H. R. 541

To amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) to make permanent the program of Federal reimbursement of emergency health services furnished to undocumented aliens.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2011

Mr. FILNER introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) to make permanent the program of Federal reimbursement of emergency health services furnished to undocumented aliens.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pay for all your Un-
documented Procedures (PAY UP!) Act of 2011”.


SEC. 2. MAKING PERMANENT THE PROGRAM OF FEDERAL
REIMBURSEMENT OF EMERGENCY HEALTH
SERVICES FURNISHED TO UNDOCUMENTED
ALIENS.

(a) In general.—Subsection (a)(1) of section 1011
of the Medicare Prescription Drug, Improvement, and
Modernization Act of 2003 (Public Law 108–173; 42
U.S.C. 1395dd note) is amended—

(1) by inserting “and for each of fiscal years
2012 through 2016” after “each of fiscal years 2005
through 2008”; and

(2) by adding at the end the following: “There
are authorized to be appropriated to the Secretary
for fiscal year 2017 and each succeeding fiscal year
such sums as may be necessary for such purpose.”.

(b) Reallocation of Unspent Funds in a Fiscal
Year.—

(1) In general.—Subsection (b) of such sec-
tion is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking
“subparagraph (B)” and inserting “sub-
paragraphs (B) and (C)” ; and

(ii) by adding at the end the following
new subparagraph:
“(C) REALLOTMENT OF UNSPENT FUNDS.—

“(i) IN GENERAL.—If the amounts allotted under this paragraph with respect to one or more States for a fiscal year are not fully expended under this section during the fiscal year and there is one or more full expenditure States for the fiscal year, the Secretary shall provide for the reallocation of the aggregate unexpended portion of such amounts (for expenditure under this paragraph in the succeeding fiscal year) among eligible providers in full expenditure States in the same proportion as the ratio of—

“(I) the amount of each full expenditure State’s allotment under this paragraph for such fiscal year (determined without regard to this subparagraph); to

“(II) the sum of all the amounts determined for all full expenditure States under subclause (I).

“(ii) IF NO FULL EXPENDITURE STATE.—If the amounts allotted under this
paragraph with respect to one or more States for a fiscal year are not fully expended under this section during the fiscal year and there is no full expenditure State for the fiscal year, the aggregate unexpended portion shall be added to the aggregate amount available for allotment available under paragraph (1) for the succeeding fiscal year.

“(iii) Full expenditure state defined.—In this subparagraph, the term ‘full expenditure State’ means, with respect to a fiscal year, a State described in subparagraph (A) which has received an allotment under this paragraph for the fiscal year and which has fully expended such allotment by the end of such fiscal year.”;

and

(B) in paragraph (2)—

(i) in subparagraph (B), by inserting “, subject to subparagraph (D),” after “shall”; and

(ii) by adding at the end the following new subparagraph:
“(D) Reallocation of unspent funds.—The provisions of subparagraph (C) of paragraph (1) shall apply with respect to allotments made under this paragraph to a State described in subparagraph (A) in the same manner as such subparagraph (C) applies with respect to allotments made to a State under paragraph (1).”.

(2) Effective date.—The amendments made by paragraph (1) shall apply to allotments for fiscal years beginning before, during, or after fiscal year 2012 except that, in applying such amendments for fiscal years that began before the date of the enactment of this Act—

(A) the allotments to a State for such fiscal years under paragraph (1) or (2) of section 1011(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) shall be treated as being a single allotment under the respective paragraph for the fiscal year in which this Act is enacted; and
(B) such fiscal years shall be treated as being the fiscal year in which this Act is enacted.