

AMENDMENT TO
RULES COMMITTEE PRINT 116-41
OFFERED BY MR. SABLAN OF NORTHERN
MARIANA ISLANDS

Add at the end of title VIII the following new sections (and conform the table of contents accordingly):

1 **SEC. 812. MEDICAID PAYMENTS FOR PUERTO RICO AND**
2 **THE OTHER TERRITORIES FOR CERTAIN FIS-**
3 **CAL 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—

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

3 (ii) by striking “\$100,000;” and in-
4 sserting “\$100,000; and”; and

5 (iii) by adding at the end the fol-
6 lowing new clause:

7 “(ii) for each of fiscal years 2020
8 through 2023, the amount specified in
9 paragraph (6) for each such fiscal year;”;
10 (C) in subparagraph (B)—

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

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

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

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

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

22 (D) in subparagraph (C)—

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

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

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

5 (iii) by adding at the end the fol-
6 lowing new clause:

7 “(ii) for each of fiscal years 2020
8 through 2025, \$127,000,000;”;
9 (E) in subparagraph (D)—

10 (i) by striking “the Northern Mariana
11 Islands shall not exceed the sum of” and
12 inserting “the Northern Mariana Islands
13 shall not exceed—

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

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

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

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

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

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

3 (iii) by adding at the end the fol-
4 lowing new clause:

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

7 (2) by adding at the end the following new
8 paragraph:

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

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

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

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

16 and

17 “(D) for fiscal year 2023,
18 \$3,114,331,000.”.

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

22 (1) in paragraph (1)(B), by striking “if the
23 State” and inserting “subject to paragraph (4), if
24 the State”;

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

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

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

7 “(A) PUERTO RICO.—Notwithstanding
8 paragraph (1)(B), in the case that Puerto Rico
9 establishes and submits to the Secretary a plan
10 described in paragraph (2) with respect to any
11 of fiscal years 2020 through 2023, the amount
12 specified in paragraph (3) for Puerto Rico for
13 such a year shall be taken into account in ap-
14 plying subparagraph (A)(ii) of section
15 1108(g)(2) for such year.

16 “(B) OTHER TERRITORIES.—Notwith-
17 standing paragraph (1)(B), in the case that the
18 Virgin Islands, Guam, the Northern Mariana
19 Islands, or American Samoa establishes and
20 submits to the Secretary a plan described in
21 paragraph (2) with respect to any of fiscal
22 years 2020 through 2025, the amount specified
23 in paragraph (3) for the Virgin Islands, Guam,
24 the Northern Mariana Islands, or American
25 Samoa, as the case may be, shall be taken into

1 account in applying, as applicable, subpara-
2 graph (B)(ii), (C)(ii), (D)(ii), or (E)(ii) of sec-
3 tion 1108(g)(2) for such year.”.

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

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

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

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

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

15 “(A) 83 percent for fiscal years 2020 and
16 2021; and

17 “(B) 76 percent for fiscal years 2022 and
18 2023.

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

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

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

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

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

5 “(A) 100 percent for fiscal years 2020 and
6 2021;

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

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

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

14 “(7) ANNUAL REPORT.—

15 “(A) IN GENERAL.—Not later than the
16 date that is 30 days after the end of each fiscal
17 year (beginning with fiscal year 2020 and end-
18 ing with fiscal year 2025), in the case that a
19 specified territory receives a Medicaid cap in-
20 crease, or an increase in the Federal medical
21 assistance percentage for such territory under
22 section 1905(ff), for such fiscal year, such terri-
23 tory shall submit to the Chair and Ranking
24 Member of the Committee on Energy and Com-
25 merce of the House of Representatives and the

1 Chair and Ranking Member of the Committee
2 on Finance of the Senate a report that de-
3 scribes how such territory has used such Med-
4 icaid cap increase, or such increase in the Fed-
5 eral medical assistance percentage, as applica-
6 ble, to increase access to health care under the
7 State Medicaid plan of such territory under title
8 XIX (or a waiver of such plan). Such report
9 may include—

10 “(i) the extent to which such territory
11 has, with respect to such plan (or waiv-
12 er)—

13 “(I) increased payments to health
14 care providers;

15 “(II) increased covered benefits;

16 “(III) expanded health care pro-
17 vider networks; or

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

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

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

24 “(i) MEDICAID CAP INCREASE.—The
25 term ‘Medicaid cap increase’ means, with

1 respect to a specified territory and fiscal
2 year, any increase in the amounts other-
3 wise determined under this subsection for
4 such territory for such fiscal year by rea-
5 son of the amendments made by section
6 502(a) of the Territories Health Care Im-
7 provement Act.

8 “(ii) SPECIFIED TERRITORY.—The
9 term ‘specified territory’ means Puerto
10 Rico, the Virgin Islands, Guam, the North-
11 ern Mariana Islands, and American
12 Samoa.”.

13 **SEC. 813. APPLICATION OF CERTAIN REQUIREMENTS**
14 **UNDER MEDICAID PROGRAM TO CERTAIN**
15 **TERRITORIES.**

16 (a) APPLICATION OF PAYMENT ERROR RATE MEAS-
17 UREMENT REQUIREMENTS TO PUERTO RICO.—Section
18 1903(u)(4) of the Social Security Act (42 U.S.C.
19 1396b(u)(4)) is amended—

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

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

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

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

7 “(iii) IMPLEMENTATION IN PUERTO
8 RICO AND VIRGIN ISLANDS.—The Sec-
9 retary shall require Puerto Rico to imple-
10 ment an asset verification program under
11 this subsection by the end of fiscal year
12 2022 and the Virgin Islands to implement
13 such a program by the end of fiscal year
14 2023.”; and

15 (2) in paragraph (4)—

16 (A) in the paragraph heading, by striking
17 “EXEMPTION OF TERRITORIES” and inserting
18 “EXEMPTION OF CERTAIN TERRITORIES”; and

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

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

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

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

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

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

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

17 (2) CONFORMING AMENDMENT.—Section
18 1902(j) of the Social Security Act (42 U.S.C.
19 1396a(j)) is amended—

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

22 (B) by inserting before the period at the
23 end the following: “, or the requirements under

- 1 subsection (qq) (relating to data reporting and
- 2 program integrity)”.