

116TH CONGRESS  
1ST SESSION

# H. R. 2061

To facilitate the efforts of States to establish auto-enrollment systems to enroll certain individuals in health insurance coverage, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2019

Mr. BERA (for himself, Mr. CARBAJAL, Miss RICE of New York, Mr. CISNEROS, Ms. WILD, and Mr. SCHRADER) 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

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## A BILL

To facilitate the efforts of States to establish auto-enrollment systems to enroll certain individuals in health insurance coverage, 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 “Pathway to Universal  
5 Coverage Act of 2019”.

6 **SEC. 2. ENCOURAGEMENT OF AUTO-ENROLLMENT FOR**  
7 **STATES.**

8 (a) STATE INNOVATIONS TO EXPAND COVERAGE.—

1           (1) IN GENERAL.—Subject to paragraph (4),  
2           the Secretary of Health and Human Services shall  
3           award grants to eligible State agencies to enable  
4           such States to explore innovative solutions to pro-  
5           mote greater enrollment in health insurance cov-  
6           erage in the individual and small group markets, in-  
7           cluding activities described in paragraph (3).

8           (2) ELIGIBILITY.—For purposes of paragraph  
9           (1), eligible State agencies are Exchanges estab-  
10          lished by a State under title I of the Patient Protec-  
11          tion and Affordable Care Act and State agencies  
12          with primary responsibility over health and human  
13          services for the State involved.

14          (3) USE OF FUNDS.—For purposes of para-  
15          graph (1), the activities described in this subsection  
16          are the following:

17                (A) State efforts to streamline health in-  
18                surance enrollment procedures in order to re-  
19                duce burdens on consumers and facilitate great-  
20                er enrollment in health insurance coverage in  
21                the individual and small group markets, includ-  
22                ing automatic enrollment and reenrollment of,  
23                or pre-populated applications for, individuals  
24                without health insurance who are eligible for  
25                tax credits under section 36B of the Internal

1 Revenue Code of 1986, with the ability to opt  
2 out of such enrollment.

3 (B) State investment in technology to im-  
4 prove data sharing and collection for the pur-  
5 poses of facilitating greater enrollment in health  
6 insurance coverage in such markets.

7 (C) Implementation of a State version of  
8 an individual mandate to be enrolled in health  
9 insurance coverage.

10 (D) Feasibility studies to develop com-  
11 prehensive and coherent State plan for increas-  
12 ing enrollment in the individual and small  
13 group market.

14 (4) FUNDING.—For purposes of carrying out  
15 this subsection, there is hereby appropriated, out of  
16 any funds in the Treasury not otherwise appro-  
17 priated, \$200,000,000 for each of the fiscal years  
18 2020 through 2022. Such amount shall remain  
19 available until expended.

20 (b) AVAILABILITY OF SUBSIDY INFORMATION.—The  
21 information available under section 1411 of the Patient  
22 Protection and Affordable Care Act for determination of  
23 eligibility for and amount of credit against tax allowed  
24 under section 36B shall be made available to State agen-

1 cies for determining eligibility for automatic enrollment  
2 described in subsection (f)(1).

3 (c) RECONCILIATION OF ADVANCED PAYMENTS FOR  
4 AUTO-ENROLLED INDIVIDUALS.—Paragraph (2) of sec-  
5 tion 36B(f) of the Internal Revenue Code of 1986 is  
6 amended by adding at the end the following new subpara-  
7 graph:

8 “(C) EXCEPTION FOR AUTO-ENROLLED IN-  
9 DIVIDUALS.—In the case of an individual who is  
10 enrolled through an auto-enrollment system (as  
11 defined in subsection (f) of the Pathway to Uni-  
12 versal Coverage Act of 2019), subparagraph (A)  
13 shall not apply.”.

14 (d) FACILITATION OF STATE AUTO-ENROLLMENT.—

15 (1) PROVISION OF ELIGIBILITY INFORMA-  
16 TION.—Section 1411 of the Patient Protection and  
17 Affordable Care Act (42 U.S.C. 18081) is amend-  
18 ed—

19 (A) in subsection (b)—

20 (i) in the header, by striking “BY AP-  
21 PPLICANTS”; and

22 (ii) in paragraph (1), by inserting  
23 “(or, in the case of an individual to be en-  
24 rolled in such plan under an auto-enroll-  
25 ment system (as defined in subsection

1 (f)(1) of the Pathway to Universal Cov-  
2 erage Act of 2018), a State)” after “indi-  
3 vidual market”; and

4 (B) in subsection (c)(1), by striking “pro-  
5 vided by an applicant under” and inserting “de-  
6 scribed in”.

7 (2) MEDICAID ENROLLMENT.—The requirement  
8 specified in section 435.907(f) of title 42, Code of  
9 Federal Regulations, shall not apply with respect to  
10 an individual enrolled under a State plan under title  
11 XIX of the Social Security Act (or under a waiver  
12 of such plan) through an auto-enrollment system.

13 (3) REPORTING OF TERMINATED COVERAGE.—

14 (A) GROUP HEALTH PLANS AND HEALTH  
15 INSURANCE ISSUERS.—The first subpart II of  
16 part A of title XXVII of the Public Health  
17 Service Act (42 U.S.C. 300gg–11 et seq.) is  
18 amended by adding at the end the following  
19 new section:

20 **“SEC. 2729. REPORTING OF TERMINATED COVERAGE.**

21 “For each month occurring in a plan year beginning  
22 on or after January 1, 2021, a group health plan and a  
23 health insurance issuer offering group or individual health  
24 insurance coverage shall notify the Secretary, in a time  
25 and manner specified by the Secretary, of each individual

1 whose enrollment under such coverage or such plan was  
2 terminated during such month.”.

3 (B) MEDICAID.—Section 1902 of the So-  
4 cial Security Act (42 U.S.C. 1396a) is amended  
5 by adding at the end the following new sub-  
6 section:

7 “(nn) REPORTING ON DISENROLLMENT OF MED-  
8 ICAID ENROLLEES.—For each month beginning on or  
9 after January 1, 2021, a State shall submit to the Sec-  
10 retary a report, at such time, in such manner, and con-  
11 taining such information as the Secretary may require, on  
12 each individual who was disenrolled from the State plan  
13 (or a waiver of such plan) during such month.”.

14 (C) CHIP.—Section 2107(e)(1) of the So-  
15 cial Security Act (42 U.S.C. 1397gg(e)(1)) is  
16 amended—

17 (i) by redesignating subparagraphs  
18 (L) through (S) as subparagraphs (M)  
19 through (T), respectively; and

20 (ii) by inserting after subparagraph  
21 (K) the following new subparagraph:

22 “(L) Section 1902(nn) (relating to report-  
23 ing on disenrollment of enrollees).”.

24 (e) REPORT.—Not later than 6 months after the date  
25 of enactment of this Act, the Secretary of Health and

1 Human Services, in coordination with the Commissioner  
2 of the Internal Revenue Service, shall submit to Congress  
3 a report with best practice recommendations on how a  
4 State may establish an auto-enrollment system (as defined  
5 in subsection (f)). Such report shall include the following:

6 (1) Identification of any statutory barriers to  
7 establishing such a system, including data-sharing,  
8 administrative, and technological barriers.

9 (2) How such a system would interact with en-  
10rollment periods for qualified health plans (as de-  
11fined in section 1301 of the Patient Protection and  
12Affordable Care Act (42 U.S.C. 18021)) and income  
13eligibility determinations for premium assistance tax  
14credits under section 36B of the Internal Revenue  
15Code, the impact of such system on enrollment in  
16health insurance coverage in a State establishing  
17such system, and the effects of changing the enroll-  
18ment periods for such system to align with the filing  
19of individual Federal tax returns.

20 (3) An evaluation of prior outreach efforts tar-  
21geted to individuals without health insurance cov-  
22erage eligible for such tax credits.

23 (f) DEFINITIONS.—For purposes of this Act:

24 (1) AUTO-ENROLLMENT SYSTEM.—The term  
25 “auto-enrollment system” means a system designed

1 and operated by a State that provides for an eligible  
2 individual residing in such State to be automatically  
3 enrolled in a qualified health plan offered through  
4 an Exchange in the State, or, if eligible, in the State  
5 plan under title XIX of the Social Security Act (or  
6 under a waiver of such plan), provided that the sys-  
7 tem exempts such individual from paying any pre-  
8 mium imposed by the State under such plan (or  
9 waiver). Such automatic enrollment shall be void if  
10 within 60 days after first being notified of the auto-  
11 matic enrollment the eligible individual declines such  
12 coverage.

13 (2) ELIGIBLE INDIVIDUAL.—

14 (A) IN GENERAL.—Subject to subpara-  
15 graph (B), the term “eligible individual” means,  
16 with respect to a taxable year, an individual  
17 who is not eligible for minimum essential cov-  
18 erage, other than minimum essential coverage  
19 described in subparagraph (A)(ii) or (C) of sec-  
20 tion 5000A(f)(1) of the Internal Revenue Code  
21 of 1986, for such year.

22 (B) LIMITATION.—An individual who is  
23 only eligible for minimum essential coverage de-  
24 scribed in section 5000A(f)(1)(C) of the Inter-  
25 nal Revenue Code of 1986 may only be treated



1 as an eligible individual for purposes of this sec-  
2 tion if the amount that would be calculated  
3 under section 36B(b)(2)(B) of such Code for  
4 such individual for a coverage month is not less  
5 than the monthly premium for the least expen-  
6 sive plan offered on the Exchange for which  
7 such individual is eligible. This subclause shall  
8 be calculated on the basis of the individual's  
9 household income for the most recent taxable  
10 year for which the Secretary determines infor-  
11 mation is available.

12 (3) STATE.—The term “State” means each of  
13 the several States, the District of Columbia, and  
14 each territory or possession of the United States.

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