

115TH CONGRESS  
1ST SESSION

# H. R. 2985

To amend the Patient Protection and Affordable Care Act to restrict Members of Congress who represent a State with an essential health benefits (EHB) waiver, approved under the amendments made by the American Health Care Act of 2017, to the lowest actuarial value health insurance coverage that is available under the waiver.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2017

Mr. SEAN PATRICK MALONEY of New York introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Energy and Commerce, 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

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## A BILL

To amend the Patient Protection and Affordable Care Act to restrict Members of Congress who represent a State with an essential health benefits (EHB) waiver, approved under the amendments made by the American Health Care Act of 2017, to the lowest actuarial value health insurance coverage that is available under the waiver.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No Carve Out for Con-  
3 gress Act of 2017”.

4 **SEC. 2. RESTRICTING ACCESS OF CERTAIN MEMBERS OF**  
5 **CONGRESS, WHO REPRESENT A STATE WITH**  
6 **AN AHCA EHB APPROVED WAIVER, TO THE**  
7 **LOWEST ACTUARIAL VALUE HEALTH INSUR-**  
8 **ANCE COVERAGE AVAILABLE UNDER THE**  
9 **WAIVER.**

10 Section 1312(d)(3) of the Patient Protection and Af-  
11 fordable Care Act (42 U.S.C. 18032(d)(3)) is amended—

12 (1) in subparagraph (D)(i), by inserting “except  
13 as provided in subparagraph (E),” after “Notwith-  
14 standing any other provision of law,”; and

15 (2) by adding at the end the following new sub-  
16 paragraph:

17 “(E) **LIMITING COVERAGE OF MEMBERS**  
18 **OF CONGRESS IN STATES WITH AHCA EHB**  
19 **WAIVERS.—**In the case of a State that has a  
20 waiver approved and in effect under section  
21 2701(b) of the Public Health Service Act, as  
22 added by section 136(a) of the American  
23 Health Care Act of 2017, for the purpose de-  
24 scribed in paragraph (1)(B) of such section  
25 2701(b) (relating to a waiver of essential health

1 benefits), a Member of Congress who represents  
2 such State (or a district in the State)—

3 “(i) is not eligible, with respect to the  
4 Member’s services as a Member of Con-  
5 gress, to receive coverage under any health  
6 benefits plan under chapter 89 of title 5,  
7 United States Code, and is not eligible for  
8 any Government contribution under such  
9 chapter with respect to any health benefits  
10 plan (including health insurance coverage  
11 described in clause (ii)); and

12 “(ii) is eligible to enroll in health in-  
13 surance coverage in the individual market  
14 in the State under this Act and under such  
15 waiver, but only in such coverage (offered  
16 in the area in which the Member resides)  
17 with the lowest actuarial value of all such  
18 coverage in such area at the time of enroll-  
19 ment (or reenrollment).”.

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