

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3884

To amend section 1311(a) of the Patient Protection and Affordable Care Act to provide for the recoupment and reallocation of unspent State grant funds, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2014

Mr. PASCARELL (for himself, Mr. MICHAUD, and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend section 1311(a) of the Patient Protection and Affordable Care Act to provide for the recoupment and reallocation of unspent State grant funds, 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 “Ensuring Full Use  
5 of Federal Health Care Funding Act of 2014”.

1 **SEC. 2. RECOUPMENT AND REALLOCATION OF FEDERAL**  
2 **SECTION 1311 ACA GRANT FUNDS.**

3 Section 1311(a) of the Patient Protection and Af-  
4 fordable Care Act (42 U.S.C. 18031(a)) is amended—

5 (1) in paragraph (1), by inserting before the pe-  
6 riod at the end the following: “and to make grants  
7 under paragraph (7) to qualified entities in a State  
8 from funds recouped under paragraph (6) from that  
9 State”;

10 (2) in paragraph (2), by adding at the end the  
11 following: “Not later than May 1, 2014, the Sec-  
12 retary shall determine the recoupment amount under  
13 paragraph (6) for each State and the amounts that  
14 will be made so available for grants under paragraph  
15 (7) for qualified entities in each State.”;

16 (3) in paragraph (3), by adding at the end the  
17 following: “A qualified entity awarded a grant under  
18 paragraph (7) shall use such grant for activities con-  
19 sistent with subparagraph (C) of such paragraph.”;  
20 and

21 (4) by adding at the end the following new  
22 paragraphs:

23 “(6) RECOUPMENT OF UNEXPENDED FUNDS.—

24 “(A) IN GENERAL.—Subject to subpara-  
25 graph (B), the Secretary shall recoup any funds  
26 awarded to a State under this subsection to the

1 extent that such funds are not obligated by the  
2 State for expenditure before April 1, 2014.

3 “(B) EXCEPTION.—The Secretary may, in  
4 the Secretary’s discretion, decide not to recoup  
5 the funds of a State under subparagraph (A) if  
6 the State has submitted to the Secretary and  
7 the Secretary has approved, before March 31,  
8 2014, a plan for spending such funds in accord-  
9 ance with this subsection in a timely manner.

10 “(7) APPLICATION OF RECOUPED FUNDS FOR  
11 GRANTS TO OTHER ENTITIES WITHIN A STATE.—

12 “(A) IN GENERAL.—Insofar as the Sec-  
13 retary recoups funds under paragraph (6) from  
14 a State, the Secretary shall use all such funds  
15 to make grants, before the beginning of the  
16 open enrollment period for 2015, to qualified  
17 entities under subparagraph (B) to carry out  
18 activities in the State consistent with subpara-  
19 graph (C).

20 “(B) ELIGIBILITY.—

21 “(i) IN GENERAL.—To be eligible to  
22 receive a grant under this paragraph with  
23 respect to a State, an entity shall dem-  
24 onstrate to the Secretary that the entity—

1           “(I) has (or can readily and on a  
2           timely basis establish) relationships  
3           with employers and employees, con-  
4           sumers (including uninsured and  
5           underinsured consumers), or self-em-  
6           ployed individuals in the State that  
7           are likely to be qualified to enroll in  
8           coverage options made available  
9           through an Exchange in the State;

10           “(II) is capable of carrying out  
11           the activities described in subpara-  
12           graph (C) for which a grant is being  
13           granted;

14           “(III) meets the standards de-  
15           scribed in clause (iii); and

16           “(IV) provides information con-  
17           sistent with standards developed  
18           under clause (iv).

19           “(ii) TYPES OF QUALIFIED ENTI-  
20           TIES.—Such an entity may be a trade, in-  
21           dustry, and professional association, com-  
22           mercial fishing industry organization,  
23           ranching and farming organization, com-  
24           munity and consumer-focused nonprofit  
25           group, chamber of commerce, union, re-

1 source partner of the Small Business Ad-  
2 ministration, and other licensed insurance  
3 agent or broker, and another entity, so  
4 long as it meets the requirements of clause  
5 (i).

6 “(iii) ENTITY STANDARDS.—The Sec-  
7 retary shall establish standards for quali-  
8 fied entities under this subparagraph relat-  
9 ing to their qualification to engage in the  
10 outreach, education, and enrollment activi-  
11 ties described in subparagraph (C) and to  
12 avoid conflicts of interest. Under such  
13 standards, a qualified entity shall not—

14 “(I) be a health insurance issuer;

15 or

16 “(II) receive any consideration  
17 directly or indirectly from any health  
18 insurance issuer in connection with  
19 the enrollment of any qualified indi-  
20 viduals or employees of a qualified  
21 employer in a qualified health plan.

22 “(iv) FAIR AND IMPARTIAL INFORMA-  
23 TION AND SERVICES.—The Secretary shall  
24 develop standards to ensure that informa-  
25 tion made available by qualified entities

1 under a grant under this paragraph is fair,  
2 accurate, and impartial.

3 “(C) USE OF GRANTS.—Grants under this  
4 paragraph may be used for any of the purposes  
5 or activities for which a grant to a State under  
6 this subsection may be used, including the fol-  
7 lowing:

8 “(i) NON-NAVIGATOR ASSISTANCE  
9 PERSONNEL.—To build and fund oper-  
10 ations of an in-person assistance personnel  
11 (IPA) program (also known as ‘non-Navi-  
12 gator assistance personnel’).

13 “(ii) OUTREACH.—To coordinate with  
14 other health and human services organiza-  
15 tions in the State to broaden outreach  
16 (such as Marketplace information on appli-  
17 cations for other programs, websites,  
18 emails or through IPA call centers) to indi-  
19 viduals eligible to enroll in qualified health  
20 plans through the Exchange operating in  
21 the State.

22 “(iii) MARKETING.—To produce and  
23 disseminate marketing and campaign ma-  
24 terials, including brochures, direct mail,  
25 print ads, social media and digital and on-

1 line ads, and TV and radio buys, such ma-  
2 terials subject to approval by the Sec-  
3 retary.”.

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