

108TH CONGRESS  
2D SESSION

# S. 2685

To amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

---

## IN THE SENATE OF THE UNITED STATES

JULY 19, 2004

Mr. GRAHAM of Florida introduced the following bill; which was read twice and referred to the Committee on Finance

---

## A BILL

To amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

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 "Immigrant Children's  
5 Health Improvement Act of 2004".

1 **SEC. 2. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS**  
 2 **UNDER THE MEDICAID PROGRAM AND SCHIP.**

3 (a) MEDICAID PROGRAM.—Section 1903(v) of the  
 4 Social Security Act (42 U.S.C. 1396b(v)) is amended—

5 (1) in paragraph (1), by striking “paragraph  
 6 (2)” and inserting “paragraphs (2) and (4)”; and

7 (2) by adding at the end the following:

8 “(4)(A) A State may elect (in a plan amendment  
 9 under this title) to provide medical assistance under this  
 10 title for aliens who are lawfully residing in the United  
 11 States (including battered aliens described in section  
 12 431(c) of the Personal Responsibility and Work Oppor-  
 13 tunity Reconciliation Act of 1996) and who are otherwise  
 14 eligible for such assistance, within any of the following eli-  
 15 gibility categories:

16 “(i) PREGNANT WOMEN.—Women during preg-  
 17 nancy (and during the 60-day period beginning on  
 18 the last day of the pregnancy).

19 “(ii) CHILDREN.—Children (as defined under  
 20 such plan), including optional targeted low-income  
 21 children described in section 1905(u)(2)(B).

22 “(B)(i) In the case of a State that has elected to pro-  
 23 vide medical assistance to a category of aliens under sub-  
 24 paragraph (A), no debt shall accrue under an affidavit of  
 25 support against any sponsor of such an alien on the basis  
 26 of provision of assistance to such category and the cost

1 of such assistance shall not be considered as an unreim-  
 2 bursed cost.

3 “(ii) The provisions of sections 401(a), 402(b), 403,  
 4 and 421 of the Personal Responsibility and Work Oppor-  
 5 tunity Reconciliation Act of 1996 shall not apply to a  
 6 State that makes an election under subparagraph (A).”.

7 (b) TITLE XXI.—Section 2107(e)(1) of the Social  
 8 Security Act (42 U.S.C. 1397gg(e)(1)) is amended by add-  
 9 ing at the end the following:

10 “(E) Section 1903(v)(4) (relating to op-  
 11 tional coverage of permanent resident alien chil-  
 12 dren), but only if the State has elected to apply  
 13 such section to that category of children under  
 14 title XIX.”.

15 (c) EXTENSION OF CONVEYANCE/PASSENGER CUS-  
 16 TOMS USER FEES.—Section 13031(j)(3) of the Consoli-  
 17 dated Omnibus Budget Reconciliation Act of 1985 (19  
 18 U.S.C. 58c(j)(3)) is amended—

19 (1) by striking “Fees” and inserting “(A) Ex-  
 20 cept as provided in subparagraph (B), fees”; and

21 (2) by adding at the end the following:

22 “(B) Fees may not be charged under paragraphs (1)  
 23 through (8) of subsection (a) after March 1, 2015.”.

1       (d) EFFECTIVE DATE.—The amendments made by  
2 this section take effect on October 1, 2004.

○