

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:

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

4 (i) also offers a qualifying minimum
5 value domestic group health plan, the plan
6 sponsor reasonably believes that the bene-
7 fits provided by the expatriate health plan
8 are actuarially similar to, or better than,
9 the benefits provided under a qualifying
10 minimum value domestic group health plan
11 offered by that plan sponsor; or

12 (ii) does not also offer a qualifying
13 minimum value domestic group health
14 plan, the plan sponsor reasonably believes
15 that the benefits provided by the expatriate
16 health plan are actuarially similar to, or

1 better than, the benefits provided under a
2 qualifying minimum value domestic group
3 health plan.

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

4 (F) The plan or coverage—
5 (i) is issued by an expatriate health
6 plan issuer, or administered by an adminis-
7 trator, that maintains, with respect to such
8 plan or coverage—
9 (I) network provider agreements
10 with health care providers that are
11 outside of the United States; and
12 (II) call centers in more than one
13 country and accepts calls from cus-
14 tomers in multiple languages; and
15 (ii) offers reimbursements for items or
16 services under such plan or coverage in
17 more than two currencies.

Page 6, after line 22, insert the following:

18 (G) The plan or coverage, and the plan
19 sponsor or expatriate health insurance issuer
20 with respect to such plan or coverage, satisfies
21 the provisions of title XXVII of the Public

1 Health Service Act (42 U.S.C. 300gg et seq.),
2 chapter 100 of the Internal Revenue Code of
3 1986, and part 7 of subtitle B of title I of the
4 Employee Retirement Income Security Act of
5 1974 (29 U.S.C. 1181 et seq.), which would
6 otherwise apply to such a plan or coverage, and
7 sponsor or issuer, if not for the enactment of
8 the Patient Protection and Affordable Care Act
9 and title I and subtitle B of title II of the
10 Health Care and Education Reconciliation Act
11 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:

12 (4) QUALIFYING MINIMUM VALUE DOMESTIC
13 GROUP HEALTH PLAN.—The term “qualifying min-
14 imum value domestic group health plan” means a

1 group health plan that is offered in the United
2 States that meets the following requirements:

3 (A) Substantially all of the primary enroll-
4 ees in the plan are not qualified expatriates,
5 with respect to such plan.

6 (B) Substantially all of the benefits pro-
7 vided under the plan are not excepted benefits
8 described in section 9832(c) of the Internal
9 Revenue Code of 1986.

10 (C) The application of section
11 36B(e)(2)(C)(ii) of such Code to such plan
12 would not prevent an employee eligible for cov-
13 erage under such plan from being treated as eli-
14 gible for minimum essential coverage for pur-
15 poses of section 36B(e)(2)(B) of such Code.

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