



OFFICE OF  
CHIEF COUNSEL

DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
WASHINGTON, D.C. 20224

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The Honorable Jeff Flake  
United States Senator  
22200 Camelback Road, Suite 120  
Phoenix, AZ 85016

Attention:

Dear Senator Flake:

I am responding to your inquiry dated February 8, 2016, on behalf of your constituent,

On December 16, 2014, Congress enacted the Expatriate Health Coverage Clarification Act (EHCCA) to provide special rules under the Affordable Care Act (ACA) for expatriate health plans, employers with respect to expatriate health plans, and health insurance issuers with respect to coverage offered under expatriate health plans. The EHCCA generally applies to expatriate health plans or expatriate health insurance contracts issued or renewed on or after July 1, 2015.

On July 20, 2015, the Treasury Department and the IRS issued Notice 2015-43 (2015-29 IRB 73) to provide interim guidance on the implementation of the EHCCA and the application of certain provisions of the Affordable Care Act to expatriate health insurance issuers, expatriate health plans, and employers in their capacity as plan sponsors of expatriate health plans. Taxpayers are permitted to rely on the guidance in Notice 2015-43 in determining whether a plan or policy is considered an expatriate health plan. The Department of Labor and Department of Health and Human Service reviewed and agreed with this guidance. We have comments in response to Notice 2015-43, and we are considering these comments in drafting these proposed regulations. For your convenience, I am enclosing a copy of Notice 2015-43.

It's unclear whether \_\_\_\_\_ has purchased or is considering purchasing health insurance coverage in which the EHCCA applies. In most cases involving an individual policy, the policy issuer is in the best position to inform \_\_\_\_\_ on the extent to which, if any, the policy offered to \_\_\_\_\_ is an expatriate health plan or expatriate health insurance policy covered by the EHCCA.

I hope this information is helpful. If you need additional information, please contact me at \_\_\_\_\_ or \_\_\_\_\_ or \_\_\_\_\_ of my staff at \_\_\_\_\_.

Sincerely,

Christine Ellison  
Branch Chief, Health and Welfare Branch,  
Division Counsel/Associate Chief Counsel  
(Tax Exempt and Government Entities)

Enclosure