerce, and the Committee on Ways and Means. The full committee held a mark-up on July 29, 2014, and approved the bill by a vote of [27-20](#).

Outside Groups:

[Americans for Tax Reform](#)

[National Taxpayers Union](#)

Administration Position: The Administration strongly opposes House passage of H.R. 3522. If the President were presented with H.R. 3522, he would veto it.

Cost to Taxpayers: [CBO](#) and the staff of the Joint Committee on Taxation (JCT) estimate that enacting H.R. 3522 would increase federal revenues by a total of \$1.25 billion over the fiscal years 2015 to 2024. About \$400 million of that increase in revenues would be off-budget (Social Security payroll tax collections are classified as off-budget).

Pay-as-you-go procedures apply to H.R. 3522 because enacting the legislation would affect revenues. H.R. 3522 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 3522 contains no intergovernmental or private-sector mandates as defined in UMRA.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: In compliance with clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives, the Committee finds that H.R. 3522 contains no earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1 of the United States Constitution.” Read the statement [here](#).

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