

114TH CONGRESS
2D SESSION

S. 2675

To provide for the adjustment of the debts of the Commonwealth of Puerto Rico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2016

Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. BROWN, Mr. BLUMENTHAL, Ms. WARREN, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide for the adjustment of the debts of the Commonwealth of Puerto Rico, 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 “Puerto Rico Recovery Act
5 of 2016”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—TAX PROVISIONS

Sec. 101. Puerto Rico residents eligible for earned income tax credit.

Sec. 102. Equitable treatment for residents of Puerto Rico with respect to the refundable portion of the child tax credit.

TITLE II—HEALTH CARE PARITY

Subtitle A—Medicaid

Sec. 201. Elimination of general Medicaid funding limitations (“cap”) for territories.

Sec. 202. Elimination of specific Federal medical assistance percentage (FMAP) limitation for territories.

Sec. 203. Application of Medicaid waiver authority to all of the territories.

Sec. 204. Application of 100 percent Federal poverty line (FPL) limitation to territories.

Sec. 205. Permitting Medicaid DSH allotments for territories.

Subtitle B—Medicare

Sec. 211. Calculation of Medicare DSH payments for IPPS hospitals in Puerto Rico.

Sec. 212. Application of part B deemed enrollment process to residents of Puerto Rico; special enrollment period and limit on late enrollment penalties.

Sec. 213. Puerto Rico practice expense GPCI improvement.

Sec. 214. Adjustment in benchmark for low base payment counties in Puerto Rico.

Sec. 215. Eliminating exclusion of part D eligible individuals residing in territories from eligibility for premium and cost-sharing subsidies.

Sec. 216. Report on treatment of territories under Medicare part D.

Subtitle C—Miscellaneous

Sec. 221. Report on exclusion of territories from Exchanges.

1 **TITLE I—TAX PROVISIONS**

2 **SEC. 101. PUERTO RICO RESIDENTS ELIGIBLE FOR EARNED** 3 **INCOME TAX CREDIT.**

4 (a) IN GENERAL.—Section 32 of the Internal Rev-
 5 enue Code of 1986 is amended by adding at the end the
 6 following new subsection:

7 “(n) RESIDENTS OF PUERTO RICO.—

8 “(1) IN GENERAL.—In the case of residents of
 9 Puerto Rico—

1 “(A) the United States shall be treated as
2 including Puerto Rico for purposes of sub-
3 sections (c)(1)(A)(ii)(I) and (c)(3)(C),

4 “(B) subsection (c)(1)(D) shall not apply
5 to nonresident alien individuals who are resi-
6 dents of Puerto Rico, and

7 “(C) adjusted gross income and gross in-
8 come shall be computed without regard to sec-
9 tion 933 for purposes of subsections (a)(2)(B)
10 and (c)(2)(A)(i).

11 “(2) LIMITATION.—The credit allowed under
12 this section by reason of this subsection for any tax-
13 able year shall not exceed the amount, determined
14 under regulations or other guidance promulgated by
15 the Secretary, that a similarly situated taxpayer
16 would receive if residing in a State.”.

17 (b) CHILD TAX CREDIT NOT REDUCED.—Subclause
18 (II) of section 24(d)(1)(B)(ii) of such Code is amended
19 by inserting before the period “(determined without re-
20 gard to section 32(n) in the case of residents of Puerto
21 Rico)”.

22 (c) EFFECTIVE DATE.—The amendment made shall
23 apply to taxable years beginning after December 31, 2015.

1 **SEC. 102. EQUITABLE TREATMENT FOR RESIDENTS OF**
 2 **PUERTO RICO WITH RESPECT TO THE RE-**
 3 **FUNDABLE PORTION OF THE CHILD TAX**
 4 **CREDIT.**

5 (a) **IN GENERAL.**—Section 24(d)(1) of the Internal
 6 Revenue Code of 1986 is amended by inserting “or section
 7 933” after “section 112”.

8 (b) **EFFECTIVE DATE.**—The amendment made by
 9 subsection (a) shall apply to taxable years beginning after
 10 December 31, 2015.

11 **TITLE II—HEALTH CARE PARITY**
 12 **Subtitle A—Medicaid**

13 **SEC. 201. ELIMINATION OF GENERAL MEDICAID FUNDING**
 14 **LIMITATIONS (“CAP”) FOR TERRITORIES.**

15 (a) **IN GENERAL.**—Section 1108 of the Social Secu-
 16 rity Act (42 U.S.C. 1308) is amended—

17 (1) in subsection (f), in the matter before para-
 18 graph (1), by striking “subsection (g)” and inserting
 19 “subsections (g) and (h)”;

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

23 (3) by adding at the end the following new sub-
 24 section:

25 “(h) **SUNSET OF MEDICAID FUNDING LIMITATIONS**
 26 **FOR PUERTO RICO, THE VIRGIN ISLANDS OF THE**

1 UNITED STATES, GUAM, THE NORTHERN MARIANA IS-
 2 LANDS, AND AMERICAN SAMOA.—Subsections (f) and (g)
 3 shall not apply to Puerto Rico, the Virgin Islands of the
 4 United States, Guam, the Northern Mariana Islands, and
 5 American Samoa beginning with fiscal year 2017.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 1902(j) of the Social Security Act
 8 (42 U.S.C. 1396a(j)) is amended by striking “, the
 9 limitation in section 1108(f),”.

10 (2) Section 1903(u) of the Social Security Act
 11 (42 U.S.C. 1396b(u)) is amended by striking para-
 12 graph (4).

13 (3) Section 1323(c)(1) of the Patient Protection
 14 and Affordable Care Act (42 U.S.C. 18043(c)(1)) is
 15 amended by striking “2019” and inserting “2016”.

16 (c) EFFECTIVE DATE.—The amendments made by
 17 this section shall apply beginning with fiscal year 2017.

18 **SEC. 202. ELIMINATION OF SPECIFIC FEDERAL MEDICAL**
 19 **ASSISTANCE PERCENTAGE (FMAP) LIMITA-**
 20 **TION FOR TERRITORIES.**

21 Section 1905 of the Social Security Act (42 U.S.C.
 22 1396d) is amended—

23 (1) in subsection (b)(2), by inserting “for fiscal
 24 years before fiscal year 2017” after “American
 25 Samoa”; and

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

3 (A) by inserting “, for fiscal years before
4 fiscal year 2017,” before “is one of the”; and

5 (B) by inserting “and, for fiscal year 2017
6 and subsequent fiscal years, is one of the 50
7 States, the District of Columbia, Puerto Rico,
8 the Virgin Islands of the United States, Guam,
9 the Northern Mariana Islands, or American
10 Samoa,” after “the District of Columbia”.

11 **SEC. 203. APPLICATION OF MEDICAID WAIVER AUTHORITY**

12 **TO ALL OF THE TERRITORIES.**

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

15 (1) by striking “American Samoa and the
16 Northern Mariana Islands” and inserting “Puerto
17 Rico, the Virgin Islands of the United States, Guam,
18 the Northern Mariana Islands, and American
19 Samoa”;

20 (2) by striking “American Samoa or the North-
21 ern Mariana Islands” and inserting “Puerto Rico,
22 the Virgin Islands of the United States, Guam, the
23 Northern Mariana Islands, or American Samoa”;

24 (3) by inserting “(1)” after “(j)”;

1 (4) by inserting “except as otherwise provided
2 in this subsection,” after “Notwithstanding any
3 other requirement of this title”; and

4 (5) by adding at the end the following:

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

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply beginning October 1, 2016.

11 **SEC. 204. APPLICATION OF 100 PERCENT FEDERAL POV-**
12 **ERTY LINE (FPL) LIMITATION TO TERRI-**
13 **TORIES.**

14 (a) IN GENERAL.—Section 1902 of the Social Secu-
15 rity Act (42 U.S.C. 1396a) is amended—

16 (1) in subsection (a)(10)(A)(i)(VIII), by insert-
17 ing “(or, subject to subsection (j), 100 percent in
18 the case of Puerto Rico, the Virgin Islands of the
19 United States, Guam, the Northern Mariana Is-
20 lands, and American Samoa)” after “133 percent”;
21 and

22 (2) in subsection (j), as amended by section
23 203, by adding at the end the following new para-
24 graph:

1 “(3)(A) Subject to subparagraph (B), Federal finan-
2 cial participation shall not be available to Puerto Rico, the
3 Virgin Islands of the United States, Guam, the Northern
4 Mariana Islands, or American Samoa for medical assist-
5 ance for an individual whose family income exceeds 100
6 percent of the official poverty line for a family of the size
7 involved, except in the case of individuals qualifying for
8 medical assistance under subsection (a)(10)(A)(i)(IX).

9 “(B) The Secretary may, under paragraph (1) or sec-
10 tion 1115, waive the limitation under subparagraph (A)
11 in the case of a territory other than Puerto Rico. In car-
12 rying out this subparagraph, the Secretary shall take into
13 account the eligibility levels established under the State
14 plan of the territory involved before the date of the enact-
15 ment of this paragraph.”.

16 (b) NOT APPLYING 5 PERCENT DISREGARD.—Sec-
17 tion 1902(e)(14)(I) of the Social Security Act (42 U.S.C.
18 1396b(e)(14)(I)) is amended by adding at the end the fol-
19 lowing:

20 “The previous sentence shall only apply to a
21 State that is one of the 50 States or the Dis-
22 trict of Columbia.”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to eligibility deter-

1 minations made with respect to items and services fur-
2 nished on or after October 1, 2016.

3 **SEC. 205. PERMITTING MEDICAID DSH ALLOTMENTS FOR**
4 **TERRITORIES.**

5 Section 1923(f) of the Social Security Act (42 U.S.C.
6 1396) is amended—

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

9 “(C) TERRITORIES.—

10 “(i) FISCAL YEAR 2017.—For fiscal
11 year 2017, with respect to the territories of
12 Puerto Rico, the Virgin Islands of the
13 United States, Guam, the Northern Mar-
14 iana Islands, and American Samoa, the
15 DSH allotment determined for each such
16 territory shall bear the same ratio to
17 \$150,000,000 as the ratio of the number
18 of individuals who are low-income or unin-
19 sured and residing in each such respective
20 territory (as estimated from time to time
21 by the Secretary) bears to the sums of the
22 number of such individuals residing in all
23 of the territories.

24 “(ii) SUBSEQUENT FISCAL YEAR.—
25 For each subsequent fiscal year, the DSH

1 allotment for each such territory is subject
 2 to an increase or reduction in accordance
 3 with paragraphs (3) and (7).”;

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

6 (3) in paragraph (9), by inserting before the pe-
 7 riod at the end the following: “, and includes, begin-
 8 ning with fiscal year 2017, Puerto Rico, the Virgin
 9 Islands of the United States, Guam, the Northern
 10 Mariana Islands, and American Samoa”.

11 **Subtitle B—Medicare**

12 **SEC. 211. CALCULATION OF MEDICARE DSH PAYMENTS FOR** 13 **IPPS HOSPITALS IN PUERTO RICO.**

14 Section 1886(d)(9)(D)(iii) of the Social Security Act
 15 (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as
 16 follows:

17 “(iii) Subparagraph (F) (relating to dispropor-
 18 tionate share payments), including application of
 19 subsection (r), except that for this purpose—

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

23 “(II) for discharges occurring on or after
 24 October 1, 2015, subclause (I) of paragraph
 25 (5)(F)(vi) shall be applied by substituting for

1 the numerator described in such subclause the
 2 number of subsection (d) Puerto Rico hospital's
 3 patient days for the cost reporting period in-
 4 volved which were made up of patients who (for
 5 such days) were entitled to benefits under part
 6 A of this title and were—

7 “(aa) entitled to supplementary secu-
 8 rity income benefits (excluding any State
 9 supplementation) under title XVI of this
 10 Act;

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

13 “(cc) receiving aid or assistance under
 14 any plan of the State approved under title
 15 I, X, XIV, or XVI.”.

16 **SEC. 212. APPLICATION OF PART B DEEMED ENROLLMENT**
 17 **PROCESS TO RESIDENTS OF PUERTO RICO;**
 18 **SPECIAL ENROLLMENT PERIOD AND LIMIT**
 19 **ON LATE ENROLLMENT PENALTIES.**

20 (a) APPLICATION OF PART B DEEMED ENROLLMENT
 21 PROCESS TO RESIDENTS OF PUERTO RICO.—Section
 22 1837(f)(3) of the Social Security Act (42 U.S.C.
 23 1395p(f)(3)) is amended by striking “, exclusive of Puerto
 24 Rico”.

1 (b) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall apply to individuals whose initial en-
 3 rollment period under section 1837(d) of the Social Secu-
 4 rity Act begins on or after the first day of the effective
 5 month, specified by the Secretary of Health and Human
 6 Services under section 1839(j)(1)(C) of such Act, as added
 7 by subsection (c)(2).

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

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

16 (2) by adding at the end the following new sub-
 17 section:

18 “(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF
 19 PUERTO RICO.—

20 “(1) SPECIAL ENROLLMENT PERIOD, COVERAGE
 21 PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT
 22 NOT ENROLLED.—

23 “(A) IN GENERAL.—In the case of a tran-
 24 sition individual (as defined in paragraph (3))
 25 who is not enrolled under this part as of the

1 day before the first day of the effective month
2 (as defined in subparagraph (C)), the Secretary
3 shall provide for a special enrollment period
4 under section 1837 of 7 months beginning with
5 such effective month during which the indi-
6 vidual may be enrolled under this part.

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

13 “(C) EFFECTIVE MONTH DEFINED.—In
14 this section, the term ‘effective month’ means a
15 month, not earlier than October 2016 and not
16 later than January 2017, specified by the Sec-
17 retary.

18 “(2) REDUCTION IN LATE ENROLLMENT PEN-
19 ALTIES FOR CURRENT ENROLLEES AND INDIVID-
20 UALS ENROLLING DURING TRANSITION.—

21 “(A) IN GENERAL.—In the case of a tran-
22 sition individual who is enrolled under this part
23 as of the day before the first day of the effec-
24 tive month or who enrolls under this part on or
25 after the date of the enactment of this sub-

1 section but before the end of the special enroll-
2 ment period under paragraph (1)(A), the
3 amount of the late enrollment penalty imposed
4 under section 1839(b) shall be recalculated by
5 reducing the penalty to 15 percent of the pen-
6 alty otherwise established.

7 “(B) APPLICATION.—Subparagraph (A)
8 shall be applied in the case of a transition indi-
9 vidual who—

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

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

21 “(C) LOSS OF REDUCTION IF INDIVIDUAL
22 TERMINATES ENROLLMENT.—Subparagraph
23 (A) shall not apply to a transition individual if
24 the individual terminates enrollment under this

1 part after the end of the special enrollment pe-
 2 riod under paragraph (1).

3 “(3) **TRANSITION INDIVIDUAL DEFINED.**—In
 4 this section, the term ‘transition individual’ means
 5 an individual who resides in Puerto Rico and who
 6 would have been deemed enrolled under this part
 7 pursuant to section 1837(f) before the first day of
 8 the effective month but for the fact that the indi-
 9 vidual was a resident of Puerto Rico, regardless of
 10 whether the individual is enrolled under this part as
 11 of such first day.”.

12 **SEC. 213. PUERTO RICO PRACTICE EXPENSE GPCI IM-**
 13 **PROVEMENT.**

14 Section 1848(e)(1) of the Social Security Act (42
 15 U.S.C. 1395w-4(e)(1)) is amended—

16 (1) in subparagraph (A), by striking “and (I)”
 17 and inserting “(I), and (J)”; and

18 (2) by adding at the end the following new sub-
 19 paragraph:

20 “(J) **FLOOR FOR PRACTICE EXPENSE**
 21 **INDEX FOR SERVICES FURNISHED IN PUERTO**
 22 **RICO.**—

23 “(i) **IN GENERAL.**—For purposes of
 24 payment for services furnished in Puerto
 25 Rico in a year (beginning with 2016), after

1 calculating the practice expense index in
 2 subparagraph (A)(i) for Puerto Rico, if
 3 such index is below the reference index (as
 4 defined in clause (ii)) for the year, the Sec-
 5 retary shall increase such index for Puerto
 6 Rico to equal the value of the reference
 7 index for the year. The preceding sentence
 8 shall not be applied in a budget neutral
 9 manner.

10 “(ii) REFERENCE INDEX DEFINED.—

11 In this subparagraph, the term ‘reference
 12 index’ means, with respect to a year, 0.800
 13 or, if less, the lowest practice expense
 14 index value for the year for any area in the
 15 50 States or the District of Columbia.”.

16 **SEC. 214. ADJUSTMENT IN BENCHMARK FOR LOW BASE**
 17 **PAYMENT COUNTIES IN PUERTO RICO.**

18 Section 1853(n) of the Social Security Act (42 U.S.C.
 19 1395w-23(n)) is amended—

20 (1) in paragraph (1), by striking “and (5)” and
 21 inserting “, (5), and (6)”;

22 (2) in paragraph (4), by striking “In no case”
 23 and inserting “Subject to paragraph (6), in no
 24 case”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(6) SPECIAL RULES FOR BLENDED BENCH-
4 MARK AMOUNT FOR TERRITORIES.—

5 “(A) IN GENERAL.—Subject to paragraph
6 (2), the blended benchmark amount for an area
7 in a territory for a year (beginning with 2016)
8 shall not be less than 80 percent of the national
9 average of the base payment amounts specified
10 in subparagraph (2)(E) for such year for areas
11 within the 50 States and the District of Colum-
12 bia.

13 “(B) LIMITATION.—In no case shall the
14 blended benchmark amount for an area in a
15 territory for a year under subparagraph (A) ex-
16 ceed the lowest blended benchmark amount for
17 any area within the 50 States and the District
18 of Columbia for such year.”.

19 **SEC. 215. ELIMINATING EXCLUSION OF PART D ELIGIBLE**
20 **INDIVIDUALS RESIDING IN TERRITORIES**
21 **FROM ELIGIBILITY FOR PREMIUM AND COST-**
22 **SHARING SUBSIDIES.**

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

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

4 (2) in subparagraph (B)(v), in the matter pre-
5 ceding subclause (I), by striking “Subject to sub-
6 paragraph (F), the Secretary” and inserting “The
7 Secretary”;

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

15 (4) by striking subparagraph (F).

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

19 (1) in subsection (a), by striking “subject to
20 subsection (e)” in the matter preceding paragraph
21 (1); and

22 (2) by striking subsection (e).

23 (c) CONFORMING AMENDMENT.—Section 1108(f) of
24 the Social Security Act (42 U.S.C. 1308(f)) is amended

1 by striking “and section 1935(e)(1)(B)” in the matter pre-
2 ceding clause (i).

3 (d) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on January 1, 2017.

5 **SEC. 216. REPORT ON TREATMENT OF TERRITORIES**
6 **UNDER MEDICARE PART D.**

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

10 “(4) REPORT ON APPLICATION OF SUB-
11 SECTION.—

12 “(A) IN GENERAL.—Not later than May 1,
13 2018, the Secretary shall submit to Congress a
14 report on the application of this subsection dur-
15 ing the period beginning with fiscal year 2006
16 and ending with December 31, 2017.

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

19 “(i) program guidance issued by the
20 Secretary to implement this subsection;

21 “(ii) for each of Puerto Rico, the Vir-
22 gin Islands of the United States, Guam,
23 the Northern Mariana Islands, and Amer-
24 ican Samoa, information on the increased
25 amount under paragraph (3) and how the

1 territory has applied such amount, includ-
2 ing the territory’s program design, expend-
3 itures, and number of individuals (and
4 dual-eligible individuals) assisted; and

5 “(iii) a description of the differences
6 between how such territories are treated
7 under part D of title XVIII and under this
8 title compared with the treatment of the
9 50 States and the District of Columbia
10 under such part and this title for different
11 fiscal years within the period covered
12 under the report.

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

20 “(i) Adjusting the aggregate amount
21 specified in paragraph (3)(B).

22 “(ii) Allowing residents of the terri-
23 tories to be subsidy eligible individuals
24 under section 1860D–14, notwithstanding
25 subsection (a)(3)(F) of such section, or

1 providing substantially equivalent low-in-
2 come prescription drug subsidies to such
3 residents.”.

4 **Subtitle C—Miscellaneous**

5 **SEC. 221. REPORT ON EXCLUSION OF TERRITORIES FROM** 6 **EXCHANGES.**

7 (a) IN GENERAL.—Not later than February 1, 2018,
8 the Secretary of Health and Human Services shall submit
9 to Congress a report that details the adverse impacts in
10 each territory from the practical exclusion of the terri-
11 tories from the provisions of part II of subtitle D of title
12 I of the Patient Protection and Affordable Care Act inso-
13 far as such provisions provide for the establishment of an
14 American Health Benefit Exchange or the administration
15 of a federally facilitated Exchange in each State and in
16 the District of Columbia for the purpose of making health
17 insurance more affordable and accessible for individuals
18 and small businesses.

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

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

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

4 (3) An estimate of the number of individuals re-
5 siding in each territory who are denied premium and
6 cost-sharing assistance that would otherwise be
7 available to them for obtaining health insurance cov-
8 erage through an Exchange if they resided in one of
9 the 50 States or in the District of Columbia.

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

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

○