

**[DISCUSSION DRAFT]**

116TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

M\_\_\_\_. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_

**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 **[“**\_\_\_\_\_ **Act**  
5       of 2019”**]**.

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

3 (a) IN GENERAL.—Section 1311 of the Patient Pro-  
4 tection and Affordable Care Act (42 U.S.C. 18031) is  
5 amended—

6 (1) in subsection (a)—

7 (A) in paragraph (4)(B), by striking  
8 “under this subsection” and inserting “under  
9 this paragraph or paragraph (1)”; and

10 (B) by adding at the end the following new  
11 paragraph:

12 “(6) ADDITIONAL PLANNING AND ESTABLISH-  
13 MENT GRANTS.—

14 “(A) IN GENERAL.—There shall be appro-  
15 priated to the Secretary, out of any moneys in  
16 the Treasury not otherwise appropriated,  
17 \$200,000,000 to award grants to eligible States  
18 for the uses described in paragraph (3).

19 “(B) DURATION AND RENEWABILITY.—A  
20 grant awarded under subparagraph (A) shall be  
21 for a period of two years and may not be re-  
22 newed.

23 “(C) LIMITATION.—A grant may not be  
24 awarded under subparagraph (A) after Decem-  
25 ber 31, 2022.

1           “(D) ELIGIBLE STATE DEFINED.—For  
2           purposes of this paragraph, the term ‘eligible  
3           State’ means a State that, as of the date of the  
4           enactment of this paragraph, is not operating  
5           an Exchange.”; and

6           (2) in subsection (d)(5)(A)—

7           (A) by striking “In establishing an Ex-  
8           change under this section” and inserting “(I) IN  
9           GENERAL.—In establishing an Exchange under  
10          this section (other than in establishing an Ex-  
11          change pursuant to subsection (a)(6))”; and

12          (B) by adding at the end the following:

13               “(ii) ADDITIONAL PLANNING AND ES-  
14               TABLISHMENT GRANTS.—In establishing  
15               an Exchange pursuant to subsection  
16               (a)(6), the State shall ensure that such  
17               Exchange is self-sustaining beginning on  
18               January 1, 2024, including allowing the  
19               Exchange to charge assessments or user  
20               fees to participating health insurance  
21               issuers, or to otherwise generate funding,  
22               to support its operations.”.

23          (b) CLARIFICATION REGARDING FAILURE TO ESTAB-  
24          LISH EXCHANGE OR IMPLEMENT REQUIREMENTS.—Sec-

1 tion 1321(c) of the Patient Protection and Affordable  
2 Care Act (42 U.S.C. 18041(c)) is amended—

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

5 (2) by adding at the end the following new  
6 paragraph:

7 “(3) CLARIFICATION.—This subsection shall  
8 not apply in the case of a State that elects to apply  
9 the requirements described in subsection (a) and  
10 satisfies the requirement described in subsection (b)  
11 on or after January 1, 2014.”.