

Union Calendar No. 27

116TH CONGRESS
1ST SESSION

H. R. 1385

[Report No. 116–49]

To amend the Patient Protection and Affordable Care Act to preserve the option of States to implement health care marketplaces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2019

Mr. KIM (for himself and Mr. FITZPATRICK) introduced the following bill;
which was referred to the Committee on Energy and Commerce

MAY 3, 2019

Additional sponsors: Ms. SCHAKOWSKY, Mrs. WATSON COLEMAN, Ms. BLUNT ROCHESTER, Mr. PALLONE, Mr. RUSH, Mrs. DINGELL, Mr. RUIZ, Ms. ESHOO, Mr. KENNEDY, Ms. MATSUI, Mr. VAN DREW, Ms. CLARKE of New York, Ms. HOULAHAN, Ms. SCANLON, Ms. MCCOLLUM, and Ms. MUCARSEL-POWELL

MAY 3, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on February 27, 2019]

A BILL

To amend the Patient Protection and Affordable Care Act to preserve the option of States to implement health care marketplaces, and for other purposes.

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 “State Allowance for a*
 5 *Variety of Exchanges Act” or the “SAVE Act”.*

6 **SEC. 2. PRESERVING STATE OPTION TO IMPLEMENT**
 7 **HEALTH CARE MARKETPLACES.**

8 *(a) IN GENERAL.—Section 1311 of the Patient Protec-*
 9 *tion and Affordable Care Act (42 U.S.C. 18031) is amend-*
 10 *ed—*

11 *(1) in subsection (a)—*

12 *(A) in paragraph (4)(B), by striking*
 13 *“under this subsection” and inserting “under*
 14 *this paragraph or paragraph (1)”;* and

15 *(B) by adding at the end the following new*
 16 *paragraph:*

17 *“(6) ADDITIONAL PLANNING AND ESTABLISH-*
 18 *MENT GRANTS.—*

19 *“(A) IN GENERAL.—There shall be appro-*
 20 *priated to the Secretary, out of any moneys in*
 21 *the Treasury not otherwise appropriated,*
 22 *\$200,000,000 to award grants to eligible States*
 23 *for the uses described in paragraph (3).*

24 *“(B) DURATION AND RENEWABILITY.—A*
 25 *grant awarded under subparagraph (A) shall be*

1 *for a period of two years and may not be re-*
 2 *newed.*

3 “(C) *LIMITATION.*—*A grant may not be*
 4 *awarded under subparagraph (A) after December*
 5 *31, 2022.*

6 “(D) *ELIGIBLE STATE DEFINED.*—*For pur-*
 7 *poses of this paragraph, the term ‘eligible State’*
 8 *means a State that, as of the date of the enact-*
 9 *ment of this paragraph, is not operating an Ex-*
 10 *change (other than an Exchange described in sec-*
 11 *tion 155.200(f) of title 45, Code of Federal Regu-*
 12 *lations).’; and*

13 *(2) in subsection (d)(5)(A)—*

14 *(A) by striking “OPERATIONS.—In estab-*
 15 *lishing an Exchange under this section” and in-*
 16 *serting “OPERATIONS.—*

17 *“(i) IN GENERAL.—In establishing an*
 18 *Exchange under this section (other than in*
 19 *establishing an Exchange pursuant to a*
 20 *grant awarded under subsection (a)(6))”;*
 21 *and*

22 *(B) by adding at the end the following:*

23 *“(ii) ADDITIONAL PLANNING AND ES-*
 24 *TABLISHMENT GRANTS.—In establishing an*
 25 *Exchange pursuant to a grant awarded*

1 under subsection (a)(6), the State shall en-
2 sure that such Exchange is self-sustaining
3 beginning on January 1, 2024, including
4 allowing the Exchange to charge assessments
5 or user fees to participating health insur-
6 ance issuers, or to otherwise generate fund-
7 ing, to support its operations.”.

8 (b) *CLARIFICATION REGARDING FAILURE TO ESTAB-*
9 *LISH EXCHANGE OR IMPLEMENT REQUIREMENTS.*—Section
10 1321(c) of the Patient Protection and Affordable Care Act
11 (42 U.S.C. 18041(c)) is amended—

12 (1) in paragraph (1), by striking “If” and in-
13 serting “Subject to paragraph (3), if”; and

14 (2) by adding at the end the following new para-
15 graph:

16 “(3) *CLARIFICATION.*—This subsection shall not
17 apply in the case of a State that elects to apply the
18 requirements described in subsection (a) and satisfies
19 the requirement described in subsection (b) on or after
20 January 1, 2014.”.

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