AMENDMENT TO RULES COMMITTEE
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OFFERED BY MS. JAYAPAL OF WASHINGTON

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

SEC. 117. CONSISTENCY IN HEALTH INSURANCE COVERAGE FOR INDIVIDUALS WITH FEDERALLY AUTHORIZED PRESENCE, INCLUDING DEFERRED ACTION.

(a) IN GENERAL.—For purposes of eligibility under any of the provisions described in subsection (b), all individuals granted federally authorized presence in the United States shall be considered to be lawfully present in the United States.

(b) PROVISIONS DESCRIBED.—The provisions described in this subsection are the following:

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

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

(4) **Medicaid and CHIP eligibility.**—Titles XIX and XXI of the Social Security Act, including under section 1903(v) of such Act (42 U.S.C. 1396b(v)).

(c) **Effective date.**—

(1) **In general.**—Subsection (a) shall take effect on the date of enactment of this Act.

(2) **Transition through special enrollment period.**—In the case of an individual described in subsection (a) who, before the first day of the first annual open enrollment period under subparagraph (B) of section 1311(c)(6) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)(6)) beginning after the date of enactment of this Act, is granted federally authorized presence in the United States and who, as a result of such subsection, qualifies for a subsidy under a provision described in paragraph (2) or (3) of subsection (b), the Secretary of Health and Human Services shall establish a special enrollment period under subparagraph (C) of such section 1311(c)(6) during which such individual may enroll in qualified health plans.
through Exchanges under title I of the Patient Protection and Affordable Care Act and qualify for such a subsidy. For such an individual who has been granted federally authorized presence in the United States as of the date of enactment of this Act, such special enrollment period shall begin not later than 90 days after such date of enactment. Nothing in this paragraph shall be construed as affecting the authority of the Secretary to establish additional special enrollment periods under such subparagraph (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):

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

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

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

“(A) Notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act
of 1996, payment shall be made under this section for care and services that are furnished to individuals who are not citizens of the United States, including aliens described in paragraph (1), if they otherwise meet the eligibility requirements for medical assistance under the State plan approved under this title (other than the requirement of the receipt of aid or assistance under title IV, supplemental security income benefits under title XVI, or a State supplementary payment) and are lawfully present in the United States (including such an individual who is granted deferred action or other federally authorized presence).

(2) in subparagraph (B)—

(A) by striking “a State that has elected to provide medical assistance to a category of aliens under subparagraph (A)” and inserting “individuals provided medical assistance pursuant to subparagraph (A)”;

and

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

and

(3) in subparagraph (C)—
(A) by striking “an election by the State
under subparagraph (A)” and inserting “the
application of subparagraph (A)”;

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

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

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

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

c) EFFECTIVE DATE.—

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

(2) EXCEPTION IF STATE LEGISLATION RE-
QUIRED.—In the case of a State plan for medical as-
sistance under title XIX, or a State child health plan
under title XXI, of the Social Security Act which the
Secretary of Health and Human Services determines
requires State legislation (other than legislation ap-
propriating funds) in order for the plan to meet the
additional requirements imposed by the amendments made by this section, the respective State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.