

117TH CONGRESS
1ST SESSION

S. 1623

To amend title I of the Patient Protection and Affordable Care Act to provide for additional grants for States to conduct activities related to establishing American Health Benefit Exchanges.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2021

Mr. MENENDEZ (for himself, Mr. BOOKER, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title I of the Patient Protection and Affordable Care Act to provide for additional grants for States to conduct activities related to establishing American Health Benefit Exchanges.

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 “State Allowance for
5 a Variety of Exchanges Act of 2021” or the “SAVE Act
6 of 2021”.

1 **SEC. 2. PRESERVING STATE OPTION TO IMPLEMENT**
 2 **HEALTH CARE MARKETPLACES.**

3 (a) IN GENERAL.—Section 1311 of the Patient Pro-
 4 tection and Affordable Care Act (42 U.S.C. 18031) is
 5 amended—

6 (1) in subsection (a)—

7 (A) in paragraph (4)(B), by striking
 8 “under this subsection” and inserting “under
 9 this paragraph or paragraph (1)”; and

10 (B) by adding at the end the following new
 11 paragraph:

12 “(6) ADDITIONAL PLANNING AND ESTABLISH-
 13 MENT GRANTS.—

14 “(A) IN GENERAL.—There shall be appro-
 15 priated to the Secretary, out of any moneys in
 16 the Treasury not otherwise appropriated,
 17 \$200,000,000 to award grants to eligible States
 18 for the uses described in paragraph (3).

19 “(B) DURATION AND RENEWABILITY.—A
 20 grant awarded under subparagraph (A) shall be
 21 for a period of 2 years and may not be renewed.

22 “(C) LIMITATION.—A grant may not be
 23 awarded under subparagraph (A) after Decem-
 24 ber 31, 2024.

25 “(D) ELIGIBLE STATE DEFINED.—For
 26 purposes of this paragraph, the term ‘eligible

State’ means a State that, as of January 1, 2019, was not operating an Exchange (other than an Exchange described in section 155.200(f) of title 45, Code of Federal Regulations, as in effect on such date).”; and
 (2) in subsection (d)(5)(A)—

(A) by striking “OPERATIONS.—In establishing an Exchange under this section” and inserting “OPERATIONS.—

“(i) IN GENERAL.—In establishing an Exchange under this section (other than in establishing an Exchange with respect to which a grant is awarded under subsection (a)(6))”; and

(B) by adding at the end the following:

“(ii) ADDITIONAL PLANNING AND ESTABLISHMENT GRANTS.—In establishing an Exchange with respect to which a grant is awarded under subsection (a)(6), the State shall ensure that such Exchange is self-sustaining beginning on January 1, 2026, including allowing the Exchange to charge assessments or user fees to participating health insurance issuers, or to oth-

1 erwise generate funding, to support its op-
 2 erations.”.

3 (b) CLARIFICATION REGARDING FAILURE TO ESTAB-
 4 LISH EXCHANGE OR IMPLEMENT REQUIREMENTS.—Sec-
 5 tion 1321(c) of the Patient Protection and Affordable
 6 Care Act (42 U.S.C. 18041(c)) is amended—

7 (1) in paragraph (1), by striking “If” and in-
 8 serting “Subject to paragraph (3), if”; and

9 (2) by adding at the end the following new
 10 paragraph:

11 “(3) CLARIFICATION.—This subsection shall
 12 not apply in the case of a State that elects to apply
 13 the requirements described in subsection (a) and
 14 satisfies the requirement described in subsection (b)
 15 on or after January 1, 2014.”.

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