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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Territories Health Care Improvement Act”.

(Original Signature of Member)
SEC. 2. MEDICAID PAYMENTS FOR PUERTO RICO AND THE
OTHER TERRITORIES FOR CERTAIN FISCAL YEARS.

(a) TREATMENT OF CAP.—Section 1108(g) of the
Social Security Act (42 U.S.C. 1308(g)) is amended—
(1) in paragraph (2)—
(A) in the matter preceding subparagraph (A), by striking “subject to and section 1323(a)(2) of the Patient Protection and Affordable Care Act paragraphs (3) and (5)’’ and inserting “subject to section 1323(a)(2) of the Patient Protection and Affordable Care Act and paragraphs (3) and (5)’’;
(B) in subparagraph (A)—
(i) by striking “Puerto Rico shall not exceed the sum of’’ and inserting “Puerto Rico shall not exceed—
“(i) except as provided in clause (ii), the sum of’’;
(ii) by striking “$100,000;’’ and inserting “$100,000; and’’; and
(iii) by adding at the end the following new clause:
“(ii) for each of fiscal years 2020 through 2023, the amount specified in paragraph (6) for each such fiscal year;’’;
(C) in subparagraph (B)—

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

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

(ii) by striking “$10,000;” and inserting “$10,000; and”; and

(iii) by adding at the end the following new clause:

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

(D) in subparagraph (C)—

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

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

(ii) by striking “$10,000;” and inserting “$10,000; and”; and

(iii) by adding at the end the following new clause:

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

(E) in subparagraph (D)—
(i) by striking “the Northern Mariana Islands shall not exceed the sum of” and inserting “the Northern Mariana Islands shall not exceed—

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

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

“(ii) for each of fiscal years 2020 through 2025, $60,000,000; and”; and

(F) in subparagraph (E)—

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

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

(ii) by striking “$10,000.” and inserting “$10,000; and”; and

(iii) by adding at the end the following new clause:

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

(2) by adding at the end the following new paragraph:
“(6) APPLICATION TO PUERTO RICO FOR FISCAL YEARS 2020 THROUGH 2023.—For purposes of paragraph (2)(A)(ii), the amount specified in this paragraph is—

“(A) for fiscal year 2020, $2,823,188,000;
“(B) for fiscal year 2021, $2,919,072,000;
“(C) for fiscal year 2022, $3,012,610,000;
and
“(D) for fiscal year 2023, $3,114,331,000.”.

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

(1) in paragraph (1)(B), by striking “if the State” and inserting “subject to paragraph (4), if the State”; 
(2) by redesignating paragraph (4) as paragraph (5); and 
(3) by inserting after paragraph (3) the following new paragraph:

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

“(A) PUERTO RICO.—Notwithstanding paragraph (1)(B), in the case that Puerto Rico establishes and submits to the Secretary a plan
described in paragraph (2) with respect to any
of fiscal years 2020 through 2022, the amount
specified in paragraph (3) for Puerto Rico for
such a year shall be taken into account in ap-
plying subparagraph (A)(ii) of section
1108(g)(2) for such year.

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

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

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

(2) by adding at the end the following new sub-
section:
“(ff) Temporary Increase in FMAP for Territories for Certain Fiscal Years.—

“(1) Puerto Rico.—Notwithstanding subsection (b), the Federal medical assistance percentage for Puerto Rico shall be equal to—

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

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

“(2) Virgin Islands.—Notwithstanding subsection (b), the Federal medical assistance percentage for the Virgin Islands shall be equal to—

“(A) 100 percent for fiscal year 2020;

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

“(C) 76 percent for fiscal year 2025.

“(3) Other Territories.—Notwithstanding subsection (b), the Federal medical assistance percentage for Guam, the Northern Mariana Islands, and American Samoa shall be equal to—

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

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

“(C) 76 percent for fiscal year 2025.”.
(d) ANNUAL REPORT.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)), as amended by subsection (a), is further amended by adding at the end the following new paragraph:

“(7) ANNUAL REPORT.—

“(A) IN GENERAL.—Not later than the date that is 30 days after the end of each fiscal year (beginning with fiscal year 2020 and ending with fiscal year 2025), in the case that a specified territory receives a Medicaid cap increase, or an increase in the Federal medical assistance percentage for such territory under section 1905(ff), for such fiscal year, such territory shall submit to the Chair and Ranking Member of the Committee on Energy and Commerce of the House of Representatives and the Chair and Ranking Member of the Committee on Finance of the Senate a report that describes how such territory has used such Medicaid cap increase, or such increase in the Federal medical assistance percentage, as applicable, to increase access to health care under the State Medicaid plan of such territory under title XIX (or a waiver of such plan). Such report may include—
“(i) the extent to which such territory has, with respect to such plan (or waiver)—

“(I) increased payments to health care providers;

“(II) increased covered benefits;

“(III) expanded health care provider networks; or

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

“(ii) any other information as determined necessary by such territory.

“(B) DEFINITIONS.—In this paragraph:

“(i) MEDICAID CAP INCREASE.—The term ‘Medicaid cap increase’ means, with respect to a specified territory and fiscal year, any increase in the amounts otherwise determined under this subsection for such territory for such fiscal year by reason of the amendments made by section 2(a) of the Territories Health Care Improvement Act.

“(ii) SPECIFIED TERRITORY.—The term ‘specified territory’ means Puerto
Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.”.

SEC. 3. APPLICATION OF CERTAIN REQUIREMENTS UNDER MEDICAID PROGRAM TO CERTAIN TERRITORIES.

(a) Application of Payment Error Rate Measurement Requirements to Puerto Rico.—Section 1903(u)(4) of the Social Security Act (42 U.S.C. 1396b(u)(4)) is amended—

(1) by striking “to Puerto Rico, Guam” and inserting “to Guam”; and

(2) by striking “or American Samoa.” and inserting “or American Samoa, or, for fiscal years before fiscal year 2023, to Puerto Rico.”.

(b) Application of Asset Verification Program Requirements to Puerto Rico and Virgin Islands.—Section 1940(a) of the Social Security Act (42 U.S.C. 1396w(a)) is amended—

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

“(iii) Implementation in Puerto Rico and Virgin Islands.—The Secretary shall require Puerto Rico to implement an asset verification program under
this subsection by the end of fiscal year
2022 and the Virgin Islands to implement
such a program by the end of fiscal year
2023.”; and

(2) in paragraph (4)—

(A) in the paragraph heading, by striking
“Exemption of Territories” and inserting
“Exemption of Certain Territories”; and

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

(c) Application of Certain Data Reporting
And Program Integrity Requirements to North-
ern Mariana Islands, American Samoa, and Guam.—

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

“(qq) Application of Certain Data Reporting
And Program Integrity Requirements to North-
ern Mariana Islands, American Samoa, and Guam.—
Not later than October 1, 2023, the Northern Mariana
Islands, American Samoa, and Guam shall—

“(1) implement methods, satisfactory to the
Secretary, for the collection and reporting of reliable
data to the Transformed Medicaid Statistical Infor-
mation System (T–MSIS) (or a successor system);

and

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

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

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

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