

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend titles XVIII and XIX of the Social Security Act to make improvements to the treatment of the United States territories under the Medicare and Medicaid programs, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. NELSON (for himself, Mrs. GILLIBRAND, Mr. BLUMENTHAL, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend titles XVIII and XIX of the Social Security Act to make improvements to the treatment of the United States territories under the Medicare and Medicaid programs, 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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Improving the Treatment of the U.S. Territories Under  
6       Federal Health Programs Act of 2017”.

7       (b) TABLE OF CONTENTS.—The table of contents of  
8       this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—MEDICAID

Sec. 101. Elimination of general Medicaid funding limitations (“cap”) for territories.

Sec. 102. Elimination of specific Federal medical assistance percentage (FMAP) limitation for territories.

Sec. 103. Application of Medicaid waiver authority to all of the territories.

Sec. 104. Permitting Medicaid DSH allotments for territories.

#### TITLE II—MEDICARE

##### Subtitle A—Part A

Sec. 201. Calculation of Medicare DSH payments for IPPS hospitals in Puerto Rico.

Sec. 202. Rebasing Target Amount for Hospitals in Territories.

Sec. 203. Medicare DSH Target Adjustment for Hospitals in Territories.

##### Subtitle B—Part B

Sec. 211. Application of part B deemed enrollment process to residents of Puerto Rico; special enrollment period and limit on late enrollment penalties.

##### Subtitle C—Medicare Advantage (Part C)

Sec. 221. Adjustment in benchmark for low base payment counties in Puerto Rico.

##### Subtitle D—Part D

Sec. 231. Eliminating exclusion of part D eligible individuals residing in territories from eligibility for premium and cost-sharing subsidies.

Sec. 232. Report on treatment of territories under Medicare part D.

#### TITLE III—MISCELLANEOUS

Sec. 301. Report on exclusion of territories from Exchanges.

Sec. 302. Medicaid and CHIP territory transparency and information.

1                                   **TITLE I—MEDICAID**  
 2   **SEC. 101. ELIMINATION OF GENERAL MEDICAID FUNDING**  
 3                                   **LIMITATIONS (“CAP”) FOR TERRITORIES.**  
 4       (a) IN GENERAL.—Section 1108 of the Social Secu-  
 5   rity Act (42 U.S.C. 1308) is amended—  
 6                   (1) in subsection (f), in the matter before para-  
 7   graph (1), by striking “subsection (g)” and inserting  
 8   “subsections (g) and (h)”;

1           (2) in subsection (g)(2), in the matter before  
2           subparagraph (A), by inserting “and subsection (h)”  
3           after “paragraphs (3) and (5)”; and

4           (3) by adding at the end the following new sub-  
5           section:

6           “(h) SUNSET OF MEDICAID FUNDING LIMITATIONS  
7           FOR PUERTO RICO, THE VIRGIN ISLANDS OF THE  
8           UNITED STATES, GUAM, THE NORTHERN MARIANA IS-  
9           LANDS, AND AMERICAN SAMOA.—Subsections (f) and (g)  
10          shall not apply to Puerto Rico, the Virgin Islands of the  
11          United States, Guam, the Northern Mariana Islands, and  
12          American Samoa beginning with fiscal year 2018.”.

13          (b) CONFORMING AMENDMENTS.—

14           (1) Section 1902(j) of the Social Security Act  
15           (42 U.S.C. 1396a(j)) is amended by striking “, the  
16           limitation in section 1108(f),”.

17           (2) Section 1903(u) of the Social Security Act  
18           (42 U.S.C. 1396b(u)) is amended by striking para-  
19           graph (4).

20           (3) Section 1323(c)(1) of the Patient Protection  
21           and Affordable Care Act (42 U.S.C. 18043(c)(1)) is  
22           amended by striking “2019” and inserting “2018”.

23          (c) EFFECTIVE DATE.—The amendments made by  
24          this section shall apply beginning with fiscal year 2018.

1 **SEC. 102. ELIMINATION OF SPECIFIC FEDERAL MEDICAL**  
2 **ASSISTANCE PERCENTAGE (FMAP) LIMITA-**  
3 **TION FOR TERRITORIES.**

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

6 (1) in subsection (b)(2), by inserting “for fiscal  
7 years before fiscal year 2018” after “American  
8 Samoa”; and

9 (2) in subsection (y)(1), in the matter preceding  
10 subparagraph (A)—

11 (A) by inserting “, for fiscal years before  
12 fiscal year 2018,” before “is one of the”; and

13 (B) by inserting “and, for fiscal year 2018  
14 and subsequent fiscal years, is one of the 50  
15 States, the District of Columbia, Puerto Rico,  
16 the Virgin Islands of the United States, Guam,  
17 the Northern Mariana Islands, or American  
18 Samoa,” after “the District of Columbia”.

19 **SEC. 103. APPLICATION OF MEDICAID WAIVER AUTHORITY**  
20 **TO ALL OF THE TERRITORIES.**

21 (a) IN GENERAL.—Section 1902(j) of the Social Se-  
22 curity Act (42 U.S.C. 1396a(j)) is amended—

23 (1) by striking “American Samoa and the  
24 Northern Mariana Islands” and inserting “Puerto  
25 Rico, the Virgin Islands of the United States, Guam,

1 the Northern Mariana Islands, and American  
2 Samoa”;

3 (2) by striking “American Samoa or the North-  
4 ern Mariana Islands” and inserting “Puerto Rico,  
5 the Virgin Islands of the United States, Guam, the  
6 Northern Mariana Islands, or American Samoa”;

7 (3) by striking “, the limitation in section  
8 1108(f),”;

9 (4) by inserting “(1)” after “(j)”;

10 (5) by inserting “except as otherwise provided  
11 in this subsection,” after “Notwithstanding any  
12 other requirement of this title”; and

13 (6) by adding at the end the following:

14 “(2) The Secretary may not waive under this sub-  
15 section the requirement of subsection (a)(10)(A)(i)(IX)  
16 (relating to coverage of adults formerly under foster care)  
17 with respect to any territory.”.

18 (b) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply beginning October 1, 2017.

20 **SEC. 104. PERMITTING MEDICAID DSH ALLOTMENTS FOR**  
21 **TERRITORIES.**

22 Section 1923(f) of the Social Security Act (42 U.S.C.  
23 1396) is amended—

24 (1) in paragraph (6), by adding at the end the  
25 following new subparagraph:

1 “(C) TERRITORIES.—

2 “(i) FISCAL YEAR 2018.—For fiscal  
3 year 2018, with respect to the territories of  
4 Puerto Rico, the Virgin Islands of the  
5 United States, Guam, the Northern Mar-  
6 iana Islands, and American Samoa, the  
7 DSH allotment determined for each such  
8 territory shall bear the same ratio to  
9 \$150,000,000 as the ratio of the number  
10 of individuals who are low-income or unin-  
11 sured and residing in each such respective  
12 territory (as estimated from time to time  
13 by the Secretary) bears to the sums of the  
14 number of such individuals residing in all  
15 of the territories.

16 “(ii) SUBSEQUENT FISCAL YEAR.—  
17 For each subsequent fiscal year, the DSH  
18 allotment for each such territory is subject  
19 to an increase or reduction in accordance  
20 with paragraphs (3) and (7).”;

21 (2) in paragraph (7)(A), by striking clause (iv)  
22 and redesignating clause (v) as clause (iv); and

23 (3) in paragraph (9), by inserting before the pe-  
24 riod at the end the following: “, and includes, begin-  
25 ning with fiscal year 2018, Puerto Rico, the Virgin

1 Islands of the United States, Guam, the Northern  
2 Mariana Islands, and American Samoa”.

## 3 **TITLE II—MEDICARE**

### 4 **Subtitle A—Part A**

#### 5 **SEC. 201. CALCULATION OF MEDICARE DSH PAYMENTS FOR** 6 **IPPS HOSPITALS IN PUERTO RICO.**

7 Section 1886(d)(9)(D)(iii) of the Social Security Act  
8 (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as  
9 follows:

10 “(iii) Subparagraph (F) (relating to dispro-  
11 portionate share payments), including application of  
12 subsection (r), except that for this purpose—

13 “(I) the sum described in clause (ii) of this  
14 subparagraph shall be substituted for the sum  
15 referred to in paragraph (5)(F)(ii)(I); and

16 “(II) for discharges occurring on or after  
17 October 1, 2017, subclause (I) of paragraph  
18 (5)(F)(vi) shall be applied by substituting for  
19 the numerator described in such subclause the  
20 number of subsection (d) Puerto Rico hospital’s  
21 patient days for the cost reporting period in-  
22 volved which were made up of patients who (for  
23 such days) were entitled to benefits under part  
24 A of this title and were—

1 “(aa) entitled to supplementary secu-  
2 rity income benefits (excluding any State  
3 supplementation) under title XVI of this  
4 Act;

5 “(bb) eligible for medical assistance  
6 under a State plan under title XIX; or

7 “(cc) receiving aid or assistance under  
8 any plan of the State approved under title  
9 I, X, XIV, or XVI.”.

10 **SEC. 202. REBASING TARGET AMOUNT FOR HOSPITALS IN**  
11 **TERRITORIES.**

12 Section 1886(b)(3) of the Social Security Act (42  
13 U.S.C. 1395ww(b)(3)) is amended by adding at the end  
14 the following new subparagraph:

15 “(M)(i) For each cost reporting period be-  
16 ginning on or after October 1, 2017, in the case  
17 of a hospital located in a territory of the United  
18 States, there shall be substituted for the target  
19 amount otherwise determined under subpara-  
20 graph (A) the rebased target amount (as de-  
21 fined in clause (ii)), if such substitution results  
22 in an amount of payment under this section to  
23 the hospital for such period that is greater than  
24 the amount of payment that would be made



1 under this section to the hospital for such pe-  
2 riod if this subparagraph were not to apply.

3 “(ii) For purposes of this subparagraph,  
4 the term ‘rebased target amount’ has the mean-  
5 ing given the term ‘target amount’ in subpara-  
6 graph (A), except that—

7 “(I) there shall be substituted for the  
8 base cost reporting period the 12-month  
9 cost reporting period beginning during fis-  
10 cal year 2015;

11 “(II) any reference in subparagraph  
12 (A)(i) to the ‘first such cost reporting pe-  
13 riod’ is deemed a reference to the first cost  
14 reporting period beginning on or after Oc-  
15 tober 1, 2017; and

16 “(III) the applicable percentage in-  
17 crease shall only be applied under subpara-  
18 graph (B)(ii) for cost reporting periods be-  
19 ginning on or after October 1, 2017.

20 “(iii) Nothing in this subparagraph shall  
21 affect any rebasing request by a hospital for  
22 any cost reporting period beginning during a  
23 fiscal year before fiscal year 2015.”

1 **SEC. 203. MEDICARE DSH TARGET ADJUSTMENT FOR HOS-**  
2 **PITALS IN TERRITORIES.**

3 Section 1886(b)(3) of the Social Security Act (42  
4 U.S.C. 1395ww(b)(3)), as amended by section 202, is fur-  
5 ther amended by adding at the end the following new sub-  
6 paragraph:

7 “(N)(i) For each cost reporting period be-  
8 ginning on or after October 1, 2017, in the case  
9 of a hospital that is located in a territory of the  
10 United States other than Puerto Rico and that  
11 would be a subsection (d) hospital if it were lo-  
12 cated in one of the 50 States, the target  
13 amount shall be increased by—

14 “(I) in the case that such hospital has  
15 a disproportionate patient percentage of  
16 not less than 15 percent and not greater  
17 than 40 percent, 10 percent; and

18 “(II) in the case that such hospital  
19 has a disproportionate patient percentage  
20 of greater than 40 percent, 10 percent plus  
21 60 percent of the number of percentage  
22 points by which such hospital’s dispropor-  
23 tionate patient percentage exceeds 40 per-  
24 cent.

25 “(ii) For purposes of this subparagraph,  
26 the term ‘disproportionate patient percentage’

1 has the meaning given such term in subsection  
 2 (d)(5)(F)(vi), except that in applying such  
 3 meaning any reference under such subsection to  
 4 individuals entitled to supplementary security  
 5 income under title XVI shall be deemed for pur-  
 6 poses of this subparagraph to include individ-  
 7 uals—

8 “(I) eligible for medical assistance  
 9 under a State plan under title XIX; or

10 “(II) receiving aid or assistance under  
 11 any plan of the territory approved under  
 12 title I, X, XIV, or XVI.”

### 13 **Subtitle B—Part B**

#### 14 **SEC. 211. APPLICATION OF PART B DEEMED ENROLLMENT** 15 **PROCESS TO RESIDENTS OF PUERTO RICO;** 16 **SPECIAL ENROLLMENT PERIOD AND LIMIT** 17 **ON LATE ENROLLMENT PENALTIES.**

18 (a) APPLICATION OF PART B DEEMED ENROLLMENT  
 19 PROCESS TO RESIDENTS OF PUERTO RICO.—Section  
 20 1837(f)(3) of the Social Security Act (42 U.S.C.  
 21 1395p(f)(3)) is amended by striking “, exclusive of Puerto  
 22 Rico”.

23 (b) EFFECTIVE DATE.—The amendment made by  
 24 subsection (a) shall apply to individuals whose initial en-  
 25 rollment period under section 1837(d) of the Social Secu-

1 rity Act begins on or after the first day of the effective  
2 month, specified by the Secretary of Health and Human  
3 Services under section 1839(j)(1)(C) of such Act, as added  
4 by subsection (c)(2).

5 (c) TRANSITION PROVIDING SPECIAL ENROLLMENT  
6 PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES  
7 FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839  
8 of the Social Security Act (42 U.S.C. 1395r) is amend-  
9 ed—

10 (1) in the first sentence of subsection (b), by in-  
11 serting “subject to section 1839(j)(2),” after “sub-  
12 section (i)(4) or (l) of section 1837,”; and

13 (2) by adding at the end the following new sub-  
14 section:

15 “(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF  
16 PUERTO RICO.—

17 “(1) SPECIAL ENROLLMENT PERIOD, COVERAGE  
18 PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT  
19 NOT ENROLLED.—

20 “(A) IN GENERAL.—In the case of a tran-  
21 sition individual (as defined in paragraph (3))  
22 who is not enrolled under this part as of the  
23 day before the first day of the effective month  
24 (as defined in subparagraph (C)), the Secretary  
25 shall provide for a special enrollment period

1 under section 1837 of 7 months beginning with  
2 such effective month during which the indi-  
3 vidual may be enrolled under this part.

4 “(B) COVERAGE PERIOD.—In the case of  
5 such an individual who enrolls during such spe-  
6 cial enrollment period, the coverage period  
7 under section 1838 shall begin on the first day  
8 of the second month after the month in which  
9 the individual enrolls.

10 “(C) EFFECTIVE MONTH DEFINED.—In  
11 this section, the term ‘effective month’ means a  
12 month, not earlier than October 2017 and not  
13 later than January 2018, specified by the Sec-  
14 retary.

15 “(2) REDUCTION IN LATE ENROLLMENT PEN-  
16 ALTIES FOR CURRENT ENROLLEES AND INDIVID-  
17 UALS ENROLLING DURING TRANSITION.—

18 “(A) IN GENERAL.—In the case of a tran-  
19 sition individual who is enrolled under this part  
20 as of the day before the first day of the effec-  
21 tive month or who enrolls under this part on or  
22 after the date of the enactment of this sub-  
23 section but before the end of the special enroll-  
24 ment period under paragraph (1)(A), the  
25 amount of the late enrollment penalty imposed

1 under section 1839(b) shall be recalculated by  
2 reducing the penalty to 15 percent of the pen-  
3 alty otherwise established.

4 “(B) APPLICATION.—Subparagraph (A)  
5 shall be applied in the case of a transition indi-  
6 vidual who—

7 “(i) is enrolled under this part as of  
8 the month before the effective month, for  
9 premiums for months beginning with such  
10 effective month; or

11 “(ii) enrolls under this part on or  
12 after the date of the enactment of this Act  
13 and before the end of the special enroll-  
14 ment period under paragraph (1)(A), for  
15 premiums for months during the coverage  
16 period under this part which occur during  
17 or after the effective month.

18 “(C) LOSS OF REDUCTION IF INDIVIDUAL  
19 TERMINATES ENROLLMENT.—Subparagraph  
20 (A) shall not apply to a transition individual if  
21 the individual terminates enrollment under this  
22 part after the end of the special enrollment pe-  
23 riod under paragraph (1).

24 “(3) TRANSITION INDIVIDUAL DEFINED.—In  
25 this section, the term ‘transition individual’ means

1 an individual who resides in Puerto Rico and who  
2 would have been deemed enrolled under this part  
3 pursuant to section 1837(f) before the first day of  
4 the effective month but for the fact that the indi-  
5 vidual was a resident of Puerto Rico, regardless of  
6 whether the individual is enrolled under this part as  
7 of such first day.”.

8 **Subtitle C—Medicare Advantage**  
9 **(Part C)**

10 **SEC. 221. ADJUSTMENT IN BENCHMARK FOR LOW BASE**  
11 **PAYMENT COUNTIES IN PUERTO RICO.**

12 Section 1853(n) of the Social Security Act (42 U.S.C.  
13 1395w-23(n)) is amended—

14 (1) in paragraph (1), by striking “and (5)” and  
15 inserting “, (5), and (6)”;

16 (2) in paragraph (4), by striking “In no case”  
17 and inserting “Subject to paragraph (6), in no  
18 case”; and

19 (3) by adding at the end the following new  
20 paragraph:

21 “(6) SPECIAL RULES FOR BLENDED BENCH-  
22 MARK AMOUNT FOR TERRITORIES.—

23 “(A) IN GENERAL.—Subject to paragraph  
24 (2), the blended benchmark amount for an area  
25 in a territory for a year (beginning with 2018)

1 shall not be less than 80 percent of the national  
2 average of the base payment amounts specified  
3 in subparagraph (2)(E) for such year for areas  
4 within the 50 States and the District of Colum-  
5 bia.

6 “(B) LIMITATION.—In no case shall the  
7 blended benchmark amount for an area in a  
8 territory for a year under subparagraph (A) ex-  
9 ceed the lowest blended benchmark amount for  
10 any area within the 50 States and the District  
11 of Columbia for such year.”

## 12 **Subtitle D—Part D**

### 13 **SEC. 231. ELIMINATING EXCLUSION OF PART D ELIGIBLE** 14 **INDIVIDUALS RESIDING IN TERRITORIES** 15 **FROM ELIGIBILITY FOR PREMIUM AND COST-** 16 **SHARING SUBSIDIES.**

17 (a) IN GENERAL.—Section 1860D–14(a)(3) of the  
18 Social Security Act (42 U.S.C. 1395w–114(a)(3)) is  
19 amended—

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

23 (2) in subparagraph (B)(v), in the matter pre-  
24 ceding subclause (I), by striking “Subject to sub-



1 paragraph (F), the Secretary” and inserting “The  
2 Secretary”;

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

10 (4) by striking subparagraph (F).

11 (b) APPLICATION OF MEDICAID PROVISIONS.—Sec-  
12 tion 1935 of the Social Security Act (42 U.S.C. 1396u-  
13 5) is amended—

14 (1) in subsection (a), by striking “subject to  
15 subsection (e)” in the matter preceding paragraph  
16 (1); and

17 (2) by striking subsection (e).

18 (c) CONFORMING AMENDMENT.—Section 1108(f) of  
19 the Social Security Act (42 U.S.C. 1308(f)) is amended  
20 by striking “and section 1935(e)(1)(B)” in the matter pre-  
21 ceding clause (i).

22 (d) EFFECTIVE DATE.—The amendments made by  
23 this section shall take effect on January 1, 2018.

1 **SEC. 232. REPORT ON TREATMENT OF TERRITORIES**  
2 **UNDER MEDICARE PART D.**

3 Paragraph (4) of section 1935(e) of the Social Secu-  
4 rity Act (42 U.S.C. 1396u-5(e)) is amended to read as  
5 follows:

6 “(4) REPORT ON APPLICATION OF SUB-  
7 SECTION.—

8 “(A) IN GENERAL.—Not later than May 1,  
9 2018, the Secretary shall submit to Congress a  
10 report on the application of this subsection dur-  
11 ing the period beginning with fiscal year 2006  
12 and ending with December 31, 2017.

13 “(B) INFORMATION TO BE INCLUDED IN  
14 REPORT.—Such report shall include—

15 “(i) program guidance issued by the  
16 Secretary to implement this subsection;

17 “(ii) for each of Puerto Rico, the Vir-  
18 gin Islands of the United States, Guam,  
19 the Northern Mariana Islands, and Amer-  
20 ican Samoa, information on the increased  
21 amount under paragraph (3) and how the  
22 territory has applied such amount, includ-  
23 ing the territory’s program design, expend-  
24 itures, and number of individuals (and  
25 dual-eligible individuals) assisted; and

1           “(iii) a description of the differences  
2           between how such territories are treated  
3           under part D of title XVIII and under this  
4           title compared with the treatment of the  
5           50 States and the District of Columbia  
6           under such part and this title for different  
7           fiscal years within the period covered  
8           under the report.

9           “(C) RECOMMENDATIONS.—Such report  
10          shall include recommendations for improving  
11          prescription drug coverage for low-income indi-  
12          viduals in each territory identified in subpara-  
13          graph (B)(ii), including recommendations re-  
14          garding each of the following alternative ap-  
15          proaches:

16                 “(i) Adjusting the aggregate amount  
17                 specified in paragraph (3)(B).

18                 “(ii) Allowing residents of the terri-  
19                 tories to be subsidy eligible individuals  
20                 under section 1860D–14, notwithstanding  
21                 subsection (a)(3)(F) of such section, or  
22                 providing substantially equivalent low-in-  
23                 come prescription drug subsidies to such  
24                 residents.”.

1       **TITLE III—MISCELLANEOUS**

2       **SEC. 301. REPORT ON EXCLUSION OF TERRITORIES FROM**  
3                                   **EXCHANGES.**

4           (a) IN GENERAL.—Not later than February 1, 2019,  
5 the Secretary of Health and Human Services shall submit  
6 to Congress a report that details the adverse impacts in  
7 each territory from the practical exclusion of the terri-  
8 tories from the provisions of part II of subtitle D of title  
9 I of the Patient Protection and Affordable Care Act inso-  
10 far as such provisions provide for the establishment of an  
11 American Health Benefit Exchange or the administration  
12 of a federally facilitated Exchange in each State and in  
13 the District of Columbia for the purpose of making health  
14 insurance more affordable and accessible for individuals  
15 and small businesses.

16          (b) INFORMATION IN REPORT.—The report shall in-  
17 clude information on the following:

18               (1) An estimate of the total number of unin-  
19               sured and underinsured individuals residing in each  
20               territory with respect to health insurance coverage.

21               (2) A description of the number of health insur-  
22               ance issuers in each territory and the health insur-  
23               ance plans these issuers offer.

24               (3) An estimate of the number of individuals re-  
25               siding in each territory who are denied premium and

1 cost-sharing assistance that would otherwise be  
2 available to them for obtaining health insurance cov-  
3 erage through an Exchange if they resided in one of  
4 the 50 States or in the District of Columbia.

5 (4) An estimate of the amount of Federal as-  
6 sistance described in paragraph (3) that is not being  
7 made available to residents of each territory.

8 (5) An estimate of the number of small employ-  
9 ers in each territory that would be eligible to pur-  
10 chase health insurance coverage through a Small  
11 Business Health Options Program (SHOP) Market-  
12 place that would operate as part of an Exchange if  
13 the employers were in one of the 50 States or in the  
14 District of Columbia.

15 **SEC. 302. MEDICAID AND CHIP TERRITORY TRANSPARENCY**  
16 **AND INFORMATION.**

17 (a) PUBLICATION OF INFORMATION ON FEDERAL  
18 EXPENDITURES UNDER MEDICAID AND CHIP IN THE  
19 TERRITORIES.—Not later than 180 days after the date  
20 of enactment of this Act, the Secretary of Health and  
21 Human Services shall publish, and periodically update, on  
22 the Internet site of the Centers for Medicare & Medicaid  
23 Services information on Medicaid and CHIP carried out  
24 in the territories of the United States. Such information  
25 shall include, with respect to each such territory—

1           (1) the income levels established by the terri-  
2           tory for purposes of eligibility of an individual to re-  
3           ceive medical assistance under Medicaid or child  
4           health assistance under CHIP;

5           (2) the number of individuals enrolled in Med-  
6           icaid and CHIP in such territory;

7           (3) any State plan amendments in effect to  
8           carry out Medicaid or CHIP in such territory;

9           (4) any waiver of the requirements of title XIX  
10          or XXI of the Social Security Act (42 U.S.C. 1396  
11          et seq., 1397aa et seq.) issued by the Secretary to  
12          carry out Medicaid or CHIP in the territory, includ-  
13          ing a waiver under section 1115 of the Social Secu-  
14          rity Act (42 U.S.C. 1315), any application for such  
15          a waiver, and any documentation related to such ap-  
16          plication (including correspondence);

17          (5) the amount of the Federal and non-Federal  
18          share of expenditures under Medicaid and CHIP in  
19          such territory;

20          (6) the systems in place for the furnishing of  
21          health care items and services under Medicaid and  
22          CHIP in such territory;

23          (7) the design of CHIP in such territory; and

24          (8) other information regarding the carrying  
25          out of Medicaid and CHIP in the territory that is

1 published on such Internet site with respect to car-  
2 rying out Medicaid and CHIP in each of the 50  
3 States and the District of Columbia.

4 (b) DEFINITIONS.—In this section:

5 (1) CHIP.—The term “CHIP” means the  
6 State Children’s Health Insurance Program estab-  
7 lished under title XXI of the Social Security Act (42  
8 U.S.C. 1397aa et seq.).

9 (2) MEDICAID.—The term “Medicaid” means  
10 the Medicaid program established under title XIX of  
11 the Social Security Act (42 U.S.C. 1396 et seq.).

12 (3) TERRITORY OF THE UNITED STATES.—The  
13 term “territory of the United States” means Puerto  
14 Rico, the Virgin Islands of the United States, Guam,  
15 the Northern Mariana Islands, and American  
16 Samoa.