

111TH CONGRESS
1ST SESSION

H. R. 319

To amend titles XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children’s health insurance program (SCHIP).

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2009

Mr. LINCOLN DIAZ-BALART of Florida introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children’s health insurance program (SCHIP).

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 “Legal Immigrant Chil-
5 dren’s Health Improvement Act of 2009”.

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 new
8 paragraph:

9 “(4)(A) A State may elect (in a plan amendment
10 under this title) to provide medical assistance under this
11 title, notwithstanding sections 401(a), 402(b), 403, and
12 421 of the Personal Responsibility and Work Opportunity
13 Reconciliation Act of 1996, for aliens who are lawfully re-
14 siding in the United States (including battered aliens de-
15 scribed in section 431(c) of such Act) and who are other-
16 wise eligible for such assistance, within either or both of
17 the following eligibility categories:

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

21 “(ii) **CHILDREN.**—Individuals under 21 years of
22 age, including optional targeted low-income children
23 described in section 1905(u)(2)(B).

24 “(B) In the case of a State that has elected to provide
25 medical assistance to a category of aliens under subpara-
26 graph (A), no debt shall accrue under an affidavit of sup-

1 port against any sponsor of such an alien on the basis
2 of provision of assistance to such category and the cost
3 of such assistance shall not be considered as an unreim-
4 bursed cost.”.

5 (b) SCHIP.—Section 2107(e)(1) of such Act (42
6 U.S.C. 1397gg(e)(1)) is amended by redesignating sub-
7 paragraphs (C) and (D) as subparagraph (D) and (E),
8 respectively, and by inserting after subparagraph (B) the
9 following new subparagraph:

10 “(C) Section 1903(v)(4) (relating to op-
11 tional coverage of categories of lawfully residing
12 immigrant children), but only if the State has
13 elected to apply such section to the category of
14 children under title XIX.”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section take effect on July 1, 2009, and apply to med-
17 ical assistance and child health assistance furnished on or
18 after such date.

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