

It is the right way, and it is the Vermont way. We look forward to our visits every time Marcelle and I come home.

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**STATEMENT IN SUPPORT OF DIVISION M OF THE CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2015, THE EXPATRIATE HEALTH COVERAGE CLARIFICATION ACT**

Mr. CARPER. Mr. President, I ask unanimous consent that a statement in support of Division M of the Consolidated and Further Continuing Appropriations Act, 2015, the Expatriate Health Coverage Clarification Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**STATEMENT OF SENATORS CARPER, TOOMEY, COONS, AND RUBIO IN SUPPORT OF DIVISION M OF THE CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2015, THE EXPATRIATE HEALTH COVERAGE CLARIFICATION ACT.**

At the end of the last Congress, a bipartisan group of Senators and Members of Congress led by Senators Carper, Toomey, Coons and Rubio, worked together to secure passage of the Expatriate Health Coverage Clarification Act of 2014. That legislation, which was included as Division M of the Consolidated and Further Continuing Appropriations Act, 2015, provides important technical clarifications of how the Patient Protection and Affordable Care Act (ACA) applies to health coverage provided by U.S. insurers to globally mobile employees. It puts those U.S. insurers on equal footing with their foreign counterparts and protects jobs in this country.

As the Administration prepares to begin the rulemaking process to implement the Expatriate Health Coverage Clarification Act, we want to ensure Congressional intent is clear so the Act is implemented properly. We are aware the Congressional Record already contains two statements that reflect Congressional intent on certain elements of the Expatriate Health Coverage Clarification Act, but further explanation will aid the Administration in its implementation efforts.

The issues that we seek to clarify today are: relief from the ACA's health insurer fee, the effective date of the Expatriate Health Coverage Clarification Act, treatment of groups of similarly situated individuals (including student and religious missionary groups), who to take into account when determining enrollment in expatriate health insurance plans, locations where expatriate plans must provide coverage for qualified expatriates assigned or transferred to the United States, actuarial value, and reporting requirements.

One important clarification relates to the application of the health insurer fee established in section 9010 of the ACA to expatriate health insurance plans. Under the Expatriate Health Coverage Clarification Act, premiums with respect to persons covered by qualified expatriate health insurance plans are not included in the calculation of the amount of that issuer's share of the health insurance fee. To make certain that the intent of that provision is abundantly clear, we want to iterate that no health insurer fee will be owed with respect to expatriate health insurance plans for 2016 and beyond.

Additionally, in implementing the special rule related to the health insurer fee for 2014

and 2015, it is the intent of Congress that the Internal Revenue Service (IRS) assess less than the full "applicable amount" otherwise specified in ACA section 9010 for 2014 and 2015, and that it refund or credit any excess funds already paid by expatriate health insurance issuers for 2014.

In addition to those important clarifications, we believe additional clarifications will further ensure appropriate implementation of the Expatriate Health Coverage Clarification Act.

The Expatriate Health Coverage Clarification Act became law on December 16, 2014. The legislative language provides that the Act takes effect upon enactment and applies to expatriate health plans issued or renewed on or after July 1, 2015, unless otherwise specified. It is important to clarify that Congressional intent is to provide immediate relief to U.S. issuers of expatriate health insurance plans effective on the date of enactment, and for the additional requirements imposed by the Act to apply only to plans issued or renewed on or after July 1, 2015, to give the Administration time to issue guidance on these new requirements.

Another clarification relates to the treatment of "groups of similarly situated individuals," which includes student and religious missionary groups, under the Expatriate Health Coverage Clarification Act. Congress does not intend every student or religious missionary or other similarly situated group to have to endure a lengthy approval process through which the Secretary of Health and Human Services, the Secretary of the Treasury and the Secretary of Labor determine that international health care coverage is appropriate for the group. Rather, if a health plan meets the requirements of being an expatriate health plan and a group of similarly situated individuals meets the requirements of eligibility to purchase such a plan, we expect that these groups can purchase plans as expeditiously as possible. We expect the Secretaries will issue guidance on this matter that is consistent with the language of the Expatriate Health Coverage Clarification Act for these groups to access health insurance and other related services and support in multiple countries.

The Expatriate Health Coverage Clarification Act limits its relief to expatriate health plans that meet the standards established in the law. One of those standards is that "[s]ubstantially all of the primary enrollees in such plan or coverage are qualified expatriates . . ." It is important to clarify that Congress does not intend for individuals who are enrolled in COBRA or other continuation coverage under the plan to be taken into account when determining whether substantially all of the primary enrollees are qualified expatriates.

Another standard is that where an expatriate health plan provides coverage for qualified expatriates who are transferred or assigned to the United States, the plan must provide certain coverages in ". . . such other country or countries as the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor, may designate (after taking into account the barriers and prohibitions to providing health care services in the countries as designated)." It is important to clarify that Congress does not intend that expatriates in foreign countries receive duplicate or unnecessary health insurance coverage. Instead, the Secretaries should promulgate guidance establishing that, by virtue of having U.S.-issued expatriate health coverage, qualified expatriates need the full benefits and protections of the Expatriate Health Coverage Clarification Act in such locations as are necessary for the individual to perform his/her job responsibilities.

The Expatriate Health Coverage Clarification Act says that plan sponsors must reasonably believe that "the benefits provided by the expatriate health plan satisfy a standard at least actuarially equivalent to the level provided for in section 36B(c)(2)(C)(ii) of the Internal Revenue Code." The intent of Congress is to require expatriate health coverage to meet the minimum-value as it is delineated in the Internal Revenue Code 36B(c)(2)(C)(ii). We believe the law allows for employers and issuers to retain the flexibility to design and offer plans with a higher value as they may determine necessary and appropriate to meet the needs and circumstances of their covered population.

Finally, there is the issue of reporting requirements. The ACA added section 6055 to the Internal Revenue Code, which provides that every provider of minimum essential coverage will report coverage information by filing an informational return with the IRS and furnishing a statement to individuals. The information is used by the IRS to administer, and individuals to show compliance with, the ACA's individual shared responsibility provision. It is Congress's intent that any additional reporting that may be required as a result of the Expatriate Health Coverage Clarification Act or related guidance should be kept as minimal as possible, recognize the unique nature of expatriate health plans, and be incorporated into the existing requirements under section 6055. Should future laws or regulations streamline the reporting requirements for domestic health plans, we expect that this relief be provided equally to expatriate health plans.

We believe these are important clarifications that will ensure the Expatriate Health Coverage Clarification Act is implemented consistent with Congressional intent and will permit U.S.-based expatriate health insurance issuers to compete with their foreign counterparts.

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**RECOGNIZING FLIGHT OFFICER WILLIAM A. COLBERT, JR., OF THE TUSKEGEE AIRMEN**

Mr. CARDIN. Mr. President, I wish to recognize Flight Officer William August Colbert, Jr., for his honorable service to the United States as a member of the famed Tuskegee Airmen. Mr. Colbert is a lifelong Marylander who was born in Annapolis and attended Anne Arundel County public schools, graduating from Wiley H. Bates High School. Upon his graduation, he joined the Civilian Conservation Corps and was stationed in Allegany County, MD where he met and married his wife, the late Vivian Lee Colbert. He ultimately made Cumberland his home.

After spending time working in the Baltimore shipyards, Mr. Colbert enlisted in the Army Air Force in 1943 and achieved the rank of flight officer at the Tuskegee Army Air Field. He was alerted for overseas duty on two occasions, but the war ended prior to his deployment. While Mr. Colbert never saw combat, he learned to fly with the best, and became a Red Tail. Mr. Colbert has always considered his contribution to the Tuskegee Airmen as what he was called to do as a U.S. citizen. He did so without expectation of fame or fanfare.

When Mr. Colbert returned to Cumberland after his military service, he worked as a tire builder for the Kelly-

Springfield Tire Company for 33 years until his retirement. He became a member of Fulton Myers American Legion Post. He and his wife had two children but lost one due to complications of childbirth. They raised their son William Augustus Colbert, III, who went to Bowie State University, where he met and married his wife Anna Hudson Colbert. Mr. Colbert has been blessed with four grandchildren and six great-grandchildren. Last July, Mr. Colbert became a great-great-grandfather. He is an admired family man who has opened his home, heart, and talents—including hunting, fishing, photography, and jazz—to family and friends alike. Mr. Colbert has enjoyed gardening and carpentry, and he personally ensured that the U.S. flag was raised and lowered each day on the former Pine Avenue playground, which was located directly across the street from his house.

The contributions of Mr. Colbert and his fellow Tuskegee Airmen—the first African American combat unit in the Army Air Corps—played a crucial role in integrating the U.S. armed services. They helped to shatter stereotypes through their distinguished service at home and abroad.

In the 109th Congress, I was honored to cosponsor legislation awarding the Congressional Gold Medal to the Tuskegee Airmen in recognition long overdue of their unique military record, which inspired revolutionary reform in the Armed Forces, and to join the President of the United States and my colleagues in Congress in presenting the medal to 300 members of the Tuskegee Airmen in a ceremony in the U.S. Capitol. The medal features three Tuskegee Airmen in profile—an officer, a mechanic and a pilot. The eagle symbolizes flight, nobility, and the highest ideals of our Nation. The years 1941–1949 indicate the years during which these airmen were assigned to segregated units. The reverse side depicts three types of airplanes flown by the Tuskegee Airmen in World War II: the P-40, P-51 and B-25. The original gold medal remains on display at the Smithsonian Institution.

Mr. Colbert was in failing health at the time, so he was unable to attend that ceremony and be presented with a copy of the medal. I am pleased to announce that on Friday, May 15, 2015, Mr. Colbert will finally receive the recognition he has earned during a presentation of the Congressional Gold Medal along with presentations by State and local elected officials, veterans service organizations, and the National Association for the Advancement of Colored People, NAACP, in his hometown of Cumberland, MD.

I ask my colleagues to join me in expressing sincere appreciation and congratulations to Mr. Colbert for his outstanding service to our country in uniform and in his community.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MARY ELIZABETH CUNNINGHAM

• Mr. BLUMENTHAL. Mr. President, I would like to pay tribute to a Connecticut resident who recently demonstrated extraordinary capability and heroism. Mary Elizabeth Cunningham, a resident of Niantic, who works as an emergency room nurse at Yale-New Haven Hospital, was flying from Chicago to Hartford on April 22. When she heard an announcement over the loudspeaker seeking the assistance of any medical professionals on board, she quickly volunteered to help a passenger experiencing respiratory difficulties. After successfully providing aid, Ms. Cunningham was about to return to her seat when she was asked to help another passenger, who had lost consciousness. While assessing the situation, she began to feel dizzy herself, along with other passengers and members of the flight crew.

Despite the challenging circumstances, she did not panic but instead urged the flight crew to make an emergency landing, fearing something was wrong. The pilot swiftly landed the plane in Buffalo, and although 17 passengers were later evaluated by medical personnel, it appears that everyone has made a full recovery. Had Ms. Cunningham not been on the plane to assist with handling the situation, that might not have been the case.

Ms. Cunningham deserves the highest praise, not just for her choice to become a health provider, but for her speedy and decisive actions to help those in need and recognizing a potentially disastrous situation. I am particularly pleased to recognize her on National Nurses Day, when we recognize the essential services nurses provide in hospitals and communities all across the country. I know all of Connecticut joins me in honoring and thanking Ms. Cunningham for her exemplary performance in the line of duty.●

##### TOP MONTANA TEAM IN CAPITOL HILL CHALLENGE

• Mr. DAINES. Mr. President, I wish to recognize a group of Montana students and their teacher, who truly embody the innovative and hardworking spirit that has, for so long, been the engine of our great Nation.

Ms. Jennifer Zirbel and her class at Lone Peak High School in Gallatin Gateway, MT, recently represented Montana well in the Capitol Hill Challenge with their exemplary performance in the 12th annual Stock Market Game.

There were 5,000 high school and middle schools teams from all 50 States that participated in the Challenge. As the top performing Montana team in the competition, they have demonstrated exemplary knowledge of math, economics, business and the

global economy. They have made Montana proud. They are outstanding young Montanans who have proven that hard work and dedication can lead to tremendous success in whatever you set your mind to. The real world financial and business skills that they have gained through their participation in this program will no doubt serve them well in their future as active citizens.●

##### TRIBUTE TO CHEYENNE BRADY

• Ms. HEITKAMP. Mr. President, I congratulate Ms. Cheyenne Brady, a resident of the great State of North Dakota, on being crowned the 2015–2016 Miss Indian World.

The Miss Indian World competition is the largest and most prestigious cultural pageant for young Native women and was recently held during the Gathering of Nations Powwow at the University of New Mexico in Albuquerque. Twenty contestants from across the United States and Canada were judged on public speaking, a personal interview, talent presentation, traditional dance, and an essay. Throughout the competition, contestants demonstrated an in-depth knowledge of their culture and tribal history. Cheyenne won awards for the Best Essay as well as Best Dancer categories.

Cheyenne is a member of the Sac and Fox Nation, and also represents the Hidatsa Arikara, Cheyenne, Pawnee, Otoe, Kiowa Apache, and Tonkawa tribes. At 22 years old, she is a student at North Dakota State University majoring in behavioral health and was recently accepted into North Dakota State University's graduate school program for American Indian Public Health. As Congress works to support Native youth and address their holistic needs that include behavioral and mental health issues, it is heartening to see Cheyenne specialize in areas so critical to helping her tribe and community members succeed.

I wish Cheyenne well as she travels across the United States and Canada in her role as Miss Indian World. During her reign, Cheyenne hopes to instill a sense of pride in Native youth and will encourage them to embrace their culture. It is truly a great honor to have such a talented young woman represent North Dakota and Indian Country on the world stage.●

##### TRIBUTE TO STEVEN LEACH

• Mr. SANDERS. Mr. President, I would like to recognize the inspiring accomplishments of Steven Leach, a 20-year U.S. Army veteran and past department commander of the Veterans of Foreign Wars from Pawlet, VT, who is known by his fellow veterans, friends, and acquaintances as “The Monument Man.” Steve has long been a strong leader within the veterans’ community, especially as a member of Harned-Fowler VFW Post 6471 in Manchester Center, VT, and a passionate advocate for veterans and their family members.