

118TH CONGRESS  
2D SESSION

# H. R. 8327

To amend title XI of the Social Security Act to provide for the redistribution of unused territorial cap amounts under the Medicaid program.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2024

Mr. SABLAN (for himself, Mr. MOYLAN, and Mrs. RADEWAGEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To amend title XI of the Social Security Act to provide for the redistribution of unused territorial cap amounts under the Medicaid 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 “Ensuring Medicaid  
5 Continuity for the Insular Areas Act of 2024”.

1 **SEC. 2. PROVIDING FOR THE REDISTRIBUTION OF UNUSED**  
2 **TERRITORIAL CAP AMOUNTS UNDER THE**  
3 **MEDICAID PROGRAM.**

4 Section 1108(g) of the Social Security Act (42 U.S.C.  
5 1308(g)) is amended by adding at the end the following  
6 new paragraph:

7 “(14) PROCEDURE FOR REDISTRIBUTION OF  
8 UNUSED AMOUNTS.—

9 “(A) IN GENERAL.—For each fiscal year  
10 (beginning with fiscal year 2022), in the case  
11 that there is at least 1 specified territory (as  
12 defined in subparagraph (D)) with unused  
13 amounts (as so defined) with respect to such  
14 fiscal year, the Secretary shall determine an ap-  
15 propriate procedure, with respect to each terri-  
16 tory that is a shortfall territory (as so defined)  
17 for such fiscal year, to increase the limit other-  
18 wise determined under this subsection on the  
19 amount certified by the Secretary under title  
20 XIX for payment to such territory by the  
21 amount specified in subparagraph (B).

22 “(B) AMOUNT SPECIFIED.—

23 “(i) IN GENERAL.—For purposes of  
24 subsection (A), the amount specified in  
25 this subparagraph is, with respect to a  
26 shortfall territory and a fiscal year—

1           “(I) in the case the aggregate  
2 unused amounts for such fiscal year  
3 for all specified territories are greater  
4 than the aggregate shortfall amounts  
5 for such fiscal year for all such terri-  
6 tories, the difference between the  
7 amount that would have been certified  
8 by the Secretary under title XIX for  
9 payment to such shortfall territory for  
10 such fiscal year without application of  
11 this paragraph and the amount of  
12 payment that such territory would  
13 have received under title XIX had this  
14 section not applied; and

15           “(II) in the case the aggregate  
16 unused amounts for such fiscal year  
17 for all specified territories are less  
18 than the aggregate shortfall amounts  
19 for such fiscal year for all such terri-  
20 tories, an amount that bears the same  
21 ratio to such aggregate unused  
22 amounts as such shortfall territory’s  
23 shortfall amount bears to such aggre-  
24 gate shortfall amounts.

1                   “(ii)     RETROSPECTIVE     ADJUST-  
2                   MENT.—The Secretary may adjust any in-  
3                   creases made under this paragraph for a  
4                   fiscal year as necessary on the basis of in-  
5                   formation reported by specified territories  
6                   not later than November 30 of the suc-  
7                   ceeding fiscal year, as determined appro-  
8                   priate by the Secretary.

9                   “(C)   NONAPPLICATION OF INCREASE TO  
10                  FUTURE FISCAL YEARS.—Any increase in the  
11                  limit described in subparagraph (A) of a speci-  
12                  fied territory for a fiscal year shall not be taken  
13                  into account in determining such limit for such  
14                  territory in the succeeding fiscal year.

15                  “(D)   DEFINITIONS.—In this paragraph:

16                         “(i)   SHORTFALL AMOUNT.—The term  
17                         ‘shortfall amount’ means, with respect to a  
18                         specified territory that, but for the limit on  
19                         the amount certified by the Secretary  
20                         under title XIX for payment to such terri-  
21                         tories for a fiscal year established under  
22                         this section, would have received payment  
23                         under title XIX for such fiscal year in an  
24                         amount exceeding such limit, the amount  
25                         of such excess.

1           “(ii) SHORTFALL TERRITORY.—The  
2 term ‘shortfall territory’ means, with re-  
3 spect to a fiscal year, a specified territory  
4 with respect to which the amount that  
5 would be payable to such territory under  
6 title XIX for such year, without application  
7 of this section, exceeds the limit on the  
8 amount certified by the Secretary under  
9 title XIX for payment to such territory for  
10 such year established under this section  
11 (without application of this paragraph).

12           “(iii) SPECIFIED TERRITORY.—The  
13 term ‘specified territory’ means the Virgin  
14 Islands, Guam, the Northern Mariana Is-  
15 lands, and American Samoa.

16           “(iv) UNUSED AMOUNT.—The term  
17 ‘unused amount’ means, with respect to a  
18 specified territory that was subject to a  
19 limit on the amount certified by the Sec-  
20 retary under title XIX for payment to such  
21 territory for a fiscal year established under  
22 this section but for which the Secretary so  
23 certified an amount for such fiscal year  
24 that was lower than such limit, the dif-

1                   ference between such amount and such  
2                   limit.”.

○