

113TH CONGRESS
2D SESSION

S. 2339

To amend the Patient Protection and Affordable Care Act to require States with failed American Health Benefit Exchanges to reimburse the Federal Government for amounts provided under grants for the establishment and operation of such Exchanges.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2014

Mr. BARRASSO (for himself, Mr. HATCH, Mr. ENZI, Mr. MCCAIN, Mr. COBURN, and Mr. CHAMBLISS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Patient Protection and Affordable Care Act to require States with failed American Health Benefit Exchanges to reimburse the Federal Government for amounts provided under grants for the establishment and operation of such Exchanges.

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 Exchange Ac-
5 countability Act”.

1 **SEC. 2. REIMBURSING THE FEDERAL GOVERNMENT FOR**
 2 **FAILED STATE EXCHANGE GRANTS.**

3 Section 1311(a) of the Patient Protection and Af-
 4 fordable Care Act (42 U.S.C. 18031(a)) is amended by
 5 adding at the end the following:

6 “(6) REIMBURSEMENT IN THE CASE OF FAILED
 7 EXCHANGES.—

8 “(A) IN GENERAL.—In the case of a State
 9 that has received one or more establishment or
 10 early innovator grants under this subsection
 11 and which operated a State-based Exchange in
 12 program year 2014, if such State subsequently
 13 elects to provide solely for the enrollment of its
 14 residents in qualified health plans through the
 15 Federally Facilitated Exchange, such State
 16 shall reimburse the Federal Government for the
 17 aggregate amounts provided to the State under
 18 such grant or grants.

19 “(B) REIMBURSEMENT AGREEMENTS.—
 20 Reimbursement shall be provided to the Federal
 21 Government by a State under this paragraph
 22 pursuant to the terms of an agreement entered
 23 into by the State and the Department of Health
 24 and Human Services that, at a minimum, shall
 25 require that—

1 “(i) such reimbursement be made, in
2 full, within the 10-year period beginning
3 on the date on which the State makes the
4 election described in paragraph (1); and

5 “(ii) that the State make an annual
6 payment in an amount equal to 10 percent
7 of the total amount provided to the State
8 under the grant or grants awarded to the
9 State under this subsection.

10 “(C) NO REDUCTION IN AMOUNT.—The
11 Federal Government shall not reduce the
12 amount of the reimbursement required to be
13 provided by a State under this paragraph.

14 “(D) FAILURE TO ENTER INTO AGREE-
15 MENT.—In the case of a State described in sub-
16 paragraph (A) that fails to enter into an agree-
17 ment under subparagraph (B), the Secretary
18 shall reduce the amount to be paid to the State
19 under title XIX of the Social Security Act for
20 each of the 10 fiscal years beginning with the
21 first fiscal year that begins after the date of the
22 election described in subparagraph (A) by the
23 State. The amount of each such reduction shall
24 be uniform and shall in the aggregate equal the

1 total amount of the reimbursement required
2 under this paragraph.

3 “(E) DEFICIT REDUCTION.—Amounts paid
4 by a State under this section shall be placed in
5 the General Fund of the Treasury to be used
6 for deficit reduction.”.

○