Suspend the Rules and Pass the Bill, H.R. 748, With an Amendment
(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
1ST SESSION

H. R. 748

To amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

IN THE HOUSE OF REPRESENTATIVES
JANUARY 24, 2019

Mr. COURTNEY (for himself, Mr. KELLY of Pennsylvania, Ms. DELBENE, Ms. STEFANIK, Mr. NORCROSS, Mr. SMITH of New Jersey, Mr. FITZPATRICK, and Ms. TITUS) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL
To amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

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 “Middle Class Health
5 Benefits Tax Repeal Act of 2019”.

VerDate Nov 24 2008 17:25 Jul 12, 2019 Jkt 000000 PO 00000 Frm 00001 Fmt 6652 Sfmt 6201 C:\USERS\HWCHRI~1\APPDATA\ROAMING\SOFTQUAD\XML METAL\7.0\GEN\C\HR748_~1.X
SEC. 2. REPEAL OF EXCISE TAX ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE.

(a) In General.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980I.

(b) Conforming Amendments.—

(1) Section 6051 of such Code is amended—

(A) by striking “section 4980I(d)(1)” in subsection (a)(14) and inserting “subsection (g)”, and

(B) by adding at the end the following new subsection:

“(g) Applicable Employer-Sponsored Coverage.—For purposes of subsection (a)(14)—

“(1) In General.—The term ‘applicable employer-sponsored coverage’ means, with respect to any employee, coverage under any group health plan made available to the employee by an employer which is excludable from the employee’s gross income under section 106, or would be so excludable if it were employer-provided coverage (within the meaning of such section 106).

“(2) Exceptions.—The term ‘applicable employer-sponsored coverage’ shall not include—

“(A) any coverage (whether through insurance or otherwise) described in section
9832(c)(1) (other than subparagraph (G) thereof) or for long-term care,

“(B) any coverage under a separate policy, certificate, or contract of insurance which provides benefits substantially all of which are for treatment of the mouth (including any organ or structure within the mouth) or for treatment of the eye, or

“(C) any coverage described in section 9832(c)(3) the payment for which is not excludable from gross income and for which a deduction under section 162(l) is not allowable.

“(3) Coverage includes employee paid portion.—Coverage shall be treated as applicable employer-sponsored coverage without regard to whether the employer or employee pays for the coverage.

“(4) Governmental plans included.—Applicable employer-sponsored coverage shall include coverage under any group health plan established and maintained primarily for its civilian employees by the Government of the United States, by the government of any State or political subdivision thereof, or by any agency or instrumentality of any such government.”.
(2) Section 9831(d)(1) of such Code is amended by striking “except as provided in section 4980I(f)(4)”.

(3) The table of sections for chapter 43 of such Code is amended by striking the item relating to section 4980I.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 3. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).