

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 2024 AMENDMENT**

Pub. L. 118-42, div. G, title I, § 205(b)(2), Mar. 9, 2024, 138 Stat. 406, provided that: “The amendments made by paragraph (1) [amending this section] shall apply beginning January 1, 2026.”

**EFFECTIVE DATE OF 2022 AMENDMENT**

Amendment by Pub. L. 117-328 applicable beginning on the first day of the first calendar quarter that begins on or after the date that is 24 months after Dec. 29, 2022, see section 5121(d) of Pub. L. 117-328, set out as a note under section 1396a of this title.

**EFFECTIVE DATE OF 2018 AMENDMENT**

Pub. L. 115-271, title V, § 5022(e), Oct. 24, 2018, 132 Stat. 3965, provided that:

“(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section [amending this section and sections 1397cc and 1397jj of this title] shall take effect with respect to child health assistance provided on or after the date that is 1 year after the date of the enactment of this Act [Oct. 24, 2018].

“(2) EXCEPTION FOR STATE LEGISLATION.—In the case of a State child health plan under title XXI of the Social Security Act [42 U.S.C. 1397aa et seq.] (or a waiver of such plan), which the Secretary of Health and Human Services determines requires State legislation in order for the respective plan (or waiver) to meet any requirement imposed by the amendments made by this section, the respective plan (or waiver) shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this section [Oct. 24, 2018]. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.”

**EFFECTIVE DATE OF 2009 AMENDMENT**

Amendment by sections 111(b)(2), 201(b)(2)(B)(i), 212, 302(a), and 501(b)(2) of Pub. L. 111-3 effective Apr. 1, 2009, and applicable to child health assistance and medical assistance provided on or after that date, with certain exceptions, see section 3 of Pub. L. 111-3, set out as an Effective Date note under section 1396 of this title.

Pub. L. 111-3, title V, § 501(a)(3), Feb. 4, 2009, 123 Stat. 85, provided that: “The amendments made by paragraphs (1) and (2) [amending this section and section 1397cc of this title] shall apply to coverage of items and services furnished on or after October 1, 2009.”

**§ 1397cc. Coverage requirements for children’s health insurance****(a) Required scope of health insurance coverage**

The child health assistance provided to a targeted low-income child under the plan in the form described in paragraph (1) of section 1397aa(a) of this title shall consist, consistent with paragraphs (5), (6), (7), and (8) of subsection (c), of any of the following:

**(1) Benchmark coverage**

Health benefits coverage that is at least equivalent to the benefits coverage in a benchmark benefit package described in subsection (b).

**(2) Benchmark-equivalent coverage**

Health benefits coverage that meets the following requirements:

**(A) Inclusion of basic services**

The coverage includes benefits for items and services within each of the categories of basic services described in subsection (c)(1).

**(B) Aggregate actuarial value equivalent to benchmark package**

The coverage has an aggregate actuarial value that is at least actuarially equivalent to one of the benchmark benefit packages.

**(C) Substantial actuarial value for additional services included in benchmark package**

With respect to each of the categories of additional services described in subsection (c)(2) for which coverage is provided under the benchmark benefit package used under subparagraph (B), the coverage has an actuarial value that is equal to at least 75 percent of the actuarial value of the coverage of that category of services in such package.

**(3) Existing comprehensive State-based coverage**

Health benefits coverage under an existing comprehensive State-based program, described in subsection (d)(1).

**(4) Secretary-approved coverage**

Any other health benefits coverage that the Secretary determines, upon application by a State, provides appropriate coverage for the population of targeted low-income children proposed to be provided such coverage.

**(b) Benchmark benefit packages**

The benchmark benefit packages are as follows:

**(1) FEHBP-equivalent children’s health insurance coverage**

The standard Blue Cross/Blue Shield preferred provider option service benefit plan, described in and offered under section 8903(1) of title 5.

**(2) State employee coverage**

A health benefits coverage plan that is offered and generally available to State employees in the State involved.

**(3) Coverage offered through HMO**

The health insurance coverage plan that—

(A) is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act [42 U.S.C. 300gg-91(b)(3)]), and

(B) has the largest insured commercial, non-medicaid enrollment of covered lives of such coverage plans offered by such a health maintenance organization in the State involved.

**(c) Categories of services; determination of actuarial value of coverage****(1) Categories of basic services**

For purposes of this section, the categories of basic services described in this paragraph are as follows:

(A) Inpatient and outpatient hospital services.

(B) Physicians’ surgical and medical services.

- (C) Laboratory and x-ray services.
- (D) Well-baby and well-child care, including age-appropriate immunizations.
- (E) Mental health and substance use disorder services (as defined in paragraph (5)).

**(2) Categories of additional services**

For purposes of this section, the categories of additional services described in this paragraph are as follows:

- (A) Coverage of prescription drugs.
- (B) Vision services.
- (C) Hearing services.

**(3) Treatment of other categories**

Nothing in this subsection shall be construed as preventing a State child health plan from providing coverage of benefits that are not within a category of services described in paragraph (1) or (2).

**(4) Determination of actuarial value**

The actuarial value of coverage of benchmark benefit packages, coverage offered under the State child health plan, and coverage of any categories of additional services under benchmark benefit packages and under coverage offered by such a plan, shall be set forth in an actuarial opinion in an actuarial report that has been prepared—

- (A) by an individual who is a member of the American Academy of Actuaries;
- (B) using generally accepted actuarial principles and methodologies;
- (C) using a standardized set of utilization and price factors;
- (D) using a standardized population that is representative of privately insured children of the age of children who are expected to be covered under the State child health plan;
- (E) applying the same principles and factors in comparing the value of different coverage (or categories of services);
- (F) without taking into account any differences in coverage based on the method of delivery or means of cost control or utilization used; and
- (G) taking into account the ability of a State to reduce benefits by taking into account the increase in actuarial value of benefits coverage offered under the State child health plan that results from the limitations on cost sharing under such coverage.

The actuary preparing the opinion shall select and specify in the memorandum the standardized set and population to be used under subparagraphs (C) and (D).

**(5) Mental health and substance use disorder services**

Regardless of the type of coverage elected by a State under subsection (a), child health assistance provided under such coverage for targeted low-income children and, in the case that the State elects to provide pregnancy-related assistance under such coverage pursuant to section 1397ll of this title, such pregnancy-related assistance for targeted low-income pregnant women (as defined in section 1397ll(d) of this title) shall—

- (A) include coverage of mental health services (including behavioral health treatment)

necessary to prevent, diagnose, and treat a broad range of mental health symptoms and disorders, including substance use disorders; and

- (B) be delivered in a culturally and linguistically appropriate manner.

**(6) Dental benefits**

**(A) In general**

The child health assistance provided to a targeted low-income child shall include coverage of dental services necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions.

**(B) Permitting use of dental benchmark plans by certain States**

A State may elect to meet the requirement of subparagraph (A) through dental coverage that is equivalent to a benchmark dental benefit package described in subparagraph (C).

**(C) Benchmark dental benefit packages**

The benchmark dental benefit packages are as follows:

**(i) FEHBP children's dental coverage**

A dental benefits plan under chapter 89A of title 5 that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

**(ii) State employee dependent dental coverage**

A dental benefits plan that is offered and generally available to State employees in the State involved and that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

**(iii) Coverage offered through commercial dental plan**

A dental benefits plan that has the largest insured commercial, non-medicare enrollment of dependent covered lives of such plans that is offered in the State involved.

**(7) Mental health services parity**

**(A) In general**

A State child health plan shall ensure that the financial requirements and treatment limitations applicable to mental health and substance use disorder services (as described in paragraph (5)) provided under such plan comply with the requirements of section 2726(a) of the Public Health Service Act [42 U.S.C. 300gg-26(a)] in the same manner as such requirements or limitations apply to a group health plan under such section. In applying the previous sentence with respect to requirements under paragraph (8) of section 2726(a) of the Public Health Service Act [42 U.S.C. 300gg-26(a)], a State child health plan described in such sentence shall be treated as in compliance with such requirements if the State child health plan is in compliance

with section 457.496 of title 42, Code of Federal Regulations, or any successor regulation.

**(B) Deemed compliance**

To the extent that a State child health plan includes coverage with respect to an individual described in section 1396d(a)(4)(B) of this title and covered under the State plan under section 1396a(a)(10)(A) of this title of the services described in section 1396d(a)(4)(B) of this title (relating to early and periodic screening, diagnostic, and treatment services defined in section 1396d(r) of this title) and provided in accordance with section 1396a(a)(43) of this title, such plan shall be deemed to satisfy the requirements of subparagraph (A).

**(8) Construction on prohibited coverage**

Nothing in this section shall be construed as requiring any health benefits coverage offered under the plan to provide coverage for items or services for which payment is prohibited under this subchapter, notwithstanding that any benchmark benefit package includes coverage for such an item or service.

**(9) Availability of coverage for items and services furnished through school-based health centers**

Nothing in this subchapter shall be construed as limiting a State's ability to provide child health assistance for covered items and services that are furnished through school-based health centers (as defined in section 1397jj(c)(9) of this title).

**(10) Certain in vitro diagnostic products for COVID-19 testing**

The child health assistance provided to a targeted low-income child shall include coverage of any in vitro diagnostic product described in section 1396d(a)(3)(B) of this title that is administered during any portion of the emergency period described in such section beginning on or after March 18, 2020<sup>1</sup> (and the administration of such product).

**(11) Required coverage of COVID-19 vaccines and treatment**

Regardless of the type of coverage elected by a State under subsection (a), the child health assistance provided for a targeted low-income child, and, in the case of a State that elects to provide pregnancy-related assistance pursuant to section 1397ll of this title, the pregnancy-related assistance provided for a targeted low-income pregnant woman (as such terms are defined for purposes of such section), shall include coverage, during the period beginning on March 11, 2021, and ending on the last day of the first calendar quarter that begins one year after the last day of the emergency period described in section 1320b-5(g)(1)(B) of this title, of—

(A) a COVID-19 vaccine (and the administration of the vaccine); and

(B) testing and treatments for COVID-19, including specialized equipment and therapies (including preventive therapies), and, in

the case of an individual who is diagnosed with or presumed to have COVID-19, during the period during which such individual has (or is presumed to have) COVID-19, the treatment of a condition that may seriously complicate the treatment of COVID-19, if otherwise covered under the State child health plan (or waiver of such plan).

**(12) Required coverage of approved, recommended adult vaccines and their administration.**

Regardless of the type of coverage elected by a State under subsection (a), if the State child health plan or a waiver of such plan provides child health assistance or pregnancy-related assistance (as defined in section 1397ll of this title) to an individual who is 19 years of age or older, such assistance shall include coverage of vaccines described in section 1396d(a)(13)(B) of this title and their administration.

**(d) Description of existing comprehensive State-based coverage**

**(1) In general**

A program described in this paragraph is a child health coverage program that—

(A) includes coverage of a range of benefits;

(B) is administered or overseen by the State and receives funds from the State;

(C) is offered in New York, Florida, or Pennsylvania; and

(D) was offered as of August 5, 1997.

**(2) Modifications**

A State may modify a program described in paragraph (1) from time to time so long as it continues to meet the requirement of subparagraph (A) and does not reduce the actuarial value of the coverage under the program below the lower of—

(A) the actuarial value of the coverage under the program as of August 5, 1997, or

(B) the actuarial value described in subsection (a)(2)(B),

evaluated as of the time of the modification.

**(e) Cost-sharing**

**(1) Description; general conditions**

**(A) Description**

A State child health plan shall include a description, consistent with this subsection, of the amount (if any) of premiums, deductibles, coinsurance, and other cost sharing imposed. Any such charges shall be imposed pursuant to a public schedule.

**(B) Protection for lower income children**

The State child health plan may only vary premiums, deductibles, coinsurance, and other cost sharing based on the family income of targeted low-income children in a manner that does not favor children from families with higher income over children from families with lower income.

**(2) No cost sharing on benefits for preventive services, COVID-19 testing, a COVID-19 vaccine, COVID-19 treatment, or pregnancy-related assistance**

The State child health plan may not impose deductibles, coinsurance, or other cost sharing

<sup>1</sup> See References in Text note below.

with respect to benefits for services within the categories of services described in subsection (c)(1)(D), in vitro diagnostic products described in subsection (c)(10) (and administration of such products), vaccines described in subsection (c)(12) (and the administration of such vaccines), services described in section 1396o(a)(2)(G) of this title, vaccines described in section 1396o(a)(2)(H) of this title administered during the period described in such section (and the administration of such vaccines), testing or treatments described in section 1396o(a)(2)(I) of this title furnished during the period described in such section, or for pregnancy-related assistance.

**(3) Limitations on premiums and cost-sharing**

**(A) Children in families with income below 150 percent of poverty line**

In the case of a targeted low-income child whose family income is at or below 150 percent of the poverty line, the State child health plan may not impose—

(i) an enrollment fee, premium, or similar charge that exceeds the maximum monthly charge permitted consistent with standards established to carry out section 1396o(b)(1) of this title (with respect to individuals described in such section); and

(ii) a deductible, cost sharing, or similar charge that exceeds an amount that is nominal (as determined consistent with regulations referred to in section 1396o(a)(3) of this title, with such appropriate adjustment for inflation or other reasons as the Secretary determines to be reasonable).

**(B) Other children**

For children not described in subparagraph (A), subject to paragraphs (1)(B) and (2), any premiums, deductibles, cost sharing or similar charges imposed under the State child health plan may be imposed on a sliding scale related to income, except that the total annual aggregate cost-sharing with respect to all targeted low-income children in a family under this subchapter may not exceed 5 percent of such family's income for the year involved.

**(C) Premium grace period**

The State child health plan—

(i) shall afford individuals enrolled under the plan a grace period of at least 30 days from the beginning of a new coverage period to make premium payments before the individual's coverage under the plan may be terminated; and

(ii) shall provide to such an individual, not later than 7 days after the first day of such grace period, notice—

(I) that failure to make a premium payment within the grace period will result in termination of coverage under the State child health plan; and

(II) of the individual's right to challenge the proposed termination pursuant to the applicable Federal regulations.

For purposes of clause (i), the term "new coverage period" means the month imme-

diately following the last month for which the premium has been paid.

**(4) Relation to medicaid requirements**

Nothing in this subsection shall be construed as affecting the rules relating to the use of enrollment fees, premiums, deductions, cost sharing, and similar charges in the case of targeted low-income children who are provided child health assistance in the form of coverage under a medicaid program under section 1397aa(a)(2) of this title.

**(f) Application of certain requirements**

**(1) Restriction on application of preexisting condition exclusions**

**(A) In general**

Subject to subparagraph (B), the State child health plan shall not permit the imposition of any preexisting condition exclusion for covered benefits under the plan.

**(B) Group health plans and group health insurance coverage**

If the State child health plan provides for benefits through payment for, or a contract with, a group health plan or group health insurance coverage, the plan may permit the imposition of a preexisting condition exclusion but only insofar as it is permitted under the applicable provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1181 et seq.] and title XXVII of the Public Health Service Act [42 U.S.C. 300gg et seq.].

**(2) Compliance with other requirements**

Coverage offered under this section shall comply with the requirements of subpart 2 of part A of title XXVII of the Public Health Service Act<sup>1</sup> insofar as such requirements apply with respect to a health insurance issuer that offers group health insurance coverage.

**(3) Compliance with managed care requirements**

The State child health plan shall provide for the application of subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1396u-2 of this title (relating to requirements for managed care) to coverage, State agencies, enrollment brokers, managed care entities, and managed care organizations under this subchapter in the same manner as such subsections apply to coverage and such entities and organizations under subchapter XIX.

(Aug. 14, 1935, ch. 531, title XXI, §2103, as added Pub. L. 105-33, title IV, §4901(a), Aug. 5, 1997, 111 Stat. 554; amended Pub. L. 111-3, title I, §111(b)(1), title IV, §403(a), title V, §§501(a)(1), 502, 504(a), 505(a), Feb. 4, 2009, 123 Stat. 28, 84, 89, 90; Pub. L. 115-271, title V, §5022(a)-(b)(2)(A), (d), Oct. 24, 2018, 132 Stat. 3964, 3965; Pub. L. 116-127, div. F, §6004(b)(1), (3), Mar. 18, 2020, 134 Stat. 206; Pub. L. 116-260, div. BB, title II, §203(a)(4)(C), Dec. 27, 2020, 134 Stat. 2917; Pub. L. 117-2, title IX, §9821(a), Mar. 11, 2021, 135 Stat. 219; Pub. L. 117-169, title I, §11405(b), Aug. 16, 2022, 136 Stat. 1901.)

**Editorial Notes**

## REFERENCES IN TEXT

March 18, 2020, referred to in subsec. (c)(10), was in the original “the date of the enactment of this subparagraph”, and was translated as if it had read “the date of the enactment of this paragraph” to reflect the probable intent of Congress.

The Employee Retirement Income Security Act of 1974, referred to in subsec. (f)(1)(B), is Pub. L. 93-406, Sept. 2, 1974, 88 Stat. 832. Part 7 of subtitle B of title I of the Act is classified generally to part 7 (§ 1181 et seq.) of subtitle B of subchapter I of chapter 18 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 29 and Tables.

The Public Health Service Act, referred to in subsec. (f), is act July 1, 1944, ch. 373, 58 Stat. 682. Title XXVII of the Act is classified generally to subchapter XXV (§ 300gg et seq.) of chapter 6A of this title. Subpart 2 of part A of title XXVII of the Act may refer to subpart II of part A of subchapter XXV of chapter 6A of this title. Pub. L. 111-148, title I, §§ 1001(5), 1563(c)(2), (11), formerly § 1562(c)(2), (11), title X, § 10107(b)(1), Mar. 23, 2010, 124 Stat. 130, 265, 268, 911, amended part A by inserting “SUBPART II—IMPROVING COVERAGE” (preceding section 300gg-11 of this title), by striking out “SUBPART 2—OTHER REQUIREMENTS” (preceding section 300gg-4 of this title), and by redesignating subpart 4 as subpart 2 “EXCLUSION OF PLANS; ENFORCEMENT; PREEMPTION” (preceding section 300gg-21 of this title). For complete classification of this Act to the Code, see Short Title note set out under section 201 of this title and Tables.

## AMENDMENTS

2022—Subsec. (c)(12). Pub. L. 117-169, § 11405(b)(1), added par. (12).

Subsec. (e)(2). Pub. L. 117-169, § 11405(b)(2), inserted “vaccines described in subsection (c)(12) (and the administration of such vaccines),” after “in vitro diagnostic products described in subsection (c)(10) (and administration of such products),”.

2021—Subsec. (c)(11). Pub. L. 117-2, § 9821(a)(1), added par. (11).

Subsec. (e)(2). Pub. L. 117-2, § 9821(a)(2), in heading, inserted “a COVID-19 vaccine, COVID-19 treatment,” before “or pregnancy-related assistance” and, in text, substituted “services described in section 1396o(a)(2)(G) of this title, vaccines described in section 1396o(a)(2)(H) of this title administered during the period described in such section (and the administration of such vaccines), testing or treatments described in section 1396o(a)(2)(I) of this title furnished during the period described in such section, or” for “visits described in section 1396o(a)(2)(G) of this title, or”.

2020—Subsec. (c)(7)(A). Pub. L. 116-260, § 203(a)(4)(C)(ii), inserted at end “In applying the previous sentence with respect to requirements under paragraph (8) of section 2726(a) of the Public Health Service Act, a State child health plan described in such sentence shall be treated as in compliance with such requirements if the State child health plan is in compliance with section 457.496 of title 42, Code of Federal Regulations, or any successor regulation.”

Pub. L. 116-260, § 203(a)(4)(C)(i), which directed substitution of “section 2726(a)” for “section 2705(a)”, could not be executed because of the intervening general amendment by Pub. L. 115-271, § 5022(d). See 2018 Amendment note below.

Subsec. (c)(10). Pub. L. 116-127, § 6004(b)(1), added par. (10).

Subsec. (e)(2). Pub. L. 116-127, § 6004(b)(3), in heading, inserted “, COVID-19 testing,” before “or pregnancy-related assistance” and, in text, substituted “categories of services described in subsection (c)(1)(D), in vitro diagnostic products described in subsection (c)(10) (and administration of such products), visits described in section 1396o(a)(2)(G) of this title, or” for “category of services described in subsection (c)(1)(D) or”.

2018—Subsec. (a). Pub. L. 115-271, § 5022(b)(2)(A), substituted “paragraphs (5), (6), (7), and (8)” for “paragraphs (5), (6), and (7)” in introductory provisions.

Subsec. (c)(1)(E). Pub. L. 115-271, § 5022(a), added subpar. (E).

Subsec. (c)(5) to (7). Pub. L. 115-271, § 5022(b)(1), added par. (5) and redesignated former pars. (5) and (6) as (6) and (7), respectively. Former par. (7) redesignated (8).

Subsec. (c)(7)(A). Pub. L. 115-271, § 5022(d), amended subpar. (A) generally. Prior to amendment, text read as follows: “In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance use disorder benefits comply with the requirements of section 2705(a) of the Public Health Service Act in the same manner as such requirements apply to a group health plan.”

Subsec. (c)(8), (9). Pub. L. 115-271, § 5022(b)(1), redesignated pars. (7) and (8) as (8) and (9), respectively.

2009—Subsec. (a). Pub. L. 111-3, § 502(b)(1), inserted “, (6),” after “(5)” in introductory provisions.

Pub. L. 111-3, § 501(a)(1)(A)(i), substituted “paragraphs (5) and (7) of subsection (c)” for “subsection (c)(5)” in introductory provisions.

Subsec. (a)(1). Pub. L. 111-3, § 501(a)(1)(A)(ii), inserted “at least” after “that is”.

Subsec. (c)(2)(B) to (D). Pub. L. 111-3, § 502(b)(2), redesignated subpars. (C) and (D) as (B) and (C), respectively, and struck out former subpar. (B) which read as follows: “Mental health services.”

Subsec. (c)(5). Pub. L. 111-3, § 501(a)(1)(B)(ii), added par. (5). Former par. (5) redesignated (7).

Subsec. (c)(6). Pub. L. 111-3, § 502(a), added par. (6).

Subsec. (c)(7). Pub. L. 111-3, § 501(a)(1)(B)(i), redesignated par. (5) as (7).

Subsec. (c)(8). Pub. L. 111-3, § 505(a), added par. (8).

Subsec. (e)(2). Pub. L. 111-3, § 111(b)(1), inserted “or pregnancy-related assistance” after “preventive services” in heading and “or for pregnancy-related assistance” before period at end.

Subsec. (e)(3)(C). Pub. L. 111-3, § 504(a), added subpar. (C).

Subsec. (f)(3). Pub. L. 111-3, § 403(a), added par. (3).

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-169 effective on the 1st day of the 1st fiscal quarter that begins on or after the date that is 1 year after Aug. 16, 2022 and applicable to expenditures made under a State plan or waiver of such plan under title XIX of the Social Security Act or under a State child health plan or waiver of such plan under title XXI of such Act on or after such effective date, see section 11405(c) of Pub. L. 117-169, set out as a note under section 1396a of this title.

## EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-271 effective with respect to child health assistance provided on or after the date that is 1 year after Oct. 24, 2018, with exception if State legislation required, see section 5022(e) of Pub. L. 115-271, set out as a note under section 1397bb of this title.

## EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by sections 111(b)(1), 502, and 505(a) of Pub. L. 111-3 effective Apr. 1, 2009, and applicable to child health assistance and medical assistance provided on or after that date, with certain exceptions, see section 3 of Pub. L. 111-3, set out as an Effective Date note under section 1396 of this title.

Pub. L. 111-3, title IV, § 403(b), Feb. 4, 2009, 123 Stat. 84, provided that: “The amendment made by subsection (a) [amending this section] shall apply to contract years for health plans beginning on or after July 1, 2009.”

Amendment by section 501(a)(1) of Pub. L. 111-3 applicable to coverage of items and services furnished on or after Oct. 1, 2009, see section 501(a)(3) of Pub. L. 111-3, set out as a note under section 1397bb of this title.

Pub. L. 111-3, title V, § 504(b), Feb. 4, 2009, 123 Stat. 90, provided that: “The amendment made by subsection (a) [amending this section] shall apply to new coverage periods beginning on or after the date of the enactment of this Act [Feb. 4, 2009].”

### § 1397dd. Allotments

#### (a) Appropriation; total allotment

For the purpose of providing allotments to States under this section, subject to subsection (d), there is appropriated, out of any money in the Treasury not otherwise appropriated—

- (1) for fiscal year 1998, \$4,295,000,000;
- (2) for fiscal year 1999, \$4,275,000,000;
- (3) for fiscal year 2000, \$4,275,000,000;
- (4) for fiscal year 2001, \$4,275,000,000;
- (5) for fiscal year 2002, \$3,150,000,000;
- (6) for fiscal year 2003, \$3,150,000,000;
- (7) for fiscal year 2004, \$3,150,000,000;
- (8) for fiscal year 2005, \$4,050,000,000;
- (9) for fiscal year 2006, \$4,050,000,000;
- (10) for fiscal year 2007, \$5,000,000,000;
- (11) for fiscal year 2008, \$5,000,000,000.<sup>1</sup>
- (12) for fiscal year 2009, \$10,562,000,000;
- (13) for fiscal year 2010, \$12,520,000,000;
- (14) for fiscal year 2011, \$13,459,000,000;
- (15) for fiscal year 2012, \$14,982,000,000;
- (16) for fiscal year 2013, \$17,406,000,000;
- (17) for fiscal year 2014, \$19,147,000,000;
- (18) for fiscal year 2015, for purposes of making 2 semi-annual allotments—
  - (A) \$2,850,000,000 for the period beginning on October 1, 2014, and ending on March 31, 2015, and
  - (B) \$2,850,000,000 for the period beginning on April 1, 2015, and ending on September 30, 2015;
- (19) for fiscal year 2016, \$19,300,000,000;
- (20) for fiscal year 2017, for purposes of making 2 semi-annual allotments—
  - (A) \$2,850,000,000 for the period beginning on October 1, 2016, and ending on March 31, 2017; and
  - (B) \$2,850,000,000 for the period beginning on April 1, 2017, and ending on September 30, 2017;
- (21) for fiscal year 2018, \$21,500,000,000;
- (22) for fiscal year 2019, \$22,600,000,000;
- (23) for fiscal year 2020, \$23,700,000,000;
- (24) for fiscal year 2021, \$24,800,000,000;
- (25) for fiscal year 2022, \$25,900,000,000;
- (26) for fiscal year 2023, for purposes of making two semi-annual allotments—
  - (A) \$2,850,000,000 for the period beginning on October 1, 2022, and ending on March 31, 2023; and
  - (B) \$2,850,000,000 for the period beginning on April 1, 2023, and ending on September 30, 2023;
- (27) for each of fiscal years 2024 through 2028, such sums as are necessary to fund allotments to States under subsections (c) and (m); and
- (28) for fiscal year 2029, for purposes of making two semi-annual allotments—

(A) \$7,650,000,000 for the period beginning on October 1, 2028, and ending on March 31, 2029; and

(B) \$7,650,000,000 for the period beginning on April 1, 2029, and ending on September 30, 2029.

#### (b) Allotments to 50 States and District of Columbia

##### (1) In general

Subject to paragraph (4) and subsections (d) and (m), of the amount available for allotment under subsection (a) for a fiscal year, reduced by the amount of allotments made under subsection (c) (determined without regard to paragraph (4) thereof) for the fiscal year, the Secretary shall allot to each State (other than a State described in such subsection) with a State child health plan approved under this subchapter the same proportion as the ratio of—

(A) the product of (i) the number of children described in paragraph (2) for the State for the fiscal year and (ii) the State cost factor for that State (established under paragraph (3)); to

(B) the sum of the products computed under subparagraph (A).

##### (2) Number of children

###### (A) In general

The number of children described in this paragraph for a State for—

(i) each of fiscal years 1998 and 1999 is equal to the number of low-income children in the State with no health insurance coverage for the fiscal year;

(ii) fiscal year 2000 is equal to—

(I) 75 percent of the number of low-income children in the State for the fiscal year with no health insurance coverage, plus

(II) 25 percent of the number of low-income children in the State for the fiscal year; and

(iii) each succeeding fiscal year is equal to—

(I) 50 percent of the number of low-income children in the State for the fiscal year with no health insurance coverage, plus

(II) 50 percent of the number of low-income children in the State for the fiscal year.

###### (B) Determination of number of children

For purposes of subparagraph (A), a determination of the number of low-income children (and of such children who have no health insurance coverage) for a State for a fiscal year shall be made on the basis of the arithmetic average of the number of such children, as reported and defined in the 3 most recent March supplements to the Current Population Survey of the Bureau of the Census before the beginning of the calendar year in which such fiscal year begins.

##### (3) Adjustment for geographic variations in health costs

###### (A) In general

For purposes of paragraph (1)(A)(ii), the “State cost factor” for a State for a fiscal year equal to the sum of—

<sup>1</sup> So in original. The period probably should be a semicolon.