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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. 3631

To amend titles XI and XIX of the Social Security Act to provide for a temporary increase to the limit on Medicaid payments for territories of the United States and the Federal medical assistance percentage for such territories under the Medicaid program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

July 9, 2019

Mr. SOTO introduced the following bill; which was referred to the Committee
on Energy and Commerce

A BILL

To amend titles XI and XIX of the Social Security Act to provide for a temporary increase to the limit on Medicaid payments for territories of the United States and the Federal medical assistance percentage for such territories under the Medicaid program, 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 “Territories Health
5 Care Improvement Act”.

1 **SEC. 2. MEDICAID PAYMENTS FOR PUERTO RICO AND THE**
2 **OTHER TERRITORIES FOR CERTAIN FISCAL**
3 **YEARS.**

4 (a) TREATMENT OF CAP.—Section 1108(g) of the
5 Social Security Act (42 U.S.C. 1308(g)) is amended—

6 (1) in paragraph (2)—

7 (A) in the matter preceding subparagraph
8 (A), by striking “subject to and section
9 1323(a)(2) of the Patient Protection and Af-
10 fordable Care Act paragraphs (3) and (5)” and
11 inserting “subject to section 1323(a)(2) of the
12 Patient Protection and Affordable Care Act and
13 paragraphs (3) and (5)”;

14 (B) in subparagraph (A)—

15 (i) by striking “Puerto Rico shall not
16 exceed the sum of” and inserting “Puerto
17 Rico shall not exceed—

18 “(i) except as provided in clause (ii),
19 the sum of”;

20 (ii) by striking “\$100,000;” and in-
21 serting “\$100,000; and”; and

22 (iii) by adding at the end the fol-
23 lowing new clause:

24 “(ii) for each of fiscal years 2020
25 through 2023, the amount specified in
26 paragraph (6) for each such fiscal year;”;

1 (C) in subparagraph (B)—

2 (i) by striking “the Virgin Islands
3 shall not exceed the sum of” and inserting
4 “the Virgin Islands shall not exceed—

5 “(i) except as provided in clause (ii),
6 the sum of”;

7 (ii) by striking “\$10,000;” and insert-
8 ing “\$10,000; and”; and

9 (iii) by adding at the end the fol-
10 lowing new clause:

11 “(ii) for each of fiscal years 2020
12 through 2025, \$126,000,000;”;

13 (D) in subparagraph (C)—

14 (i) by striking “Guam shall not exceed
15 the sum of” and inserting “Guam shall not
16 exceed—

17 “(i) except as provided in clause (ii),
18 the sum of”;

19 (ii) by striking “\$10,000;” and insert-
20 ing “\$10,000; and”; and

21 (iii) by adding at the end the fol-
22 lowing new clause:

23 “(ii) for each of fiscal years 2020
24 through 2025, \$127,000,000;”;

25 (E) in subparagraph (D)—

1 (i) by striking “the Northern Mariana
2 Islands shall not exceed the sum of” and
3 inserting “the Northern Mariana Islands
4 shall not exceed—

5 “(i) except as provided in clause (ii),
6 the sum of”; and

7 (ii) by adding at the end the following
8 new clause:

9 “(ii) for each of fiscal years 2020
10 through 2025, \$60,000,000; and”; and
11 (F) in subparagraph (E)—

12 (i) by striking “American Samoa shall
13 not exceed the sum of” and inserting
14 “American Samoa shall not exceed—

15 “(i) except as provided in clause (ii),
16 the sum of”;

17 (ii) by striking “\$10,000.” and insert-
18 ing “\$10,000; and”; and

19 (iii) by adding at the end the fol-
20 lowing new clause:

21 “(ii) for each of fiscal years 2020
22 through 2025, \$84,000,000.”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(6) APPLICATION TO PUERTO RICO FOR FIS-
2 CAL YEARS 2020 THROUGH 2023.—For purposes of
3 paragraph (2)(A)(ii), the amount specified in this
4 paragraph is—

5 “(A) for fiscal year 2020, \$2,823,188,000;

6 “(B) for fiscal year 2021, \$2,919,072,000;

7 “(C) for fiscal year 2022, \$3,012,610,000;

8 and

9 “(D) for fiscal year 2023,
10 \$3,114,331,000.”.

11 (b) TREATMENT OF FUNDING UNDER ENHANCED
12 ALLOTMENT PROGRAM.—Section 1935(e) of the Social
13 Security Act (42 U.S.C. 1396u–5(e)) is amended—

14 (1) in paragraph (1)(B), by striking “if the
15 State” and inserting “subject to paragraph (4), if
16 the State”;

17 (2) by redesignating paragraph (4) as para-
18 graph (5); and

19 (3) by inserting after paragraph (3) the fol-
20 lowing new paragraph:

21 “(4) TREATMENT OF FUNDING FOR CERTAIN
22 FISCAL YEARS.—

23 “(A) PUERTO RICO.—Notwithstanding
24 paragraph (1)(B), in the case that Puerto Rico
25 establishes and submits to the Secretary a plan

1 described in paragraph (2) with respect to any
2 of fiscal years 2020 through 2022, the amount
3 specified in paragraph (3) for Puerto Rico for
4 such a year shall be taken into account in ap-
5 plying subparagraph (A)(ii) of section
6 1108(g)(2) for such year.

7 “(B) OTHER TERRITORIES.—Notwith-
8 standing paragraph (1)(B), in the case that the
9 Virgin Islands, Guam, the Northern Mariana
10 Islands, or American Samoa establishes and
11 submits to the Secretary a plan described in
12 paragraph (2) with respect to any of fiscal
13 years 2020 through 2025, the amount specified
14 in paragraph (3) for the Virgin Islands, Guam,
15 the Northern Mariana Islands, or American
16 Samoa, as the case may be, shall be taken into
17 account in applying, as applicable, subpara-
18 graph (B)(ii), (C)(ii), (D)(ii), or (E)(ii) of sec-
19 tion 1108(g)(2) for such year.”.

20 (c) INCREASED FMAP.—Section 1905 of the Social
21 Security Act (42 U.S.C. 1396d(b)) is amended—

22 (1) in subsection (b), by striking “and (aa)”
23 and inserting “(aa), and (ff)”; and

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

1 “(ff) TEMPORARY INCREASE IN FMAP FOR TERRI-
2 TORIES FOR CERTAIN FISCAL YEARS.—

3 “(1) PUERTO RICO.—Notwithstanding sub-
4 section (b), the Federal medical assistance percent-
5 age for Puerto Rico shall be equal to—

6 “(A) 83 percent for fiscal years 2020 and
7 2021; and

8 “(B) 76 percent for fiscal years 2022 and
9 2023.

10 “(2) VIRGIN ISLANDS.—Notwithstanding sub-
11 section (b), the Federal medical assistance percent-
12 age for the Virgin Islands shall be equal to—

13 “(A) 100 percent for fiscal year 2020;

14 “(B) 83 percent for fiscal years 2021
15 through 2024; and

16 “(C) 76 percent for fiscal year 2025.

17 “(3) OTHER TERRITORIES.—Notwithstanding
18 subsection (b), the Federal medical assistance per-
19 centage for Guam, the Northern Mariana Islands,
20 and American Samoa shall be equal to—

21 “(A) 100 percent for fiscal years 2020 and
22 2021;

23 “(B) 83 percent for fiscal years 2022
24 through 2024; and

25 “(C) 76 percent for fiscal year 2025.”.

1 (d) ANNUAL REPORT.—Section 1108(g) of the Social
2 Security Act (42 U.S.C. 1308(g)), as amended by sub-
3 section (a), is further amended by adding at the end the
4 following new paragraph:

5 “(7) ANNUAL REPORT.—

6 “(A) IN GENERAL.—Not later than the
7 date that is 30 days after the end of each fiscal
8 year (beginning with fiscal year 2020 and end-
9 ing with fiscal year 2025), in the case that a
10 specified territory receives a Medicaid cap in-
11 crease, or an increase in the Federal medical
12 assistance percentage for such territory under
13 section 1905(ff), for such fiscal year, such terri-
14 tory shall submit to the Chair and Ranking
15 Member of the Committee on Energy and Com-
16 merce of the House of Representatives and the
17 Chair and Ranking Member of the Committee
18 on Finance of the Senate a report that de-
19 scribes how such territory has used such Med-
20 icaid cap increase, or such increase in the Fed-
21 eral medical assistance percentage, as applica-
22 ble, to increase access to health care under the
23 State Medicaid plan of such territory under title
24 XIX (or a waiver of such plan). Such report
25 may include—

1 “(i) the extent to which such territory
2 has, with respect to such plan (or waiv-
3 er)—

4 “(I) increased payments to health
5 care providers;

6 “(II) increased covered benefits;

7 “(III) expanded health care pro-
8 vider networks; or

9 “(IV) improved in any other
10 manner the carrying out of such plan
11 (or waiver); and

12 “(ii) any other information as deter-
13 mined necessary by such territory.

14 “(B) DEFINITIONS.—In this paragraph:

15 “(i) MEDICAID CAP INCREASE.—The
16 term ‘Medicaid cap increase’ means, with
17 respect to a specified territory and fiscal
18 year, any increase in the amounts other-
19 wise determined under this subsection for
20 such territory for such fiscal year by rea-
21 son of the amendments made by section
22 2(a) of the Territories Health Care Im-
23 provement Act.

24 “(ii) SPECIFIED TERRITORY.—The
25 term ‘specified territory’ means Puerto

1 Rico, the Virgin Islands, Guam, the North-
2 ern Mariana Islands, and American
3 Samoa.”.

4 **SEC. 3. APPLICATION OF CERTAIN REQUIREMENTS UNDER**
5 **MEDICAID PROGRAM TO CERTAIN TERRI-**
6 **TORIES.**

7 (a) APPLICATION OF PAYMENT ERROR RATE MEAS-
8 UREMENT REQUIREMENTS TO PUERTO RICO.—Section
9 1903(u)(4) of the Social Security Act (42 U.S.C.
10 1396b(u)(4)) is amended—

11 (1) by striking “to Puerto Rico, Guam” and in-
12 serting “to Guam”; and

13 (2) by striking “or American Samoa.” and in-
14 serting “or American Samoa, or, for fiscal years be-
15 fore fiscal year 2023, to Puerto Rico.”.

16 (b) APPLICATION OF ASSET VERIFICATION PROGRAM
17 REQUIREMENTS TO PUERTO RICO AND VIRGIN IS-
18 LANDS.—Section 1940(a) of the Social Security Act (42
19 U.S.C. 1396w(a)) is amended—

20 (1) in paragraph (3)(A), by adding at the end
21 the following new clause:

22 “(iii) IMPLEMENTATION IN PUERTO
23 RICO AND VIRGIN ISLANDS.—The Sec-
24 retary shall require Puerto Rico to imple-
25 ment an asset verification program under

1 this subsection by the end of fiscal year
2 2022 and the Virgin Islands to implement
3 such a program by the end of fiscal year
4 2023.”; and

5 (2) in paragraph (4)—

6 (A) in the paragraph heading, by striking
7 “EXEMPTION OF TERRITORIES” and inserting
8 “EXEMPTION OF CERTAIN TERRITORIES”; and

9 (B) by striking “and the District of Co-
10 lumbia” and inserting “, the District of Colum-
11 bia, Puerto Rico, and the Virgin Islands”.

12 (c) APPLICATION OF CERTAIN DATA REPORTING
13 AND PROGRAM INTEGRITY REQUIREMENTS TO NORTH-
14 ERN MARIANA ISLANDS, AMERICAN SAMOA, AND GUAM.—

15 (1) IN GENERAL.—Section 1902 of the Social
16 Security Act (42 U.S.C. 1396a) is amended by add-
17 ing at the end the following new subsection:

18 “(qq) APPLICATION OF CERTAIN DATA REPORTING
19 AND PROGRAM INTEGRITY REQUIREMENTS TO NORTH-
20 ERN MARIANA ISLANDS, AMERICAN SAMOA, AND GUAM.—

21 Not later than October 1, 2023, the Northern Mariana
22 Islands, American Samoa, and Guam shall—

23 “(1) implement methods, satisfactory to the
24 Secretary, for the collection and reporting of reliable
25 data to the Transformed Medicaid Statistical Infor-

1 mation System (T-MSIS) (or a successor system);

2 and

3 “(2) demonstrate progress in establishing a
4 State medicaid fraud control unit described in sec-
5 tion 1903(q).”.

6 (2) CONFORMING AMENDMENT.—Section
7 1902(j) of the Social Security Act (42 U.S.C.
8 1396a(j)) is amended—

9 (A) by striking “or the requirement” and
10 inserting “, the requirement”; and

11 (B) by inserting before the period at the
12 end the following: “, or the requirements under
13 subsection (qq) (relating to data reporting and
14 program integrity)”.