

115TH CONGRESS
1ST SESSION

S. 1391

To amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to restore Medicaid coverage for citizens of the Freely Associated States lawfully residing in the United States under the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2017

Ms. HIRONO (for herself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to restore Medicaid coverage for citizens of the Freely Associated States lawfully residing in the United States under the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Covering our FAS Al-
3 lies Act”.

4 **SEC. 2. MEDICAID COVERAGE FOR CITIZENS OF FREELY AS-**
5 **SOCIATED STATES.**

6 (a) IN GENERAL.—Section 402(b)(2) of the Personal
7 Responsibility and Work Opportunity Reconciliation Act
8 of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at
9 the end the following new subparagraph:

10 “(G) MEDICAID EXCEPTION FOR CITIZENS
11 OF FREELY ASSOCIATED STATES.—With respect
12 to eligibility for benefits for the designated Fed-
13 eral program defined in paragraph (3)(C) (re-
14 lating to the Medicaid program), section 401(a)
15 and paragraph (1) shall not apply to any indi-
16 vidual who lawfully resides in 1 of the 50 States
17 or the District of Columbia in accordance with
18 the Compacts of Free Association between the
19 Government of the United States and the Gov-
20 ernments of the Federated States of Micro-
21 nesia, the Republic of the Marshall Islands, and
22 the Republic of Palau and shall not apply, at
23 the option of the Governor of Puerto Rico, the
24 Virgin Islands, Guam, the Northern Mariana
25 Islands, or American Samoa as communicated
26 to the Secretary of Health and Human Services

1 in writing, to any individual who lawfully re-
 2 sides in the respective territory in accordance
 3 with such Compacts.”.

4 (b) EXCEPTION TO 5-YEAR LIMITED ELIGIBILITY.—
 5 Section 403(d) of such Act (8 U.S.C. 1613(d)) is amend-
 6 ed—

7 (1) in paragraph (1), by striking “or” at the
 8 end;

9 (2) in paragraph (2), by striking the period at
 10 the end and inserting “; or”; and

11 (3) by adding at the end the following new
 12 paragraph:

13 “(3) an individual described in section
 14 402(b)(2)(G), but only with respect to the des-
 15 ignated Federal program defined in section
 16 402(b)(3)(C).”.

17 (c) DEFINITION OF QUALIFIED ALIEN.—Section
 18 431(b) of such Act (8 U.S.C. 1641(b)) is amended—

19 (1) in paragraph (6), by striking “; or” at the
 20 end and inserting a comma;

21 (2) in paragraph (7), by striking the period at
 22 the end and inserting “, or”; and

23 (3) by adding at the end the following new
 24 paragraph:

1 “(8) an individual who lawfully resides in the
 2 United States in accordance with a Compact of Free
 3 Association referred to in section 402(b)(2)(G), but
 4 only with respect to the designated Federal program
 5 defined in section 402(b)(3)(C) (relating to the Med-
 6 icaid program).”.

7 (d) CONFORMING AMENDMENTS.—Section 1108 of
 8 the Social Security Act (42 U.S.C. 1308) is amended—

9 (1) in subsection (f), in the matter preceding
 10 paragraph (1), by striking “subsection (g)” and in-
 11 serting “subsections (g) and (h)”; and

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

13 “(h) Expenditures for medical assistance provided to
 14 an individual described in section 431(b)(8) of the Per-
 15 sonal Responsibility and Work Opportunity Reconciliation
 16 Act of 1996 shall not be taken into account for purposes
 17 of applying payment limits under subsections (f) and
 18 (g).”.

19 (e) EFFECTIVE DATE.—The amendments made by
 20 this section shall apply to benefits for items and services
 21 furnished on or after the date of the enactment of this
 22 Act.

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