

116TH CONGRESS
1ST SESSION

H. R. 4195

To amend titles XVIII and XIX of the Social Security Act to make premium and cost-sharing subsidies available to low-income Medicare part D beneficiaries who reside in Puerto Rico or another territory of the United States.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 20, 2019

Miss GONZÁLEZ-COLÓN of Puerto Rico (for herself and Mr. SOTO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles XVIII and XIX of the Social Security Act to make premium and cost-sharing subsidies available to low-income Medicare part D beneficiaries who reside in Puerto Rico or another territory of the United States.

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 Medicare
5 Prescription Drug Assistance Equality Act of 2019”.

1 **SEC. 2. EQUAL TREATMENT OF RESIDENTS OF TERRI-**
2 **TORIES IN PREMIUM AND COST-SHARING**
3 **SUBSIDIES UNDER MEDICARE PRESCRIPTION**
4 **DRUG PROGRAM.**

5 (a) **MEDICARE ASSISTANCE.**—Section 1860D–
6 14(a)(3) of the Social Security Act (42 U.S.C. 1395w–
7 114(a)(3)) is amended—

8 (1) in subparagraph (A), in the matter pre-
9 ceding clause (i), by striking “subject to subpara-
10 graph (F),”;

11 (2) in subparagraph (B)(v), in the matter pre-
12 ceding subclause (I), by striking “Subject to sub-
13 paragraph (F), the Secretary” and inserting “The
14 Secretary”;

15 (3) in subparagraph (C), by adding at the end
16 the following new sentence: “In the case of an indi-
17 vidual who is not a resident of the 50 States or the
18 District of Columbia, the poverty line (as such term
19 is defined in clause (ii)) that shall apply to such in-
20 dividual shall be the poverty line for the 48 contig-
21 uous States and the District of Columbia.”; and

22 (4) by striking subparagraph (F).

23 (b) **MEDICAID ASSISTANCE.**—Section 1935 of the So-
24 cial Security Act (42 U.S.C. 1396u–5) is amended—

25 (1) in subsection (c)(1)(A)—

(A) by inserting “(and each other State for each month beginning with January 2020)” after “January 2006”; and

(B) in clause (i), by inserting “or (2)(B) (as the case may be)” after “paragraph (2)(A)”;

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) by amending the heading to read as follows: “COMPUTATION FOR 50 STATES AND THE DISTRICT OF COLUMBIA”; and

(ii) by striking “a State described in paragraph (1)” and inserting “one of the 50 States or the District of Columbia”;

(B) in subparagraph (B)—

(i) by striking “subparagraph (A)” and inserting “subparagraph (A) or (B) (as the case may be)”;

(ii) by redesignating such subparagraph as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) COMPUTATION FOR TERRITORIES.—

The amount computed under this paragraph for a State not described in subparagraph (A) and

1 for a month in a year (beginning with 2020) is
2 equal to—

3 “(i) $\frac{1}{12}$ of the product of—

4 “(I) the amount determined
5 under subsection (e) for the State for
6 2019; and

7 “(II) 100 percent minus the
8 highest possible Federal medical as-
9 sistance percentage that may be ap-
10 plied to any of the 50 States for fiscal
11 year 2018 under section 1905(b)(1);
12 and

13 “(ii) increased for each year (begin-
14 ning with 2019 up to and including the
15 year involved) by the applicable growth
16 factor specified in paragraph (4) for that
17 year.”; and

18 (3) in subsection (e)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A), by striking
21 “of such State; and” and inserting “of
22 such State for years before 2020;”;

23 (ii) in subparagraph (B)—

1 (I) by inserting “for periods be-
2 fore January 1, 2020” after “(B)”;
3 and

4 (II) by striking the period at the
5 end and inserting “; and”; and

6 (iii) by adding at the end the fol-
7 lowing new subparagraph:

8 “(C) for the first 3 quarters of fiscal year
9 2020 and for each subsequent fiscal year, the
10 amount otherwise applied under section 1108(f)
11 for the State shall be increased by the amount
12 specified in paragraph (4)(A) for such period or
13 fiscal year.”;

14 (B) in paragraph (2), by striking “The
15 Secretary” and inserting “For periods before
16 January 2020, the Secretary”;

17 (C) in paragraph (3)—

18 (i) in the heading, by inserting “BE-
19 FORE SECOND QUARTER OF FISCAL YEAR
20 2020” after “INCREASED AMOUNT”;

21 (ii) in subparagraph (A)—

22 (I) in the matter before clause
23 (i), by inserting “or other fiscal pe-
24 riod” after “for a year”; and

1 (II) in clause (i), by inserting
2 “for such year or period” after “sub-
3 paragraph (B)”; and

4 (iii) in subparagraph (B)—

5 (I) in clause (ii), by striking “or”
6 at the end;

7 (II) in clause (iii), by striking “a
8 subsequent year” and inserting “a
9 subsequent fiscal year (before the sec-
10 ond quarter of fiscal year 2020)”;

11 (III) in clause (iii), by striking
12 the period at the end and inserting “;
13 and”; and

14 (IV) by adding at the end the fol-
15 lowing:

16 “(iv) for the first quarter of fiscal
17 year 2020, is equal to 25 percent of the
18 aggregate amount specified in this sub-
19 paragraph for the previous fiscal year in-
20 creased by the annual percentage increase
21 specified in section 1860D–2(b)(6) for the
22 year involved.”;

23 (D) by striking paragraph (4); and

24 (E) by inserting after paragraph (3) the
25 following new paragraph:

1 “(4) INCREASED AMOUNT BEGINNING WITH
2 SECOND QUARTER OF FISCAL YEAR 2020.—

3 “(A) IN GENERAL.—The amount specified
4 in this paragraph for a State for the last 3
5 quarters of fiscal year 2020 or for a subsequent
6 fiscal year is equal to the product of—

7 “(i) the aggregate amount specified in
8 subparagraph (B) for such period or fiscal
9 year; and

10 “(ii) the ratio (as estimated by the
11 Secretary) of—

12 “(I) the number of individuals
13 who are entitled to benefits under
14 part A or enrolled under part B and
15 who reside in the State (as deter-
16 mined by the Secretary based on the
17 most recent available data before the
18 beginning of the period or year); to

19 “(II) the sum of such numbers
20 for all States that are subject to this
21 subsection.

22 “(B) AGGREGATE AMOUNT.—The aggre-
23 gate amount specified in this subparagraph
24 for—

1 “(i) the last 3 quarters of fiscal year
 2 2020, is equal to 3 times the amount spec-
 3 ified in paragraph (3)(B)(iv);

4 “(ii) fiscal year 2021, is equal to 4
 5 times the amount specified in paragraph
 6 (3)(B)(iv) increased by the same annual
 7 percentage increase as is applied to in-
 8 creases in the amounts applied for the fis-
 9 cal year and State under section 1108(f);
 10 or

11 “(iii) a subsequent fiscal year, is equal
 12 to the aggregate amount specified in this
 13 subparagraph for the previous fiscal year
 14 increased by the same annual percentage
 15 increase as is applied for the fiscal year
 16 and State under section 1108(f).”.

17 (c) CONFORMING AMENDMENT.—Section 1108(f) of
 18 the Social Security Act (42 U.S.C. 1308(f)) is amended
 19 by striking “1935(e)(1)(B)” and inserting “1935(e)(1)”.

20 (d) EFFECTIVE DATES.—The amendments made by
 21 subsection (a) shall take effect on January 1, 2020, and
 22 the amendments made by subsections (b) and (c) shall
 23 take effect on the date of the enactment of this Act.

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