

117TH CONGRESS
1ST SESSION

S. _____

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

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

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

1 State’ means a State that, as of January 1,
2 2019, was not operating an Exchange (other
3 than an Exchange described in section
4 155.200(f) of title 45, Code of Federal Regula-
5 tions, as in effect on such date).”; and

6 (2) in subsection (d)(5)(A)—

7 (A) by striking “OPERATIONS.—In estab-
8 lishing an Exchange under this section” and in-
9 serting “OPERATIONS.—

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

15 (B) by adding at the end the following:

16 “(ii) ADDITIONAL PLANNING AND ES-
17 TABLISHMENT GRANTS.—In establishing
18 an Exchange with respect to which a grant
19 is awarded under subsection (a)(6), the
20 State shall ensure that such Exchange is
21 self-sustaining beginning on January 1,
22 2026, including allowing the Exchange to
23 charge assessments or user fees to partici-
24 pating 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.”.