

116TH CONGRESS  
1ST SESSION

# S. 1400

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 SENATE OF THE UNITED STATES

MAY 9, 2019

Mr. MENENDEZ (for himself, Mr. CASEY, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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 “State Allowance for  
5 a Variety of Exchanges Act” or the “SAVE Act”.

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 2 years and may not be renewed.

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

25 “(D) ELIGIBLE STATE DEFINED.—For  
 26 purposes of this paragraph, the term ‘eligible

1 State’ means a State that, as of the date of the  
 2 enactment of this paragraph, is not operating  
 3 an Exchange.”; and

4 (2) in subsection (d)(5)(A)—

5 (A) by striking “In establishing an Ex-  
 6 change under this section” and inserting the  
 7 following:

8 “(i) IN GENERAL.—In establishing an  
 9 Exchange under this section (other than in  
 10 establishing an Exchange pursuant to sub-  
 11 section (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.”.

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