

114TH CONGRESS
1ST SESSION

H. R. 2635

To amend titles XVIII and XIX of the Social Security Act to make improvements to the treatment of the United States territories under the Medicare and Medicaid programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2015

Mr. PIERLUISI (for himself, Ms. BORDALLO, Mr. SABLAN, and Ms. PLASKETT) 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

A BILL

To amend titles XVIII and XIX of the Social Security Act to make improvements to the treatment of the United States territories under the Medicare and Medicaid programs, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Improving the Treatment of the U.S. Territories Under
6 Federal Health Programs Act of 2015”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act are as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEDICAID

Sec. 101. Elimination of general Medicaid funding limitations (“cap”) for territories.

Sec. 102. Elimination of specific Federal medical assistance percentage (FMAP) limitation for territories.

Sec. 103. Application of Medicaid waiver authority to all of the territories.

Sec. 104. Application of 100 percent Federal poverty line (FPL) limitation to territories.

Sec. 105. Permitting Medicaid DSH allotments for territories.

TITLE II—MEDICARE

Subtitle A—Part A

Sec. 201. Modification of Medicare inpatient hospital payment rate for Puerto Rico hospitals.

Sec. 202. Application of Medicare HITECH payments to hospitals in Puerto Rico.

Sec. 203. Calculation of Medicare DSH payments for IPPS hospitals in Puerto Rico.

Subtitle B—Part B

Sec. 211. Application of part B deemed enrollment process to residents of Puerto Rico; special enrollment period and limit on late enrollment penalties.

Sec. 212. Puerto Rico practice expense GPCI improvement.

Subtitle C—Medicare Advantage (Part C)

Sec. 221. Adjustment in benchmark for low base payment counties in Puerto Rico.

Subtitle D—Part D

Sec. 231. Improved use of allocated prescription drug funds by territories.

Sec. 232. Report on treatment of territories under Medicare part D.

TITLE III—MISCELLANEOUS

Sec. 301. Modified treatment of territories with respect to application of ACA annual health insurance provider fees.

Sec. 302. Medicaid and CHIP territory transparency and information.

Sec. 303. Report on exclusion of territories from Exchanges.

TITLE I—MEDICAID

SEC. 101. ELIMINATION OF GENERAL MEDICAID FUNDING LIMITATIONS (“CAP”) FOR TERRITORIES.

(a) IN GENERAL.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter before paragraph (1), by striking “subsection (g)” and inserting “subsections (g) and (h)”;

(2) in subsection (g)(2), in the matter before subparagraph (A), by inserting “and subsection (h)” after “paragraphs (3) and (5)”;

(3) by adding at the end the following new subsection:

“(h) SUNSET OF MEDICAID FUNDING LIMITATIONS FOR PUERTO RICO, THE VIRGIN ISLANDS OF THE UNITED STATES, GUAM, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA.—Subsections (f) and (g) shall not apply to Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa beginning with fiscal year 2017.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended by striking “, the limitation in section 1108(f),”.

1 (2) Section 1903(u) of the Social Security Act
2 (42 U.S.C. 1396b(u)) is amended by striking para-
3 graph (4).

4 (3) Section 1323(c)(1) of the Patient Protection
5 and Affordable Care Act (42 U.S.C. 18043(c)(1)) is
6 amended by striking “2019” and inserting “2016”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply beginning with fiscal year 2017.

9 **SEC. 102. ELIMINATION OF SPECIFIC FEDERAL MEDICAL**
10 **ASSISTANCE PERCENTAGE (FMAP) LIMITA-**
11 **TION FOR TERRITORIES.**

12 Section 1905(b) of the Social Security Act (42 U.S.C.
13 1396d(b)) is amended, in clause (2), by inserting “for fis-
14 cal years before fiscal year 2017” after “American
15 Samoa”.

16 **SEC. 103. APPLICATION OF MEDICAID WAIVER AUTHORITY**
17 **TO ALL OF THE TERRITORIES.**

18 (a) IN GENERAL.—Section 1902(j) of the Social Se-
19 curity Act (42 U.S.C. 1396a(j)) is amended—

20 (1) by striking “American Samoa and the
21 Northern Mariana Islands” and inserting “Puerto
22 Rico, the Virgin Islands of the United States, Guam,
23 the Northern Mariana Islands, and American
24 Samoa”;

1 Mariana Islands, and American Samoa)” after “133
2 percent”; and

3 (2) in subsection (j), as amended by section
4 103, by adding at the end the following new para-
5 graph:

6 “(3)(A) Notwithstanding any other provision of law,
7 Federal financial participation shall not be available to a
8 territory for medical assistance for an individual whose
9 family income exceeds 100 percent of the official poverty
10 line for a family of the size involved, except in the case
11 of individuals qualifying for medical assistance under sub-
12 section (a)(10)(A)(i)(IX) and except as authorized under
13 a waiver under this subsection or section 1115.

14 “(B) The Secretary may, under paragraph (1) or sec-
15 tion 1115, waive the limitation under subparagraph (A)
16 but only in the case of a territory other than Puerto Rico.
17 In carrying out this subparagraph, the Secretary shall
18 take into account the eligibility levels established under
19 the State plan of the territory involved before the date
20 of the enactment of this paragraph.”.

21 (b) NOT APPLYING 5 PERCENT DISREGARD.—Sub-
22 paragraph (I) of section 1902(a)(14) of the Social Secu-
23 rity Act (42 U.S.C. 1396b(a)(14)) is amended by adding
24 at the end the following:

1 “The previous sentence shall only apply to a
2 State that is one of the 50 States or the Dis-
3 trict of Columbia.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to eligibility deter-
6 minations made with respect to items and services fur-
7 nished on or after October 1, 2016.

8 **SEC. 105. PERMITTING MEDICAID DSH ALLOTMENTS FOR**
9 **TERRITORIES.**

10 Section 1923(f) of the Social Security Act (42 U.S.C.
11 1396) is amended—

12 (1) in paragraph (6), by adding at the end the
13 following new subparagraph:

14 “(C) TERRITORIES.—

15 “(i) FISCAL YEAR 2017.—For fiscal
16 year 2017, the DSH allotment for Puerto
17 Rico, the Virgin Islands of the United
18 States, Guam, the Northern Mariana Is-
19 lands, and American Samoa shall bear the
20 same ratio to \$150,000,000 as the ratio of
21 the number of individuals who are low-in-
22 come or uninsured and residing in such re-
23 spective territory (as estimated from time
24 to time by the Secretary) bears to the

1 sums of the number of such individuals re-
2 siding in all of the territories.

3 “(ii) SUBSEQUENT FISCAL YEAR.—
4 For each subsequent fiscal year, the DSH
5 allotment for each such territory is subject
6 to an increase in accordance with para-
7 graph (2).”; and

8 (2) in paragraph (9), by inserting before the pe-
9 riod at the end the following: “, and includes, begin-
10 ning with fiscal year 2017, Puerto Rico, the Virgin
11 Islands of the United States, Guam, the Northern
12 Mariana Islands, and American Samoa”.

13 **TITLE II—MEDICARE**

14 **Subtitle A—Part A**

15 **SEC. 201. MODIFICATION OF MEDICARE INPATIENT HOS-** 16 **PITAL PAYMENT RATE FOR PUERTO RICO** 17 **HOSPITALS.**

18 Section 1886(d)(9)(E) of the Social Security Act (42
19 U.S.C. 1395ww(d)(9)(E)) is amended—

20 (1) by striking “and” at the end of clause (iii);

21 (2) in clause (iv)—

22 (A) by inserting “and before October 1,
23 2015,” after “2004,”; and

24 (B) by striking the period at the end and
25 inserting “; and”; and

1 (3) by adding at the end the following new
2 clause:

3 “(v) on or after October 1, 2015, the applicable
4 Puerto Rico percentage is 0 percent and the applica-
5 ble Federal percentage is 100 percent.”.

6 **SEC. 202. APPLICATION OF MEDICARE HITECH PAYMENTS**
7 **TO HOSPITALS IN PUERTO RICO.**

8 (a) **IN GENERAL.**—Subsection (n)(6)(B) of section
9 1886 of the Social Security Act (42 U.S.C. 1395ww) is
10 amended by striking “subsection (d) hospital” and insert-
11 ing “hospital that is a subsection (d) hospital or a sub-
12 section (d) Puerto Rico hospital”.

13 (b) **CONFORMING AMENDMENTS.**—

14 (1) Subsection (b)(3)(B)(ix) of section 1886 of
15 the Social Security Act (42 U.S.C. 1395ww) is
16 amended—

17 (A) in subclause (I), by striking
18 “(n)(6)(A)” and inserting “(n)(6)(B)”; and

19 (B) in subclause (II), by striking “a sub-
20 section (d) hospital” and inserting “an eligible
21 hospital”.

22 (2) Paragraphs (2) and (4)(A) of section
23 1853(m) of the Social Security Act (42 U.S.C.
24 1395w–23(m)) are each amended by striking
25 “1886(n)(6)(A)” and inserting “1886(n)(6)(B)”.

1 (c) IMPLEMENTATION.—Notwithstanding any other
2 provision of law, the Secretary of Health and Human
3 Services may implement the amendments made by this
4 section by program instruction or otherwise.

5 (d) EFFECTIVE DATE.—The amendments made by
6 this section shall apply as if included in the enactment
7 of the American Recovery and Reinvestment Act of 2009
8 (Public Law 111–5), except that, in order to take into ac-
9 count delays in the implementation of this section, in ap-
10 plying subsections (b)(3)(B)(ix), (n)(2)(E)(ii), and
11 (n)(2)(G)(i) of section 1886 of the Social Security Act,
12 as amended by this section, any reference in such sub-
13 sections to a particular year shall be treated with respect
14 to a subsection (d) Puerto Rico hospital as a reference
15 to the year that is 5 years after such particular year (or
16 7 years after such particular year in the case of applying
17 subsection (b)(3)(B)(ix) of such section).

18 **SEC. 203. CALCULATION OF MEDICARE DSH PAYMENTS FOR**
19 **IPPS HOSPITALS IN PUERTO RICO.**

20 Section 1886(d)(9)(D)(iii) of the Social Security Act
21 (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as
22 follows:

23 “(iii) Subparagraph (F) (relating to dispropor-
24 tionate share payments), including application of
25 subsection (r), except that for this purpose—

1 “(I) the sum described in clause (ii) of this
2 subparagraph shall be substituted for the sum
3 referred to in paragraph (5)(F)(ii)(I); and

4 “(II) for discharges occurring on or after
5 October 1, 2015, subclause (I) of paragraph
6 (5)(F)(vi) shall be applied by substituting for
7 the numerator described in such subclause the
8 number of subsection (d) Puerto Rico hospital’s
9 patient days for the cost reporting period in-
10 volved which were made up of patients who (for
11 such days) were entitled to benefits under part
12 A of this title and were—

13 “(aa) entitled to supplementary secu-
14 rity income benefits (excluding any State
15 supplementation) under title XVI of this
16 Act;

17 “(bb) eligible for medical assistance
18 under a State plan under title XIX; or

19 “(cc) receiving aid or assistance under
20 any plan of the State approved under title
21 I, X, XIV, or XVI.”.

Subtitle B—Part B

1
2 **SEC. 211. APPLICATION OF PART B DEEMED ENROLLMENT**
3 **PROCESS TO RESIDENTS OF PUERTO RICO;**
4 **SPECIAL ENROLLMENT PERIOD AND LIMIT**
5 **ON LATE ENROLLMENT PENALTIES.**

6 (a) APPLICATION OF PART B DEEMED ENROLLMENT
7 PROCESS TO RESIDENTS OF PUERTO RICO.—Section
8 1837(f)(3) of the Social Security Act (42 U.S.C.
9 1395p(f)(3)) is amended by striking “, exclusive of Puerto
10 Rico”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply to individuals whose initial en-
13 rollment period under section 1837(d) of the Social Secu-
14 rity Act begins on or after the first day of the effective
15 month, specified by the Secretary of Health and Human
16 Services under section 1839(j)(1)(C) of such Act, as added
17 by subsection (c)(2).

18 (c) TRANSITION PROVIDING SPECIAL ENROLLMENT
19 PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES
20 FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839
21 of the Social Security Act (42 U.S.C. 1395r) is amend-
22 ed—

23 (1) in the first sentence of subsection (b), by in-
24 serting “subject to section 1839(j)(2),” after “sub-
25 section (i)(4) or (l) of section 1837,”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF
4 PUERTO RICO.—

5 “(1) SPECIAL ENROLLMENT PERIOD, COVERAGE
6 PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT
7 NOT ENROLLED.—

8 “(A) IN GENERAL.—In the case of a tran-
9 sition individual (as defined in paragraph (3))
10 who is not enrolled under this part as of the
11 day before the first day of the effective month
12 (as defined in subparagraph (C)), the Secretary
13 shall provide for a special enrollment period
14 under section 1837 of 7 months beginning with
15 such effective month during which the indi-
16 vidual may be enrolled under this part.

17 “(B) COVERAGE PERIOD.—In the case of
18 such an individual who enrolls during such spe-
19 cial enrollment period, the coverage period
20 under section 1838 shall begin on the first day
21 of the second month after the month in which
22 the individual enrolls.

23 “(C) EFFECTIVE MONTH DEFINED.—In
24 this section, the term ‘effective month’ means a
25 month, not earlier than October 2016 and not

1 later than January 2017, specified by the Sec-
2 retary.

3 “(2) REDUCTION IN LATE ENROLLMENT PEN-
4 ALTIES FOR CURRENT ENROLLEES AND INDIVID-
5 UALS ENROLLING DURING TRANSITION.—

6 “(A) IN GENERAL.—In the case of a tran-
7 sition individual who is enrolled under this part
8 as of the day before the first day of the effec-
9 tive month or who enrolls under this part on or
10 after the date of the enactment of this sub-
11 section but before the end of the special enroll-
12 ment period under paragraph (1)(A), the
13 amount of the late enrollment penalty imposed
14 under section 1839(b) shall be recalculated by
15 reducing the penalty to 15 percent of the pen-
16 alty otherwise established.

17 “(B) APPLICATION.—Subparagraph (A)
18 shall be applied in the case of a transition indi-
19 vidual who—

20 “(i) is enrolled under this part as of
21 the month before the effective month, for
22 premiums for months beginning with such
23 effective month; or

24 “(ii) enrolls under this part on or
25 after the date of the enactment of this Act

1 and before the end of the special enroll-
2 ment period under paragraph (1)(A), for
3 premiums for months during the coverage
4 period under this part which occur during
5 or after the effective month.

6 “(C) LOSS OF REDUCTION IF INDIVIDUAL
7 TERMINATES ENROLLMENT.—Subparagraph
8 (A) shall not apply to a transition individual if
9 the individual terminates enrollment under this
10 part after the end of the special enrollment pe-
11 riod under paragraph (1).

12 “(3) TRANSITION INDIVIDUAL DEFINED.—In
13 this section, the term ‘transition individual’ means
14 an individual who resides in Puerto Rico and who
15 would have been deemed enrolled under this part
16 pursuant to section 1837(f) before the first day of
17 the effective month but for the fact that the indi-
18 vidual was a resident of Puerto Rico, regardless of
19 whether the individual is enrolled under this part as
20 of such first day.”.

21 **SEC. 212. PUERTO RICO PRACTICE EXPENSE GPCI IM-**
22 **PROVEMENT.**

23 Section 1848(e)(1) of the Social Security Act (42
24 U.S.C. 1395w-4(e)(1)) is amended—

1 (1) in subparagraph (A), by striking “and (I)”
2 and inserting “(I), and (J)”; and

3 (2) by adding at the end the following new sub-
4 paragraph:

5 “(J) FLOOR FOR PRACTICE EXPENSE
6 INDEX FOR SERVICES FURNISHED IN PUERTO
7 RICO.—

8 “(i) IN GENERAL.—For purposes of
9 payment for services furnished in Puerto
10 Rico in a year (beginning with 2016), after
11 calculating the practice expense index in
12 subparagraph (A)(i) for Puerto Rico, if
13 such index is below the reference index (as
14 defined in clause (ii)) for the year, the Sec-
15 retary shall increase such index for Puerto
16 Rico to equal the value of the reference
17 index for the year. The preceding sentence
18 shall not be applied in a budget neutral
19 manner.

20 “(ii) REFERENCE INDEX DEFINED.—
21 In this subparagraph, the term ‘reference
22 index’ means, with respect to a year, 0.800
23 or, if less, the lowest practice expense
24 index value for the year for any area in the
25 50 States or the District of Columbia.”.

1 **Subtitle C—Medicare Advantage**
2 **(Part C)**

3 **SEC. 221. ADJUSTMENT IN BENCHMARK FOR LOW BASE**
4 **PAYMENT COUNTIES IN PUERTO RICO.**

5 Section 1853(n) of the Social Security Act (42 U.S.C.
6 1395w–103(n)) is amended—

7 (1) in paragraph (1), by striking “and (5)” and
8 inserting “, (5), and (6)”;

9 (2) in paragraph (4), by striking “In no case”
10 and inserting “Subject to paragraph (6), in no
11 case”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(6) SPECIAL RULES FOR BLENDED BENCH-
15 MARK AMOUNT FOR TERRITORIES.—

16 “(A) IN GENERAL.—Subject to paragraph
17 (2), the blended benchmark amount for an area
18 in a territory for a year (beginning with 2016)
19 shall not be less than 80 percent of the national
20 average of the base payment amounts specified
21 in subparagraph (2)(E) for such year for areas
22 within the 50 States and the District of Colum-
23 bia.

24 “(B) LIMITATION.—In no case shall the
25 blended benchmark amount for an area in a

1 territory for a year under subparagraph (A) ex-
 2 ceed the lowest blended benchmark amount for
 3 any area within the 50 States and the District
 4 of Columbia for such year.”.

5 **Subtitle D—Part D**

6 **SEC. 231. IMPROVED USE OF ALLOCATED PRESCRIPTION**
 7 **DRUG FUNDS BY TERRITORIES.**

8 Section 1935(e) of the Social Security Act (42 U.S.C.
 9 1396u–5(e)) is amended by adding at the end the fol-
 10 lowing new paragraph:

11 “(5) IMPROVED USE OF FUNDS FOR LOW-IN-
 12 COME PART D ELIGIBLE INDIVIDUALS.—This sub-
 13 section shall be applied beginning with fiscal year
 14 2016 as follows, notwithstanding any other provision
 15 of this title:

16 “(A) CLARIFYING STATE FLEXIBILITY TO
 17 COVER NON-DUAL-ELIGIBLE INDIVIDUALS.—In
 18 this title, the term ‘medical assistance’ includes
 19 financial assistance furnished by a State under
 20 this subsection to part D eligible individuals
 21 who, if they were residing in one of the 50
 22 States or the District of Columbia, would qual-
 23 ify as subsidy eligible individuals under section
 24 1860D–14(a)(3), and without regard to wheth-

1 er such individuals otherwise qualify for medical
2 assistance under this title.

3 “(B) 100 PERCENT FMAP TO REFLECT NO
4 STATE MATCHING REQUIRED FOR PART D LOW
5 INCOME SUBSIDIES.—The Federal medical as-
6 sistance percentage applicable to the assistance
7 furnished under this subsection is 100 percent.

8 “(C) LIMITED FUNDING FOR SPECIAL
9 RULES.—Subparagraphs (A) and (B), and the
10 provision of medical assistance for covered part
11 D drugs to low-income part D eligible individ-
12 uals for a State and period under this sub-
13 section, is limited to the amount specified in
14 paragraph (3) for such State and period, with-
15 out regard to the application of subsection (f)
16 or (g) of section 1108.”.

17 **SEC. 232. REPORT ON TREATMENT OF TERRITORIES**
18 **UNDER MEDICARE PART D.**

19 Paragraph (4) of section 1935(e) of the Social Secu-
20 rity Act (42 U.S.C. 1396u–5(e)) is amended to read as
21 follows:

22 “(4) REPORT ON APPLICATION OF SUB-
23 SECTION.—

24 “(A) IN GENERAL.—Not later than Feb-
25 ruary 1, 2018, the Secretary shall submit to

1 Congress a report on the application of this
2 subsection during the period beginning fiscal
3 year 2006 and ending fiscal year 2017.

4 “(B) INFORMATION TO BE INCLUDED IN
5 REPORT.—Such report shall include—

6 “(i) program guidance issued by the
7 Secretary to implement this subsection;

8 “(ii) for each territory, information on
9 the increased amount under paragraph (3)
10 and how the territory has applied such
11 amount, including the territory’s program
12 design, expenditures, and number of indi-
13 viduals (and dual-eligible individuals) as-
14 sisted; and

15 “(iii) differences between how such
16 territories are treated under part D of title
17 XVIII and under this title compared with
18 the treatment of the 50 States and the
19 District of Columbia under such part and
20 this title for different fiscal years within
21 the period covered under the report.

22 “(C) RECOMMENDATIONS.—Such report
23 shall include recommendations for improving
24 prescription drug coverage for low-income indi-
25 viduals in each territory, including rec-

1 ommendations regarding each of the following
2 alternative approaches:

3 “(i) Adjusting the aggregate amount
4 specified in paragraph (3)(B).

5 “(ii) Allowing residents of the terri-
6 tories to be subsidy eligible individuals
7 under section 1860D–14, notwithstanding
8 subsection (a)(3)(F) of such section, or
9 providing substantially equivalent low-in-
10 come prescription drug subsidies to such
11 residents.”.

12 **TITLE III—MISCELLANEOUS**

13 **SEC. 301. MODIFIED TREATMENT OF TERRITORIES WITH** 14 **RESPECT TO APPLICATION OF ACA ANNUAL** 15 **HEALTH INSURANCE PROVIDER FEES.**

16 Section 9010 of the Patient Protection and Afford-
17 able Care Act (26 U.S.C. 4001 note prec.) is amended—

18 (1) in subsection (b)(1), by inserting “subject
19 to subsection (j)(1),” after “With respect to each
20 covered entity,”; and

21 (2) by striking subsection (j) and inserting the
22 following:

23 “(j) SPECIAL RULES FOR TREATMENT OF TERRI-
24 TORIES.—

1 “(1) IN GENERAL.—In applying this section
2 with respect to United States health risks located
3 outside of the 50 States or the District of Columbia
4 for years beginning with 2016—

5 “(A) the amount of the fee under sub-
6 section (b) shall be 50 percent of the amount
7 of the fee otherwise determined;

8 “(B) the Secretary shall deposit the
9 amount of such fees collected for each territory
10 into a separate account; and

11 “(C) amounts in such an account for a ter-
12 ritory for a year are appropriated and shall be
13 available to the territory in accordance with
14 paragraph (2).

15 “(2) AVAILABILITY OF FUNDS.—Amounts made
16 available to a territory under paragraph (1)(C) with
17 respect to a territory for a year shall be made avail-
18 able to the territory, upon application of the terri-
19 tory to the Secretary of Health and Human Serv-
20 ices, only for the following purposes, as elected by
21 the territory in such application:

22 “(A) INCREASED PRESCRIPTION DRUG AS-
23 SISTANCE FOR LOW-INCOME PART D ELIGIBLE
24 INDIVIDUALS.—For increasing the amount of
25 funds made available to the territory under sec-

1 tion 1935(e)(3) of the Social Security Act (42
2 U.S.C. 1396u–5(e)(3)) for assistance for low-in-
3 come part D eligible individuals in obtaining
4 part D covered drugs.

5 “(B) SATISFYING STATE MEDICAID
6 MATCHING REQUIREMENT.—For purposes of
7 the territory meeting non-Federal matching re-
8 quirements imposed with respect to obtaining
9 Federal financial participation under title XIX
10 of the Social Security Act.”.

11 **SEC. 302. MEDICAID AND CHIP TERRITORY TRANSPARENCY**
12 **AND INFORMATION.**

13 (a) PUBLICATION OF INFORMATION ON FEDERAL
14 EXPENDITURES UNDER MEDICAID AND CHIP IN THE
15 TERRITORIES.—Not later than 180 days after the date
16 of the enactment of this Act, the Secretary of Health and
17 Human Services shall publish, and periodically update, on
18 the Internet site of the Centers for Medicare & Medicaid
19 Services information on Medicaid and CHIP carried out
20 in the territories of the United States. Such information
21 shall include, with respect to each such territory—

22 (1) the income levels established by the terri-
23 tory for purposes of eligibility of an individual to re-
24 ceive medical assistance under Medicaid or child
25 health assistance under CHIP;

1 (2) the number of individuals enrolled in Med-
2 icaid and CHIP in such territory;

3 (3) any State plan amendments in effect to
4 carry out Medicaid or CHIP in such territory;

5 (4) any waiver of the requirements of title XIX
6 or title XXI issued by the Secretary to carry out
7 Medicaid or CHIP in the territory, including a waiv-
8 er under section 1115 of the Social Security Act (42
9 U.S.C. 1315), any application for such a waiver, and
10 any documentation related to such application (in-
11 cluding correspondence);

12 (5) the amount of the Federal and non-Federal
13 share of expenditures under Medicaid and CHIP in
14 such territory;

15 (6) the systems in place for the furnishing of
16 health care items and services under Medicaid and
17 CHIP in such territory;

18 (7) the design of CHIP in such territory; and

19 (8) other information regarding the carrying
20 out of Medicaid and CHIP in the territory that is
21 published on such Internet site with respect to car-
22 rying out Medicaid and CHIP in each State and the
23 District of Columbia.

24 (b) DEFINITIONS.—In this section:

1 (1) CHIP.—The term “CHIP” means the
2 State Children’s Health Insurance Program under
3 title XXI of the Social Security Act.

4 (2) MEDICAID.—The term “Medicaid” means
5 the Medicaid program under title XIX of the Social
6 Security Act.

7 (3) TERRITORY.—The term “territory of the
8 United States” includes Puerto Rico, the Virgin Is-
9 lands of the United States, Guam, the Northern
10 Mariana Islands, and American Samoa.

11 **SEC. 303. REPORT ON EXCLUSION OF TERRITORIES FROM**
12 **EXCHANGES.**

13 (a) IN GENERAL.—Not later than February 1, 2018,
14 the Secretary of Health and Human Services shall submit
15 to Congress a report that details the adverse impacts in
16 each territory from the practical exclusion of the terri-
17 tories from the provisions of part II of subtitle D of title
18 I of the Patient Protection and Affordable Care Act inso-
19 far as such provisions provide for the establishment of an
20 American Health Benefit Exchange or the administration
21 of a federally facilitated Exchange in each State and in
22 the District of Columbia for the purpose of making health
23 insurance more affordable and accessible for individuals
24 and small businesses.

1 (b) INFORMATION IN REPORT.—The report shall in-
2 clude information on the following:

3 (1) An estimate of the total number of unin-
4 sured and underinsured individuals residing in each
5 territory with respect to health insurance coverage.

6 (2) A description of the number of health insur-
7 ance issuers in each territory and the health insur-
8 ance plans these issuers offer.

9 (3) An estimate of the number of individuals re-
10 siding in each territory who are denied premium and
11 cost-sharing assistance that would otherwise be
12 available to them for obtaining health insurance cov-
13 erage through an Exchange if they resided in one of
14 the 50 States or in the District of Columbia.

15 (4) An estimate of the amount of Federal as-
16 sistance described in paragraph (3) that is not being
17 made available to residents of each territory.

18 (5) An estimate of the number of small employ-
19 ers in each territory that would be eligible to pur-
20 chase health insurance coverage through a Small
21 Business Health Options Program (SHOP) Market-
22 place that would operate as part of an Exchange if
23 the employers were in one of the 50 States or in the
24 District of Columbia.

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