

106TH CONGRESS
1ST SESSION

S. 1227

To amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medicaid program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 1999

Mr. CHAFEE (for himself, Mr. MCCAIN, Mr. GRAHAM, Mr. MACK, Mr. MOYNIHAN, and Mr. JEFFORDS) 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 provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medicaid program, and for other purposes.

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 1999”.

1 **SEC. 2. OPTIONAL ELIGIBILITY OF CERTAIN ALIEN PREG-**
 2 **NANT WOMEN AND CHILDREN FOR MED-**
 3 **ICAID.**

4 (a) IN GENERAL.—Subtitle A of title IV of the Per-
 5 sonal Responsibility and Work Opportunity Reconciliation
 6 Act of 1996 (8 U.S.C. 1611–1614) is amended by adding
 7 at the end the following:

8 **“SEC. 405. OPTIONAL ELIGIBILITY OF CERTAIN ALIENS FOR**
 9 **MEDICAID.**

10 “(a) OPTIONAL MEDICAID ELIGIBILITY FOR CER-
 11 TAIN ALIENS.—A State may elect to waive (through an
 12 amendment to its State plan under title XIX of the Social
 13 Security Act) the application of sections 401(a), 402(b),
 14 403, and 421 with respect to eligibility for medical assist-
 15 ance under the program defined in section 402(b)(3)(C)
 16 (relating to the medicaid program) of aliens who are law-
 17 fully residing in the United States (including battered
 18 aliens described in section 431(e)), within any or all (or
 19 any combination) of the following categories of individuals:

20 “(1) PREGNANT WOMEN.—Women during preg-
 21 nancy (and during the 60-day period beginning on
 22 the last day of the pregnancy).

23 “(2) CHILDREN.—Children (as defined under
 24 such plan), including optional targeted low-income
 25 children described in section 1905(u)(2)(B).”

1 (b) APPLICABILITY OF AFFIDAVITS OF SUPPORT.—
2 Section 213A(a) of the Immigration and Nationality Act
3 (8 U.S.C. 1183a(a)) is amended by adding at the end the
4 following:

5 “(4) INAPPLICABILITY TO BENEFITS PROVIDED
6 UNDER A STATE WAIVER.—For purposes of this sec-
7 tion, the term ‘means-tested public benefits’ does not
8 include benefits provided pursuant to a State elec-
9 tion and waiver described in section 405 of the Per-
10 sonal Responsibility and Work Opportunity Rec-
11 onciliation Act of 1996.”.

12 (c) CONFORMING AMENDMENTS.—

13 (1) Section 401(a) of the Personal Responsi-
14 bility and Work Opportunity Reconciliation Act of
15 1996 (8 U.S.C. 1611(a)) is amended by inserting
16 “and section 405” after “subsection (b)”.

17 (2) Section 402(b)(1) of the Personal Responsi-
18 bility and Work Opportunity Reconciliation Act of
19 1996 (8 U.S.C. 1612(b)(1)) is amended by inserting
20 “, section 405,” after “403”.

21 (3) Section 403(a) of such Act (8 U.S.C.
22 1613(a)) is amended by inserting “section 405 and”
23 after “provided in”.

24 (4) Section 421(a) of such Act (8 U.S.C.
25 1631(a)) is amended by inserting “except as pro-

1 vided in section 405,” after “Notwithstanding any
2 other provision of law,”.

3 (5) Section 1903(v)(1) of the Social Security
4 Act (42 U.S.C. 1396b(v)(1)) is amended by insert-
5 ing “and except as permitted under a waiver de-
6 scribed in section 405(a) of the Personal Responsi-
7 bility and Work Opportunity Reconciliation Act of
8 1996,” after “paragraph (2),”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section take effect on October 1, 1999.

11 **SEC. 3. OPTIONAL ELIGIBILITY OF IMMIGRANT CHILDREN**
12 **FOR SCHIP.**

13 (a) IN GENERAL.—Section 405 of the Personal Re-
14 sponsibility and Work Opportunity Reconciliation Act of
15 1996, as added by section 2(a), is amended—

16 (1) in the heading, by inserting “**AND SCHIP**”
17 before the period; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(b) **OPTIONAL SCHIP ELIGIBILITY FOR CERTAIN**
21 **ALIENS.**—

22 “(1) IN GENERAL.—Subject to paragraph (2), a
23 State may also elect to waive the application of sec-
24 tions 401(a), 402(b), 403, and 421 with respect to
25 eligibility of children for child health assistance

1 under the State child health plan of the State under
2 title XXI of the Social Security Act (42 U.S.C.
3 1397aa et seq.), but only with respect to children
4 who are lawfully residing in the United States (in-
5 cluding children who are battered aliens described in
6 section 431(c)).

7 “(2) REQUIREMENT FOR ELECTION.—A waiver
8 under this subsection may only be in effect for a pe-
9 riod in which the State has in effect an election
10 under subsection (a) with respect to the category of
11 individuals described in subsection (a)(2) (relating to
12 children).”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) applies to child health assistance for cov-
15 erage provided for periods beginning on or after October
16 1, 1999.

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