

114TH CONGRESS
1ST SESSION

H. R. 3659

To amend the Patient Protection and Affordable Care Act to remove citizenship and immigration barriers to access the Exchanges under such Act.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2015

Mr. GUTIÉRREZ (for himself and Ms. JUDY CHU of California) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Patient Protection and Affordable Care Act to remove citizenship and immigration barriers to access the Exchanges under such Act.

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 “Exchange Inclusion
5 for a Healthy America Act of 2015”.

1 **SEC. 2. REMOVING CITIZENSHIP AND IMMIGRATION BAR-**
2 **RIERS TO ACCESS TO AFFORDABLE HEALTH**
3 **CARE UNDER THE ACA.**

4 (a) IN GENERAL.—

5 (1) PREMIUM TAX CREDITS.—Section 36B of
6 the Internal Revenue Code of 1986 is amended—

7 (A) in subsection (c)(1)(B)—

8 (i) by amending the subparagraph
9 heading to read as follows: “SPECIAL RULE
10 FOR CERTAIN INDIVIDUALS INELIGIBLE
11 FOR MEDICAID DUE TO STATUS”; and

12 (ii) in clause (ii), by striking “lawfully
13 present in the United States, but” and in-
14 serting “who”; and

15 (B) by striking subsection (e).

16 (2) COST-SHARING REDUCTIONS.—Section 1402
17 of the Patient Protection and Affordable Care Act
18 (42 U.S.C. 18071) is amended by striking sub-
19 section (e).

20 (3) PREEXISTING CONDITION INSURANCE
21 PLAN.—Section 1101(d) of the Patient Protection
22 and Affordable Care Act (42 U.S.C. 18001(d)) is
23 amended by striking paragraph (1) and redesign-
24 ating paragraphs (2) and (3) as paragraphs (1)
25 and (2), respectively.

1 (4) BASIC HEALTH PROGRAM ELIGIBILITY.—
2 Section 1331(e)(1)(B) of the Patient Protection and
3 Affordable Care Act (42 U.S.C. 18051(e)(1)(B)) is
4 amended by striking “lawfully present in the United
5 States,”.

6 (5) RESTRICTIONS ON FEDERAL PAYMENTS.—
7 Section 1412 of the Patient Protection and Afford-
8 able Care Act (42 U.S.C. 18082) is amended by
9 striking subsection (d).

10 (6) REQUIREMENT TO MAINTAIN MINIMUM ES-
11 SENTIAL COVERAGE.—Subsection (d) of section
12 5000A of the Internal Revenue Code of 1986 is
13 amended by striking paragraph (3) and by redesign-
14 nating paragraph (4) as paragraph (3).

15 (b) CONFORMING AMENDMENTS.—

16 (1) ESTABLISHMENT OF PROGRAM.—Section
17 1411(a) of the Patient Protection and Affordable
18 Care Act (42 U.S.C. 18081(a)) is amended by strik-
19 ing paragraph (1) and redesignating paragraphs (2),
20 (3), and (4) as paragraphs (1), (2), and (3), respec-
21 tively.

22 (2) QUALIFIED INDIVIDUALS.—Section 1312(f)
23 of the Patient Protection and Affordable Care Act
24 (42 U.S.C. 18032(f)) is amended—

1 (A) in the subsection heading, by striking
2 the semicolon and all that follows through
3 “RESIDENTS”; and

4 (B) by striking paragraph (3).

5 (c) RULE OF CONSTRUCTION.—Nothing in this Act
6 shall be construed as affecting the application of para-
7 graph (a)(3) of section 155.305 of title 45, Code of Fed-
8 eral Regulations (relating to residency requirements for
9 eligibility for enrollment in the Exchanges), or of para-
10 graph (f)(4) of such section (relating to tax filing require-
11 ments for advance payments of the premium tax credit)
12 or any successor to either such paragraph.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to years, plan years, and taxable
15 years, as applicable, beginning after December 31, 2015.

16 **SEC. 3. TREATMENT OF INDIVIDUALS GRANTED DEFERRED**
17 **ACTION.**

18 (a) IN GENERAL.—For purposes of eligibility under
19 any of the provisions referred to in subsection (c), notwith-
20 standing paragraph (8) of section 152.2 of title 45, Code
21 of Federal Regulations, individuals described in subsection
22 (b) shall be considered lawfully present in the United
23 States.

1 (b) INDIVIDUALS DESCRIBED.—For purposes of sub-
2 section (a), the individuals described in this subsection are
3 the following:

4 (1) An individual with deferred action under
5 the Department of Homeland Security’s deferred ac-
6 tion for childhood arrivals process, as described in
7 the Secretary of Homeland Security’s June 15,
8 2012, memorandum.

9 (2) An individual with deferred action under
10 the Department of Homeland Security’s deferred ac-
11 tion process for expanded deferred action for child-
12 hood arrivals and parents of United States citizens
13 and lawful permanent residents, as described in the
14 Secretary of Homeland Security’s November 20,
15 2014, memorandum.

16 (c) PROVISIONS DESCRIBED.—For purposes of sub-
17 section (a), the provisions described in this subsection are
18 the following:

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

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

- 1 (3) PREMIUM SUBSIDY ELIGIBILITY.—Section
2 36B of the Internal Revenue Code of 1986.

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