H. R. 6532

To amend the Patient Protection and Affordable Care Act to require the Secretary of Health and Human Services to establish a special enrollment period during the COVID–19 emergency period and to carry out outreach and educational activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2020

Mr. Doggett (for himself, Ms. Wild, and Mrs. Bustos) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Patient Protection and Affordable Care Act to require the Secretary of Health and Human Services to establish a special enrollment period during the COVID–19 emergency period and to carry out outreach and educational activities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “COVID Special Enrollment Act of 2020”.
SEC. 2. SPECIAL ENROLLMENT PERIOD THROUGH EX-
CHANGES; FEDERAL EXCHANGE OUTREACH
AND EDUCATIONAL ACTIVITIES.

(a) Special Enrollment Period Through Ex-
changes.—Section 1311(c) of the Patient Protection and
Affordable Care Act (42 U.S.C. 18031(c)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (C), by striking at the
end “and”;

(B) in subparagraph (D), by striking at
the end the period and inserting “; and”; and

(C) by adding at the end the following new
subparagraph:

“(E) subject to subparagraph (B) of para-
graph (8), the special enrollment period de-
scribed in subparagraph (A) of such para-
graph.”; and

(2) by adding at the end the following new
paragraph:

“(8) Special enrollment period for cer-
tain public health emergency.—

“(A) In general.—The Secretary shall,
subject to subparagraph (B), require an Ex-
change to provide—

“(i) for a special enrollment period
during the emergency period described in
section 1135(g)(1)(B) of the Social Security Act—

“(I) which shall begin on the date that is one week after the date of the enactment of this paragraph and which, in the case of an Exchange established or operated by the Secretary within a State pursuant to section 1321(c), shall be an 8-week period; and

“(II) during which any individual who is otherwise eligible to enroll in a qualified health plan through the Exchange may enroll in such a qualified health plan; and

“(ii) that, in the case of an individual who enrolls in a qualified health plan through the Exchange during such enrollment period, the coverage period under such plan shall begin, at the option of the individual, on April 1, 2020, or on the first day of the month following the day the individual selects a plan through such special enrollment period.
“(B) EXCEPTION.—The requirement of
subparagraph (A) shall not apply to a State-op-
erated or State-established Exchange if such
Exchange, prior to the date of the enactment of
this paragraph, established or otherwise pro-
vided for a special enrollment period to address
access to coverage under qualified health plans
offered through such Exchange during the
emergency period described in section
1135(g)(1)(B) of the Social Security Act.”.

(b) FEDERAL EXCHANGE OUTREACH AND EDU-
cATIONAL ACTIVITIES.—Section 1321(c) of the Patient
Protection and Affordable Care Act (42 U.S.C. 18041(c))
is amended by adding at the end the following new para-
graph:

“(3) OUTREACH AND EDUCATIONAL ACTIVI-
ties.—

“(A) IN GENERAL.—In the case of an Ex-
change established or operated by the Secretary
within a State pursuant to this subsection, the
Secretary shall carry out outreach and edu-
cational activities for purposes of informing po-
tential enrollees in qualified health plans offered
through the Exchange of the availability of cov-
erage under such plans and financial assistance
for coverage under such plans. Such outreach and educational activities shall be provided in a manner that is culturally and linguistically appropriate to the needs of the populations being served by the Exchange (including hard-to-reach populations, such as racial and sexual minorities, limited English proficient populations, and young adults).

“(B) LIMITATION ON USE OF FUNDS.—No funds appropriated under this paragraph shall be used for expenditures for promoting non-ACA compliant health insurance coverage.

“(C) NON-ACA COMPLIANT HEALTH INSURANCE COVERAGE.—For purposes of subparagraph (B):

“(i) The term ‘non-ACA compliant health insurance coverage’ means health insurance coverage, or a group health plan, that is not a qualified health plan.

“(ii) Such term includes the following:

““(I) An association health plan.

““(II) Short-term limited duration insurance.

“(D) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are
hereby appropriated $25,000,000 to carry out this paragraph. Funds appropriated under this subparagraph shall remain available until expended.”.

(c) IMPLEMENTATION.—The Secretary of Health and Human Services may implement the provisions of (including amendments made by) this section through subregulatory guidance, program instruction, or otherwise.