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1ST SESSION

S. 2026

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 SENATE OF THE UNITED STATES

OCTOBER 26, 2017

Mr. NELSON (for himself, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MENENDEZ, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Finance

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 2017”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is 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. Permitting Medicaid DSH allotments for territories.

TITLE II—MEDICARE

Subtitle A—Part A

Sec. 201. Calculation of Medicare DSH payments for IPPS hospitals in Puerto Rico.

Sec. 202. Rebasing Target Amount for Hospitals in Territories.

Sec. 203. Medicare DSH Target Adjustment for Hospitals in Territories.

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.

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. Eliminating exclusion of part D eligible individuals residing in territories from eligibility for premium and cost-sharing subsidies.

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

TITLE III—MISCELLANEOUS

Sec. 301. Report on exclusion of territories from Exchanges.

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

1 **TITLE I—MEDICAID**
 2 **SEC. 101. ELIMINATION OF GENERAL MEDICAID FUNDING**
 3 **LIMITATIONS (“CAP”) FOR TERRITORIES.**
 4 (a) IN GENERAL.—Section 1108 of the Social Secu-
 5 rity Act (42 U.S.C. 1308) is amended—
 6 (1) in subsection (f), in the matter before para-
 7 graph (1), by striking “subsection (g)” and inserting
 8 “subsections (g) and (h)”;

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

4 (3) by adding at the end the following new sub-
5 section:

6 “(h) SUNSET OF MEDICAID FUNDING LIMITATIONS
7 FOR PUERTO RICO, THE VIRGIN ISLANDS OF THE
8 UNITED STATES, GUAM, THE NORTHERN MARIANA IS-
9 LANDS, AND AMERICAN SAMOA.—Subsections (f) and (g)
10 shall not apply to Puerto Rico, the Virgin Islands of the
11 United States, Guam, the Northern Mariana Islands, and
12 American Samoa beginning with fiscal year 2018.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 1902(j) of the Social Security Act
15 (42 U.S.C. 1396a(j)) is amended by striking “, the
16 limitation in section 1108(f),”.

17 (2) Section 1903(u) of the Social Security Act
18 (42 U.S.C. 1396b(u)) is amended by striking para-
19 graph (4).

20 (3) Section 1323(c)(1) of the Patient Protection
21 and Affordable Care Act (42 U.S.C. 18043(c)(1)) is
22 amended by striking “2019” and inserting “2018”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply beginning with fiscal year 2018.

1 **SEC. 102. ELIMINATION OF SPECIFIC FEDERAL MEDICAL**
 2 **ASSISTANCE PERCENTAGE (FMAP) LIMITA-**
 3 **TION FOR TERRITORIES.**

4 Section 1905 of the Social Security Act (42 U.S.C.
 5 1396d) is amended—

6 (1) in subsection (b)(2), by inserting “for fiscal
 7 years before fiscal year 2018” after “American
 8 Samoa”; and

9 (2) in subsection (y)(1), in the matter preceding
 10 subparagraph (A)—

11 (A) by inserting “, for fiscal years before
 12 fiscal year 2018,” before “is one of the”; and

13 (B) by inserting “and, for fiscal year 2018
 14 and subsequent fiscal years, is one of the 50
 15 States, the District of Columbia, Puerto Rico,
 16 the Virgin Islands of the United States, Guam,
 17 the Northern Mariana Islands, or American
 18 Samoa,” after “the District of Columbia”.

19 **SEC. 103. APPLICATION OF MEDICAID WAIVER AUTHORITY**
 20 **TO ALL OF THE TERRITORIES.**

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

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

1 the Northern Mariana Islands, and American
2 Samoa”;

3 (2) by striking “American Samoa or the North-
4 ern Mariana Islands” and inserting “Puerto Rico,
5 the Virgin Islands of the United States, Guam, the
6 Northern Mariana Islands, or American Samoa”;

7 (3) by striking “, the limitation in section
8 1108(f),”;

9 (4) by inserting “(1)” after “(j)”;

10 (5) by inserting “except as otherwise provided
11 in this subsection,” after “Notwithstanding any
12 other requirement of this title”; and

13 (6) by adding at the end the following:

14 “(2) The Secretary may not waive under this sub-
15 section the requirement of subsection (a)(10)(A)(i)(IX)
16 (relating to coverage of adults formerly under foster care)
17 with respect to any territory.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section shall apply beginning October 1, 2017.

20 **SEC. 104. PERMITTING MEDICAID DSH ALLOTMENTS FOR**
21 **TERRITORIES.**

22 Section 1923(f) of the Social Security Act (42 U.S.C.
23 1396) is amended—

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

1 “(C) TERRITORIES.—

2 “(i) FISCAL YEAR 2018.—For fiscal
3 year 2018, with respect to the territories of
4 Puerto Rico, the Virgin Islands of the
5 United States, Guam, the Northern Mar-
6 iana Islands, and American Samoa, the
7 DSH allotment determined for each such
8 territory shall bear the same ratio to
9 \$150,000,000 as the ratio of the number
10 of individuals who are low-income or unin-
11 sured and residing in each such respective
12 territory (as estimated from time to time
13 by the Secretary) bears to the sums of the
14 number of such individuals residing in all
15 of the territories.

16 “(ii) SUBSEQUENT FISCAL YEAR.—
17 For each subsequent fiscal year, the DSH
18 allotment for each such territory is subject
19 to an increase or reduction in accordance
20 with paragraphs (3) and (7).”;

21 (2) in paragraph (7)(A), by striking clause (iv)
22 and redesignating clause (v) as clause (iv); and

23 (3) in paragraph (9), by inserting before the pe-
24 riod at the end the following: “, and includes, begin-
25 ning with fiscal year 2018, Puerto Rico, the Virgin

1 Islands of the United States, Guam, the Northern
 2 Mariana Islands, and American Samoa”.

3 **TITLE II—MEDICARE**

4 **Subtitle A—Part A**

5 **SEC. 201. CALCULATION OF MEDICARE DSH PAYMENTS FOR** 6 **IPPS HOSPITALS IN PUERTO RICO.**

7 Section 1886(d)(9)(D)(iii) of the Social Security Act
 8 (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as
 9 follows:

10 “(iii) Subparagraph (F) (relating to dispro-
 11 portionate share payments), including application of
 12 subsection (r), except that for this purpose—

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

16 “(II) for discharges occurring on or after
 17 October 1, 2017, subclause (I) of paragraph
 18 (5)(F)(vi) shall be applied by substituting for
 19 the numerator described in such subclause the
 20 number of subsection (d) Puerto Rico hospital’s
 21 patient days for the cost reporting period in-
 22 volved which were made up of patients who (for
 23 such days) were entitled to benefits under part
 24 A of this title and were—

1 “(aa) entitled to supplementary secu-
2 rity income benefits (excluding any State
3 supplementation) under title XVI of this
4 Act;

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

7 “(cc) receiving aid or assistance under
8 any plan of the State approved under title
9 I, X, XIV, or XVI.”.

10 **SEC. 202. REBASING TARGET AMOUNT FOR HOSPITALS IN**
11 **TERRITORIES.**

12 Section 1886(b)(3) of the Social Security Act (42
13 U.S.C. 1395ww(b)(3)) is amended by adding at the end
14 the following new subparagraph:

15 “(M)(i) For each cost reporting period be-
16 ginning on or after October 1, 2017, in the case
17 of a hospital located in a territory of the United
18 States, there shall be substituted for the target
19 amount otherwise determined under subpara-
20 graph (A) the rebased target amount (as de-
21 fined in clause (ii)), if such substitution results
22 in an amount of payment under this section to
23 the hospital for such period that is greater than
24 the amount of payment that would be made

1 under this section to the hospital for such pe-
2 riod if this subparagraph were not to apply.

3 “(ii) For purposes of this subparagraph,
4 the term ‘rebased target amount’ has the mean-
5 ing given the term ‘target amount’ in subpara-
6 graph (A), except that—

7 “(I) there shall be substituted for the
8 base cost reporting period the 12-month
9 cost reporting period beginning during fis-
10 cal year 2015;

11 “(II) any reference in subparagraph
12 (A)(i) to the ‘first such cost reporting pe-
13 riod’ is deemed a reference to the first cost
14 reporting period beginning on or after Oc-
15 tober 1, 2017; and

16 “(III) the applicable percentage in-
17 crease shall only be applied under subpara-
18 graph (B)(ii) for cost reporting periods be-
19 ginning on or after October 1, 2017.

20 “(iii) Nothing in this subparagraph shall
21 affect any rebasing request by a hospital for
22 any cost reporting period beginning during a
23 fiscal year before fiscal year 2015.”.

1 **SEC. 203. MEDICARE DSH TARGET ADJUSTMENT FOR HOS-**
2 **PITALS IN TERRITORIES.**

3 Section 1886(b)(3) of the Social Security Act (42
4 U.S.C. 1395ww(b)(3)), as amended by section 202, is fur-
5 ther amended by adding at the end the following new sub-
6 paragraph:

7 “(N)(i) For each cost reporting period be-
8 ginning on or after October 1, 2017, in the case
9 of a hospital that is located in a territory of the
10 United States other than Puerto Rico and that
11 would be a subsection (d) hospital if it were lo-
12 cated in one of the 50 States, the target
13 amount shall be increased by—

14 “(I) in the case that such hospital has
15 a disproportionate patient percentage of
16 not less than 15 percent and not greater
17 than 40 percent, 10 percent; and

18 “(II) in the case that such hospital
19 has a disproportionate patient percentage
20 of greater than 40 percent, 10 percent plus
21 60 percent of the number of percentage
22 points by which such hospital’s dispropor-
23 tionate patient percentage exceeds 40 per-
24 cent.

25 “(ii) For purposes of this subparagraph,
26 the term ‘disproportionate patient percentage’

1 has the meaning given such term in subsection
 2 (d)(5)(F)(vi), except that in applying such
 3 meaning any reference under such subsection to
 4 individuals entitled to supplementary security
 5 income under title XVI shall be deemed for pur-
 6 poses of this subparagraph to include individ-
 7 uals—

8 “(I) eligible for medical assistance
 9 under a State plan under title XIX; or

10 “(II) receiving aid or assistance under
 11 any plan of the territory approved under
 12 title I, X, XIV, or XVI.”

13 **Subtitle B—Part B**

14 **SEC. 211. APPLICATION OF PART B DEEMED ENROLLMENT** 15 **PROCESS TO RESIDENTS OF PUERTO RICO;** 16 **SPECIAL ENROLLMENT PERIOD AND LIMIT** 17 **ON LATE ENROLLMENT PENALTIES.**

18 (a) APPLICATION OF PART B DEEMED ENROLLMENT
 19 PROCESS TO RESIDENTS OF PUERTO RICO.—Section
 20 1837(f)(3) of the Social Security Act (42 U.S.C.
 21 1395p(f)(3)) is amended by striking “, exclusive of Puerto
 22 Rico”.

23 (b) EFFECTIVE DATE.—The amendment made by
 24 subsection (a) shall apply to individuals whose initial en-
 25 rollment period under section 1837(d) of the Social Secu-

1 rity Act begins on or after the first day of the effective
 2 month, specified by the Secretary of Health and Human
 3 Services under section 1839(j)(1)(C) of such Act, as added
 4 by subsection (c)(2).

5 (c) TRANSITION PROVIDING SPECIAL ENROLLMENT
 6 PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES
 7 FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839
 8 of the Social Security Act (42 U.S.C. 1395r) is amend-
 9 ed—

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

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

15 “(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF
 16 PUERTO RICO.—

17 “(1) SPECIAL ENROLLMENT PERIOD, COVERAGE
 18 PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT
 19 NOT ENROLLED.—

20 “(A) IN GENERAL.—In the case of a tran-
 21 sition individual (as defined in paragraph (3))
 22 who is not enrolled under this part as of the
 23 day before the first day of the effective month
 24 (as defined in subparagraph (C)), the Secretary
 25 shall provide for a special enrollment period

1 under section 1837 of 7 months beginning with
2 such effective month during which the indi-
3 vidual may be enrolled under this part.

4 “(B) COVERAGE PERIOD.—In the case of
5 such an individual who enrolls during such spe-
6 cial enrollment period, the coverage period
7 under section 1838 shall begin on the first day
8 of the second month after the month in which
9 the individual enrolls.

10 “(C) EFFECTIVE MONTH DEFINED.—In
11 this section, the term ‘effective month’ means a
12 month, not earlier than October 2017 and not
13 later than January 2018, specified by the Sec-
14 retary.

15 “(2) REDUCTION IN LATE ENROLLMENT PEN-
16 ALTIES FOR CURRENT ENROLLEES AND INDIVID-
17 UALS ENROLLING DURING TRANSITION.—

18 “(A) IN GENERAL.—In the case of a tran-
19 sition individual who is enrolled under this part
20 as of the day before the first day of the effec-
21 tive month or who enrolls under this part on or
22 after the date of the enactment of this sub-
23 section but before the end of the special enroll-
24 ment period under paragraph (1)(A), the
25 amount of the late enrollment penalty imposed

1 under section 1839(b) shall be recalculated by
2 reducing the penalty to 15 percent of the pen-
3 alty otherwise established.

4 “(B) APPLICATION.—Subparagraph (A)
5 shall be applied in the case of a transition indi-
6 vidual who—

7 “(i) is enrolled under this part as of
8 the month before the effective month, for
9 premiums for months beginning with such
10 effective month; or

11 “(ii) enrolls under this part on or
12 after the date of the enactment of this Act
13 and before the end of the special enroll-
14 ment period under paragraph (1)(A), for
15 premiums for months during the coverage
16 period under this part which occur during
17 or after the effective month.

18 “(C) LOSS OF REDUCTION IF INDIVIDUAL
19 TERMINATES ENROLLMENT.—Subparagraph
20 (A) shall not apply to a transition individual if
21 the individual terminates enrollment under this
22 part after the end of the special enrollment pe-
23 riod under paragraph (1).

24 “(3) TRANSITION INDIVIDUAL DEFINED.—In
25 this section, the term ‘transition individual’ means

1 an individual who resides in Puerto Rico and who
 2 would have been deemed enrolled under this part
 3 pursuant to section 1837(f) before the first day of
 4 the effective month but for the fact that the indi-
 5 vidual was a resident of Puerto Rico, regardless of
 6 whether the individual is enrolled under this part as
 7 of such first day.”.

8 **Subtitle C—Medicare Advantage**
 9 **(Part C)**

10 **SEC. 221. ADJUSTMENT IN BENCHMARK FOR LOW BASE**
 11 **PAYMENT COUNTIES IN PUERTO RICO.**

12 Section 1853(n) of the Social Security Act (42 U.S.C.
 13 1395w–23(n)) is amended—

14 (1) in paragraph (1), by striking “and (5)” and
 15 inserting “, (5), and (6)”;

16 (2) in paragraph (4), by striking “In no case”
 17 and inserting “Subject to paragraph (6), in no
 18 case”; and

19 (3) by adding at the end the following new
 20 paragraph:

21 “(6) SPECIAL RULES FOR BLENDED BENCH-
 22 MARK AMOUNT FOR TERRITORIES.—

23 “(A) IN GENERAL.—Subject to paragraph
 24 (2), the blended benchmark amount for an area
 25 in a territory for a year (beginning with 2018)

1 shall not be less than 80 percent of the national
 2 average of the base payment amounts specified
 3 in subparagraph (2)(E) for such year for areas
 4 within the 50 States and the District of Colum-
 5 bia.

6 “(B) LIMITATION.—In no case shall the
 7 blended benchmark amount for an area in a
 8 territory for a year under subparagraph (A) ex-
 9 ceed the lowest blended benchmark amount for
 10 any area within the 50 States and the District
 11 of Columbia for such year.”.

12 **Subtitle D—Part D**

13 **SEC. 231. ELIMINATING EXCLUSION OF PART D ELIGIBLE** 14 **INDIVIDUALS RESIDING IN TERRITORIES** 15 **FROM ELIGIBILITY FOR PREMIUM AND COST-** 16 **SHARING SUBSIDIES.**

17 (a) IN GENERAL.—Section 1860D–14(a)(3) of the
 18 Social Security Act (42 U.S.C. 1395w–114(a)(3)) is
 19 amended—

20 (1) in subparagraph (A), in the matter pre-
 21 ceding clause (i), by striking “subject to subpara-
 22 graph (F),”;

23 (2) in subparagraph (B)(v), in the matter pre-
 24 ceding subclause (I), by striking “Subject to sub-

1 paragraph (F), the Secretary” and inserting “The
2 Secretary”;

3 (3) in subparagraph (C), by adding at the end
4 the following new sentence: “In the case of an indi-
5 vidual who is not a resident of the 50 States or the
6 District of Columbia, the poverty line (as such term
7 is defined in clause (ii)) that shall apply to such in-
8 dividual shall be the poverty line for the 48 contig-
9 uous States and the District of Columbia.”; and

10 (4) by striking subparagraph (F).

11 (b) APPLICATION OF MEDICAID PROVISIONS.—Sec-
12 tion 1935 of the Social Security Act (42 U.S.C. 1396u-
13 5) is amended—

14 (1) in subsection (a), by striking “subject to
15 subsection (e)” in the matter preceding paragraph
16 (1); and

17 (2) by striking subsection (e).

18 (c) CONFORMING AMENDMENT.—Section 1108(f) of
19 the Social Security Act (42 U.S.C. 1308(f)) is amended
20 by striking “and section 1935(e)(1)(B)” in the matter pre-
21 ceding clause (i).

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on January 1, 2018.

1 **SEC. 232. REPORT ON TREATMENT OF TERRITORIES**
2 **UNDER MEDICARE PART D.**

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

6 “(4) REPORT ON APPLICATION OF SUB-
7 SECTION.—

8 “(A) IN GENERAL.—Not later than May 1,
9 2018, the Secretary shall submit to Congress a
10 report on the application of this subsection dur-
11 ing the period beginning with fiscal year 2006
12 and ending with December 31, 2017.

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

15 “(i) program guidance issued by the
16 Secretary to implement this subsection;

17 “(ii) for each of Puerto Rico, the Vir-
18 gin Islands of the United States, Guam,
19 the Northern Mariana Islands, and Amer-
20 ican Samoa, information on the increased
21 amount under paragraph (3) and how the
22 territory has applied such amount, includ-
23 ing the territory’s program design, expend-
24 itures, and number of individuals (and
25 dual-eligible individuals) assisted; and

1 “(iii) a description of the differences
2 between how such territories are treated
3 under part D of title XVIII and under this
4 title compared with the treatment of the
5 50 States and the District of Columbia
6 under such part and this title for different
7 fiscal years within the period covered
8 under the report.

9 “(C) RECOMMENDATIONS.—Such report
10 shall include recommendations for improving
11 prescription drug coverage for low-income indi-
12 viduals in each territory identified in subpara-
13 graph (B)(ii), including recommendations re-
14 garding each of the following alternative ap-
15 proaches:

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

18 “(ii) Allowing residents of the terri-
19 tories to be subsidy eligible individuals
20 under section 1860D–14, notwithstanding
21 subsection (a)(3)(F) of such section, or
22 providing substantially equivalent low-in-
23 come prescription drug subsidies to such
24 residents.”.

TITLE III—MISCELLANEOUS**SEC. 301. REPORT ON EXCLUSION OF TERRITORIES FROM EXCHANGES.**

(a) IN GENERAL.—Not later than February 1, 2019, the Secretary of Health and Human Services shall submit to Congress a report that details the adverse impacts in each territory from the practical exclusion of the territories from the provisions of part II of subtitle D of title I of the Patient Protection and Affordable Care Act insofar as such provisions provide for the establishment of an American Health Benefit Exchange or the administration of a federally facilitated Exchange in each State and in the District of Columbia for the purpose of making health insurance more affordable and accessible for individuals and small businesses.

(b) INFORMATION IN REPORT.—The report shall include information on the following:

(1) An estimate of the total number of uninsured and underinsured individuals residing in each territory with respect to health insurance coverage.

(2) A description of the number of health insurance issuers in each territory and the health insurance plans these issuers offer.

(3) An estimate of the number of individuals residing in each territory who are denied premium and

1 cost-sharing assistance that would otherwise be
2 available to them for obtaining health insurance cov-
3 erage through an Exchange if they resided in one of
4 the 50 States or in the District of Columbia.

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

8 (5) An estimate of the number of small employ-
9 ers in each territory that would be eligible to pur-
10 chase health insurance coverage through a Small
11 Business Health Options Program (SHOP) Market-
12 place that would operate as part of an Exchange if
13 the employers were in one of the 50 States or in the
14 District of Columbia.

15 **SEC. 302. MEDICAID AND CHIP TERRITORY TRANSPARENCY**
16 **AND INFORMATION.**

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

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

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

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

9 (4) any waiver of the requirements of title XIX
10 or XXI of the Social Security Act (42 U.S.C. 1396
11 et seq., 1397aa et seq.) issued by the Secretary to
12 carry out Medicaid or CHIP in the territory, includ-
13 ing a waiver under section 1115 of the Social Secu-
14 rity Act (42 U.S.C. 1315), any application for such
15 a waiver, and any documentation related to such ap-
16 plication (including correspondence);

17 (5) the amount of the Federal and non-Federal
18 share of expenditures under Medicaid and CHIP in
19 such territory;

20 (6) the systems in place for the furnishing of
21 health care items and services under Medicaid and
22 CHIP in such territory;

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

24 (8) other information regarding the carrying
25 out of Medicaid and CHIP in the territory that is

1 published on such Internet site with respect to car-
2 rying out Medicaid and CHIP in each of the 50
3 States and the District of Columbia.

4 (b) DEFINITIONS.—In this section:

5 (1) CHIP.—The term “CHIP” means the
6 State Children’s Health Insurance Program estab-
7 lished under title XXI of the Social Security Act (42
8 U.S.C. 1397aa et seq.).

9 (2) MEDICAID.—The term “Medicaid” means
10 the Medicaid program established under title XIX of
11 the Social Security Act (42 U.S.C. 1396 et seq.).

12 (3) TERRITORY OF THE UNITED STATES.—The
13 term “territory of the United States” means Puerto
14 Rico, the Virgin Islands of the United States, Guam,
15 the Northern Mariana Islands, and American
16 Samoa.

○