

118TH CONGRESS  
1ST SESSION

# H. R. 4028

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2023

Mrs. GONZÁLEZ-COLÓN 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

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## 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 2023”.

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)—

1 (A) by inserting “(and each other State for  
2 each month beginning with January 2022)”  
3 after “January 2006”; and

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

7 (2) in subsection (c)(2)—

8 (A) in subparagraph (A)—

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

12 (ii) by striking “a State described in  
13 paragraph (1)” and inserting “one of the  
14 50 States or the District of Columbia”;

15 (B) in subparagraph (B)—

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

19 (ii) by redesignating such subpara-  
20 graph as subparagraph (C); and

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

23 “(B) COMPUTATION FOR TERRITORIES.—  
24 The amount computed under this paragraph for  
25 a State not described in subparagraph (A) and

1 for a month in a year (beginning with 2024) 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 2023; 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 2022 under section 1905(b)(1);  
12 and

13 “(ii) increased for each year (begin-  
14 ning with 2023 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 2022;”;

23 (ii) in subparagraph (B)—

1 (I) by inserting “for periods be-  
2 fore January 1, 2024” 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 2024 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 2024, the Secretary”;

17 (C) in paragraph (3)—

18 (i) in the heading, by inserting “BE-  
19 FORE SECOND QUARTER OF FISCAL YEAR  
20 2024” 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 2024)”;

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 2024, 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 2024.—

3           “(A) IN GENERAL.—The amount specified  
4           in this paragraph for a State for the last 3  
5           quarters of fiscal year 2024 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           2024, is equal to 3 times the amount spec-  
3           ified in paragraph (3)(B)(iv);

4           “(ii) fiscal year 2025, 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, 2024, 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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