

**AMENDMENT TO RULES COMMITTEE**  
**PRINT 116-56**  
**OFFERED BY MS. JAYAPAL OF WASHINGTON**

Page 50, insert after line 10 the following new section (and amend the table of contents accordingly):

1 **SEC. 117. CONSISTENCY IN HEALTH INSURANCE COVERAGE**  
2 **FOR INDIVIDUALS WITH FEDERALLY AU-**  
3 **THORIZED PRESENCE, INCLUDING DE-**  
4 **FERRED ACTION.**

5 (a) IN GENERAL.—For purposes of eligibility under  
6 any of the provisions described in subsection (b), all indi-  
7 viduals granted federally authorized presence in the  
8 United States shall be considered to be lawfully present  
9 in the United States.

10 (b) PROVISIONS DESCRIBED.—The provisions de-  
11 scribed in this subsection are the following:

12 (1) EXCHANGE ELIGIBILITY.—Section 1311 of  
13 the Patient Protection and Affordable Care Act (42  
14 U.S.C. 18031).

15 (2) REDUCED COST-SHARING ELIGIBILITY.—  
16 Section 1402 of the Patient Protection and Afford-  
17 able Care Act (42 U.S.C. 18071).

1           (3) PREMIUM SUBSIDY ELIGIBILITY.—Section  
2           36B of the Internal Revenue Code of 1986 (26  
3           U.S.C. 36B).

4           (4) MEDICAID AND CHIP ELIGIBILITY.—Titles  
5           XIX and XXI of the Social Security Act, including  
6           under section 1903(v) of such Act (42 U.S.C.  
7           1396b(v)).

8           (c) EFFECTIVE DATE.—

9           (1) IN GENERAL.—Subsection (a) shall take ef-  
10          fect on the date of enactment of this Act.

11          (2) TRANSITION THROUGH SPECIAL ENROLL-  
12          MENT PERIOD.—In the case of an individual de-  
13          scribed in subsection (a) who, before the first day of  
14          the first annual open enrollment period under sub-  
15          paragraph (B) of section 1311(c)(6) of the Patient  
16          Protection and Affordable Care Act (42 U.S.C.  
17          18031(c)(6)) beginning after the date of enactment  
18          of this Act, is granted federally authorized presence  
19          in the United States and who, as a result of such  
20          subsection, qualifies for a subsidy under a provision  
21          described in paragraph (2) or (3) of subsection (b),  
22          the Secretary of Health and Human Services shall  
23          establish a special enrollment period under subpara-  
24          graph (C) of such section 1311(c)(6) during which  
25          such individual may enroll in qualified health plans

1 through Exchanges under title I of the Patient Pro-  
2 tection and Affordable Care Act and qualify for such  
3 a subsidy. For such an individual who has been  
4 granted federally authorized presence in the United  
5 States as of the date of enactment of this Act, such  
6 special enrollment period shall begin not later than  
7 90 days after such date of enactment. Nothing in  
8 this paragraph shall be construed as affecting the  
9 authority of the Secretary to establish additional  
10 special enrollment periods under such subparagraph  
11 (C).

Page 55, line 13, add at the end “and”.

Page 55, strike lines 14 through 16.

Page 87, insert after line 11 the following new section (and amend the table of contents accordingly):

12 **SEC. 212. REMOVING BARRIERS TO HEALTH COVERAGE**  
13 **FOR LAWFULLY PRESENT INDIVIDUALS.**

14 (a) **MEDICAID.**—Section 1903(v)(4) of the Social Security Act (42 U.S.C. 1396b(v)(4)) is amended—

16 (1) by amending subparagraph (A) to read as  
17 follows:

18 “(A) Notwithstanding sections 401(a),  
19 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act  
20

1 of 1996, payment shall be made under this sec-  
2 tion for care and services that are furnished to  
3 individuals who are not citizens of the United  
4 States, including aliens described in paragraph  
5 (1), if they otherwise meet the eligibility re-  
6 quirements for medical assistance under the  
7 State plan approved under this title (other than  
8 the requirement of the receipt of aid or assist-  
9 ance under title IV, supplemental security in-  
10 come benefits under title XVI, or a State sup-  
11 plementary payment) and are lawfully present  
12 in the United States (including such an indi-  
13 vidual who is granted deferred action or other  
14 federally authorized presence).”;

15 (2) in subparagraph (B)—

16 (A) by striking “a State that has elected to  
17 provide medical assistance to a category of  
18 aliens under subparagraph (A)” and inserting  
19 “individuals provided medical assistance pursu-  
20 ant to subparagraph (A)”;

21 (B) by striking “such an alien on the basis  
22 of provision of assistance to such category” and  
23 inserting “such an individual on the basis of  
24 provision of assistance to such individual”;

25 (3) in subparagraph (C)—

1 (A) by striking “an election by the State  
2 under subparagraph (A)” and inserting “the  
3 application of subparagraph (A)”;

4 (B) by inserting “or be lawfully present”  
5 after “lawfully reside”; and

6 (C) by inserting “or present” after “law-  
7 fully residing” each place it appears.

8 (b) CHIP.—Subparagraph (N) of section 2107(e)(1)  
9 of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is  
10 amended to read as follows:

11 “(N) Paragraph (4) of section 1903(v) (re-  
12 lating to lawfully present individuals).”.

13 (c) EFFECTIVE DATE.—

14 (1) IN GENERAL.—Except as provided in para-  
15 graph (2), the amendments made by this section  
16 shall take effect on the date of enactment of this Act  
17 and shall apply to services furnished on or after the  
18 date that is 90 days after such date of enactment.

19 (2) EXCEPTION IF STATE LEGISLATION RE-  
20 QUIRED.—In the case of a State plan for medical as-  
21 sistance under title XIX, or a State child health plan  
22 under title XXI, of the Social Security Act which the  
23 Secretary of Health and Human Services determines  
24 requires State legislation (other than legislation ap-  
25 propriating funds) in order for the plan to meet the

1 additional requirements imposed by the amendments  
2 made by this section, the respective State plan shall  
3 not be regarded as failing to comply with the re-  
4 quirements of such title solely on the basis of its  
5 failure to meet these additional requirements before  
6 the first day of the first calendar quarter beginning  
7 after the close of the first regular session of the  
8 State legislature that begins after the date of enact-  
9 ment of this Act. For purposes of the previous sen-  
10 tence, in the case of a State that has a 2-year legis-  
11 lative session, each year of such session shall be  
12 deemed to be a separate regular session of the State  
13 legislature.

