

118TH CONGRESS
1ST SESSION

H. R. 5299

To amend title XVIII of the Social Security Act to establish a demonstration program for international coverage under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 29, 2023

Mr. ESPAILLAT introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 title XVIII of the Social Security Act to establish a demonstration program for international coverage under the Medicare program.

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 “Earned Benefits
5 Equality and Family Reunification Act”.

1 **SEC. 2. ESTABLISHING A DEMONSTRATION PROGRAM FOR**
2 **INTERNATIONAL COVERAGE UNDER THE**
3 **MEDICARE PROGRAM.**

4 Title XVIII of the Social Security Act (42 U.S.C.
5 1395 et seq.) is amended by inserting after section 1866F
6 the following new section:

7 **“SEC. 1866G. DEMONSTRATION PROGRAM FOR INTER-**
8 **NATIONAL COVERAGE.**

9 “(a) IMPLEMENTATION OF 10-YEAR DEMONSTRA-
10 TION PROGRAM.—Not later than 1 year after the date of
11 the enactment of this section, the Secretary shall imple-
12 ment a 10-year demonstration program under this title (in
13 this section referred to as the Program) to allow Applica-
14 ble Beneficiaries to apply Medicare benefits to coverage
15 of items and services, premiums, and other cost-sharing
16 under the health insurance systems of other countries.
17 Through the Program, the Secretary shall make payments
18 under subsection (e) to or on behalf of Applicable Bene-
19 ficiaries participating in the Program.

20 “(b) PROGRAM DESIGN.—

21 “(1) IN GENERAL.—The Secretary shall design
22 the Program in such a manner to allow for the eval-
23 uation of the extent to which the Program accom-
24 plishes the following purposes:

1 “(A) Increases the quality of care for Ap-
2 plicable Beneficiaries participating in the Pro-
3 gram.

4 “(B) Decreases the cost of care to the gov-
5 ernment for the Applicable Beneficiaries.

6 “(C) Enables Applicable Beneficiaries to
7 reunify with family members.

8 “(D) Reduced strain on the medical infra-
9 structure of the United States.

10 “(2) CONSULTATION.—In designing the Pro-
11 gram, the Secretary shall use open door forums and
12 other mechanisms to seek input from a consortium
13 of stakeholders that may include but are not limited
14 to—

15 “(A) the United States Department of
16 State;

17 “(B) clinical and analytical experts with
18 relevant expertise;

19 “(C) beneficiaries; and

20 “(D) foreign health insurance system ex-
21 perts.

22 “(3) PROGRAM CONSIDERATIONS.—In consulta-
23 tion with stakeholders as identified in subsection
24 (b)(2), the Secretary shall issue guidance on—

1 “(A) the guidelines to ensure the usage of
2 medications and equipment that are of accept-
3 able quality relative to American quality stand-
4 ards;

5 “(B) ways to ensuring quality of care; and

6 “(C) ways to target low-income Americans
7 as participants in the program.

8 “(c) SELECTED COUNTRIES INITIAL SELECTION.—

9 In choosing Selected Countries for the Program, the Sec-
10 retary shall initially select at least 11 distinct nations or
11 political subdivisions thereof, which shall include Canada,
12 the Federal Republic of Germany, the Republic of India,
13 the State of Israel, the Republic of Korea, the Republic
14 of the Philippines, the Republic of Panama, the United
15 Mexican States, Dominican Republic, and at least one na-
16 tion or political subdivision thereof in Africa.

17 “(d) APPLICABLE BENEFICIARY.—

18 “(1) VOLUNTARY BENEFICIARY PARTICIPA-
19 TION.—An Applicable Beneficiary may participate in
20 the Program on a voluntary basis and may termi-
21 nate participation in the Program at any time. The
22 election to participate in the Program or to termi-
23 nate participation shall constitute a Special Election
24 Period under section 1852(e)(4) of this title.

1 “(2) SERVICES.—In order to participate in the
2 Program, an Applicable Beneficiary shall agree to
3 receive coverage of health care items and services in
4 a Selected Country during such time as the Applica-
5 ble Beneficiary is a resident of that country.

6 “(3) BENEFICIARY ACCESS TO SERVICES.—
7 Nothing in this section shall be construed as limiting
8 an Applicable Beneficiary’s access to items and serv-
9 ices covered under this title when furnished in the
10 United States, and Applicable Beneficiaries shall not
11 be required to relinquish access to such benefits as
12 a condition of receiving services from a participant
13 in the Program.

14 “(4) NUMBER OF APPLICABLE BENE-
15 FICIARIES.—The Secretary may cap the number of
16 Applicable Beneficiaries accepted into the Program,
17 but at a number no smaller than 150,000.

18 “(e) PHYSICIAN CERTIFICATION.—Participating phy-
19 sicians must be in good standing with accreditation insti-
20 tutions or licensing authorities in the Selected Countries.

21 “(f) PAYMENTS.—

22 “(1) IN GENERAL.—The Secretary shall make
23 payments to or on behalf of Applicable Beneficiaries
24 for the costs of health care items and services paid
25 by Applicable Beneficiaries in Selected Countries.

1 Such payments may include payments for individual
2 items or services paid by Applicable Beneficiaries,
3 payments for cost sharing incurred by Applicable
4 Beneficiaries, and premiums and equivalent charges
5 for health insurance coverage paid by Applicable
6 Beneficiaries. Payments shall not include reimburse-
7 ment for taxes levied on income for the purpose of
8 funding health care.

9 “(2) PAYMENT AMOUNTS.—The Secretary shall
10 limit the amounts of payment to ensure such pay-
11 ments and funds expended to design, implement,
12 and evaluate the Program do not exceed in the ag-
13 gregate the amount the Secretary would pay under
14 this title for equivalent services delivered in the
15 United States.

16 “(3) NO DUPLICATE PAYMENT.—The Secretary
17 shall make or permit payments under this paragraph
18 only for a calendar month in which the Applicable
19 Beneficiary resides in the Selected Country and does
20 not incur any costs under this title other than the
21 payment hereunder.

22 “(g) ROLE OF MEDICARE ADVANTAGE.—

23 “(1) In carrying out the Program, the Sec-
24 retary may administer the Program, either in part

1 or exclusively, through Medicare Advantage Organi-
2 zations.

3 “(2) To the extent Medicare Advantage Organi-
4 zations carry out functions under the Program, pay-
5 ments made by such organizations under subsection
6 (e) shall be considered as if they were benefits under
7 the original Medicare fee-for-service program option
8 for purposes of sections 1852 and 1854 of this title,
9 and a component of standard prescription drug cov-
10 erage and not supplemental prescription drug cov-
11 erage, under section 1860D2(a) of this title.

12 “(3) The Secretary may limit the number of
13 Medicare Advantage Organizations participating in
14 the Program, in accordance with criteria established
15 by the Secretary.

16 “(h) REPORTING.—The Secretary shall conduct an-
17 nual intermediate and a final evaluation of the Program.
18 Each such evaluation shall determine the extent to which
19 each of the purposes described in subsection (b) have been
20 accomplished under the Program. The evaluation shall
21 contain recommendations to Congress with regards to the
22 expansion of the Program.

23 “(i) ADDRESSING WASTE, FRAUD, AND ABUSE.—

24 “(1) Participating physicians are required to go
25 through Fraud, Waste, and Abuse training within

1 90 days of implementation of the demonstration
2 project and at least annually thereafter.

3 “(2) The Secretary must create a system to
4 allow patients and physicians to report instances or
5 concerns of waste, fraud, and abuse.

6 “(j) DEFINITIONS.—In this section:

7 “(1) APPLICABLE BENEFICIARY.—The term
8 ‘Applicable Beneficiary’ means an individual who—

9 “(A) is entitled to or enrolled for benefits
10 under part A, and enrolled for benefits under
11 part B;

12 “(B) may be enrolled in a Medicare Advan-
13 tage plan under part C;

14 “(C) is either—

15 “(i) a resident of the United States at
16 the time of application to the Program who
17 intends to relocate to a Selected Country
18 on or after the date of such application, or
19 is a former resident of the United States
20 who has relocated to a Selected Country
21 within 180 days of application to the Pro-
22 gram; or

23 “(ii) a resident of a Selected Country
24 for whom the Medicare program is at the

1 time of application the primary payor of
2 their health care costs; and

3 “(D) meets such other criteria as the Sec-
4 retary determines appropriate.

5 “(2) SELECTED COUNTRY.—The term Selected
6 Country means a nation or political subdivision
7 thereof identified by the Secretary as having a
8 health care system that provides for—

9 “(A) health care coverage in scope and
10 quality of coverage appropriate for Medicare
11 beneficiaries in accordance with criteria estab-
12 lished by the Secretary; and

13 “(B) cost of coverage, coinsurance, and
14 items and services that is equivalent to or less
15 than expected costs for such coverage, coinsur-
16 ance, and items and services in the United
17 States under this title.

18 “(k) FUNDING.—

19 “(1) ADMINISTRATIVE FUNDING.—The Sec-
20 retary shall allocate funds made available under sec-
21 tion 1115A(f)(1) to design, implement, and evaluate
22 the Program.

23 “(2) BENEFIT FUNDING.—Payments for items
24 and services under the Program shall be made in ap-
25 propriate part from the Federal Hospital Insurance

1 Trust Fund established by section 1817 of this title
2 and the Federal Supplementary Medical Insurance
3 Trust Fund established by section 1841 of this title.

4 “(l) WAIVERS.—The Secretary may waive any provi-
5 sion of this title as may be necessary to carry out the Pro-
6 gram under this section.

7 “(m) LIMITATIONS ON REVIEW.—There shall be no
8 administrative or judicial review under section 1869, sec-
9 tion 1878, or otherwise of—

10 “(1) the selection of organizations, sites, or par-
11 ticipants to test the Program; and

12 “(2) the elements, parameters, scope, and dura-
13 tion of the Program. The preceding sentence shall
14 not prevent an Applicable Beneficiary, having been
15 selected as a participant, from exercising a right to
16 appeal under sections 1869, 1155, 1852(g), 1860D-
17 4, or otherwise.

18 “(n) ADMINISTRATION.—

19 “(1) Chapter 35 of title 44, United States
20 Code, shall not apply to the activities under this sec-
21 tion.

22 “(2) The Secretary may enter into contracts for
23 the administration of the Program without regard to

1 any requirement for the use of competitive proce-
2 dures.”.

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