AMENDMENT TO H.R. 4414
OFFERED BY MR. NUNES OF CALIFORNIA AND
MR. CARNEY OF DELAWARE

Page 2, line 7, strike “2011” and insert “2010”.

Page 5, beginning on line 23, amend subparagraph (D) to read as follows:

(D) In the case of an expatriate health plan that is a group health plan offered by a plan sponsor that—

(i) also offers a qualifying minimum value domestic group health plan, the plan sponsor reasonably believes that the benefits provided by the expatriate health plan are actuarially similar to, or better than, the benefits provided under a qualifying minimum value domestic group health plan offered by that plan sponsor; or

(ii) does not also offer a qualifying minimum value domestic group health plan, the plan sponsor reasonably believes that the benefits provided by the expatriate health plan are actuarially similar to, or
better than, the benefits provided under a qualifying minimum value domestic group health plan.

Page 6, beginning on line 13, amend subparagraph (F) to read as follows:

(F) The plan or coverage—

(i) is issued by an expatriate health plan issuer, or administered by an administrator, that maintains, with respect to such plan or coverage—

(I) network provider agreements with health care providers that are outside of the United States; and

(II) call centers in more than one country and accepts calls from customers in multiple languages; and

(ii) offers reimbursements for items or services under such plan or coverage in more than two currencies.

Page 6, after line 22, insert the following:

(G) The plan or coverage, and the plan sponsor or expatriate health insurance issuer with respect to such plan or coverage, satisfies the provisions of title XXVII of the Public
Health Service Act (42 U.S.C. 300gg et seq.),
chapter 100 of the Internal Revenue Code of
1986, and part 7 of subtitle B of title I of the
Employee Retirement Income Security Act of
1974 (29 U.S.C. 1181 et seq.), which would
otherwise apply to such a plan or coverage, and
sponsor or issuer, if not for the enactment of
the Patient Protection and Affordable Care Act
and title I and subtitle B of title II of the
Health Care and Education Reconciliation Act
of 2010.

Page 7, line 2, insert “an alien residing outside the
United States,” after “who is”.

Page 7, line 8, strike “90 days” and insert “180
days”.

Page 7, beginning on line 9, strike “12 consecutive
months of enrollment” and all that follows through line
12, and insert “12 consecutive months.”

Page 7, beginning on line 20, amend paragraph (4)
to read as follows:

(4) QUALIFYING MINIMUM VALUE DOMESTIC
GROUP HEALTH PLAN.—The term “qualifying min-
imum value domestic group health plan” means a
group health plan that is offered in the United States that meets the following requirements:

(A) Substantially all of the primary enrollees in the plan are not qualified expatriates, with respect to such plan.

(B) Substantially all of the benefits provided under the plan are not excepted benefits described in section 9832(c) of the Internal Revenue Code of 1986.

(C) The application of section 36B(c)(2)(C)(ii) of such Code to such plan would not prevent an employee eligible for coverage under such plan from being treated as eligible for minimum essential coverage for purposes of section 36B(c)(2)(B) of such Code.