

111TH CONGRESS
1ST SESSION

H. R. 2680

To amend the Social Security Act to provide for payment parity for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under the Medicaid Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2009

Ms. BORDALLO (for herself, Mr. SERRANO, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. PIERLUISI, and Mr. SABLAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Social Security Act to provide for payment parity for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa 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 “Territorial Health Par-
5 ity Act of 2009”.

1 **SEC. 2. MEDICAID PAYMENT PARITY FOR THE TERRI-**
2 **TORIES.**

3 (a) ELIMINATION OF FUNDING LIMITATIONS FOR
4 PUERTO RICO, THE VIRGIN ISLANDS, GUAM, THE NORTH-
5 ERN MARIANA ISLANDS, AND AMERICAN SAMOA.—

6 (1) IN GENERAL.—Section 1108 of the Social
7 Security Act (42 U.S.C. 1308) is amended—

8 (A) in subsection (f), in the matter before
9 paragraph (1), by striking “subsection (g)” and
10 inserting “subsections (g) and (h)”;

11 (B) in subsection (g)(2), in the matter be-
12 fore subparagraph (A), by inserting “and sub-
13 section (h)” after “paragraph (3)”; and

14 (C) by adding at the end the following new
15 subsection:

16 “(h) SUNSET OF FUNDING LIMITATIONS FOR PUER-
17 TO RICO, THE VIRGIN ISLANDS, GUAM, THE NORTHERN
18 MARIANA ISLANDS, AND AMERICAN SAMOA.—Subsections
19 (f) and (g) shall not apply to Puerto Rico, the Virgin Is-
20 lands, Guam, the Northern Mariana Islands, and Amer-
21 ican Samoa for any fiscal year after fiscal year 2009.”.

22 (2) CONFORMING AMENDMENT.—Section
23 1903(u) of such Act (42 U.S.C. 1396c(u)) is amend-
24 ed by striking paragraph (4).

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply beginning with fiscal
3 year 2010.

4 (b) PARITY IN FMAP.—

5 (1) IN GENERAL.—Section 1905(b)(2) of such
6 Act (42 U.S.C. 1396d(b)(2)) is amended by insert-
7 ing after “50 per centum” the following: “(except
8 that, beginning with fiscal year 2012, the Federal
9 medical assistance percentage for Puerto Rico, the
10 Virgin Islands, Guam, the Northern Mariana Is-
11 lands, and American Samoa shall be the Federal
12 medical assistance percentage determined by the
13 Secretary in consultation (for the Virgin Islands,
14 Guam, the Northern Mariana Islands, and American
15 Samoa) with the Secretary of the Interior)”.

16 (2) 2-FISCAL-YEAR TRANSITION.—Notwith-
17 standing any other provision of law, during fiscal
18 years 2010 and 2011, the Federal medical assist-
19 ance percentage established under section 1905(b) of
20 the Social Security Act (42 U.S.C. 1396d(b)) for
21 Puerto Rico, the Virgin Islands, Guam, the North-
22 ern Mariana Islands, and American Samoa shall be
23 the highest such Federal medical assistance percent-
24 age applicable to any of the 50 States or the District
25 of Columbia for the fiscal year involved, taking into

1 account the application of subsections (a) and (b)(1)
2 of 5001 of division B of the American Recovery and
3 Reinvestment Act of 2009 (Public Law 111–5) to
4 such States and District for calendar quarters dur-
5 ing such fiscal years for which such subsections
6 apply respectively.

7 (3) PER CAPITA INCOME DATA.—

8 (A) REPORT TO CONGRESS.—Not later
9 than October 1, 2010, the Secretary of Health
10 and Human Services shall submit to Congress
11 a report that describes the per capita income
12 data used to promulgate the Federal medical
13 assistance percentage in the territories and how
14 such data differ from the per capita income
15 data used to promulgate Federal medical assist-
16 ance percentages for the 50 States and the Dis-
17 trict of Columbia. The report should include
18 recommendations on how the Federal medical
19 assistance percentages can be calculated for the
20 territories to ensure parity with the 50 States
21 and the District of Columbia.

22 (B) APPLICATION.—Section 1101(a)(8)(B)
23 of the Social Security Act (42 U.S.C.
24 1308(a)(8)(B)) is amended—

1 (i) by striking “(other than Puerto
2 Rico, the Virgin Islands, and Guam)” and
3 inserting “(including Puerto Rico, the Vir-
4 gin Islands, Guam, the Northern Mariana
5 Islands, and American Samoa)”; and

6 (ii) by inserting “(or, if such satisfac-
7 tory data are not available in the case of
8 the Virgin Islands, Guam, the Northern
9 Mariana Islands, or American Samoa, sat-
10 isfactory data available from the Depart-
11 ment of the Interior for the same period,
12 or if such satisfactory data are not avail-
13 able in the case of Puerto Rico, satisfac-
14 tory data available from the Government of
15 the Commonwealth of Puerto Rico for the
16 same period)” after “Department of Com-
17 merce”.

18 (4) RELATION TO AMERICAN RECOVERY AND
19 REINVESTMENT ACT OF 2009.—For any period and
20 territory in which the provisions of this subsection
21 apply to a territory, the provisions of section
22 5001(b)(2) of division B of the American Recovery
23 and Reinvestment Act of 2009 (Public Law 111–5)
24 shall not apply (except as otherwise specifically pro-
25 vided in paragraph (2)).

1 **SEC. 3. CLARIFICATION OF MEDICAID COVERAGE FOR CITI-**
2 **ZENS OF FREELY ASSOCIATED STATES.**

3 (a) IN GENERAL.—Section 402(b)(2) of the Personal
4 Responsibility and Work Opportunity Reconciliation Act
5 of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at
6 the end the following:

7 “(G) MEDICAID EXCEPTION FOR CITIZENS
8 OF FREELY ASSOCIATED STATES.—With respect
9 to eligibility for benefits for the program de-
10 fined in paragraph (3)(C) (relating to the Med-
11 icaid program), paragraph (1) shall not apply
12 to any individual who lawfully resides in the
13 United States (including territories and posses-
14 sions of the United States) in accordance with
15 the Compacts of Free Association between the
16 Government of the United States and the Gov-
17 ernments of the Federated States of Micro-
18 nesia, the Republic of the Marshall Islands, and
19 the Republic of Palau.”.

20 (b) CONFORMING DEFINITION OF QUALIFIED
21 ALIEN.—Section 431(b) of such Act (8 U.S.C. 1641(b))
22 is amended—

23 (1) in paragraph (6), by striking “or” at the
24 end;

25 (2) in paragraph (7), by striking the period at
26 the end and inserting “; or”; and

1 (3) by adding at the end the following:

2 “(8) an individual who lawfully resides in the
3 United States (including territories and possessions
4 of the United States) in accordance with a Compact
5 of Free Association referred to in section
6 402(b)(2)(G), but only with respect to the program
7 defined in section 402(b)(3)(C) (relating to the Med-
8 icaid program).”.

9 (c) SETTING FMAP AT 100 PERCENT.—The third
10 sentence of section 1905(b) of the Social Security Act (42
11 U.S.C. 1396d(b)) is amended by inserting before the pe-
12 riod at the end the following: “and as medical assistance
13 for individuals described in section 402(b)(2)(G) of the
14 Personal Responsibility and Work Opportunity Reconcili-
15 ation Act of 1996”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this Act take effect on October 1, 2009, Act and apply
18 to benefits and assistance provided on or after that date.

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