

107TH CONGRESS
1ST SESSION

H. R. 2728

To amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to allow States and localities to provide primary and preventive care to all individuals.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to allow States and localities to provide primary and preventive care to all individuals.

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 “Good Health Protec-
5 tion Act of 2001”.

6 **SECTION 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) The Personal Responsibility and Work Op-
9 portunity Reconciliation Act of 1996 states that

1 aliens may receive “assistance for health care items
2 and services that are necessary for the treatment of
3 an emergency medical condition”.

4 (2) The Attorney General of Texas made a re-
5 cent decision based on the Personal Responsibility
6 and Work Opportunity Reconciliation Act of 1996
7 that undocumented aliens could not receive non-
8 emergency medical care from hospitals with public
9 funds.

10 (3) In the decision, the Texas Attorney General
11 states that Federal law prohibits hospitals from pro-
12 viding nonemergency health care, which consists of
13 primary and preventive care, to undocumented aliens
14 with public money.

15 (4) If hospitals do not comply with the opinion
16 of the Texas Attorney General, they face the possi-
17 bility of losing Federal money or face criminal
18 charges for misuse of public funds.

19 (5) The amendments made by section 2 will
20 protect staff, administrators, and members of boards
21 of directors of hospitals from criminal and civil pen-
22 alties.

23 (6) The opinion of the Texas Attorney General
24 is unfair to health care providers and endangers the
25 health of all residents.

1 (7) It is necessary to amend the Personal Re-
2 sponsibility and Work Opportunity Reconciliation
3 Act of 1996 to correct this injustice.

4 **SEC. 3. PERMITTING STATES AND LOCALITIES TO PROVIDE**
5 **PRIMARY AND PREVENTIVE CARE TO ALL IN-**
6 **DIVIDUALS.**

7 (a) **IN GENERAL.**—Section 411(b)(1) of the Personal
8 Responsibility and Work Opportunity Reconciliation Act
9 of 1996 (8 U.S.C. 1621(b)(1)) is amended by inserting
10 “or for primary and preventive care” after “Act)”.

11 (b) **EFFECTIVE DATE.**—The amendment made by
12 subsection (a) shall apply to primary and preventive care
13 furnished before, on, or after the date of the enactment
14 of this Act.

15 **SEC. 4. REMEDIES.**

16 Any person purposely or mistakenly denied after the
17 enactment of this Act may in a civil action obtain appro-
18 priate relief.

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