

108TH CONGRESS  
1ST SESSION

# H. R. 1689

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).

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2003

Mr. LINCOLN DIAZ-BALART of Florida (for himself, Mr. WAXMAN, Ms. ROSLEHTINEN, Mr. SMITH of New Jersey, Mr. MARIO DIAZ-BALART of Florida, Mr. BROWN of Ohio, Mr. ABERCROMBIE, Mr. PALLONE, Mrs. MALONEY, Ms. KILPATRICK, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Mr. BECERRA, Mr. GREEN of Texas, Mr. NADLER, Mr. MATSUI, Mr. RANGEL, Mr. TOWNS, Ms. WOOLSEY, Ms. SCHAKOWSKY, Ms. ROYBAL-ALLARD, Mr. DAVIS of Florida, Mr. DELAHUNT, Ms. SOLIS, Mr. ACKERMAN, Mr. LEVIN, Mrs. CHRISTENSEN, Mr. ENGEL, Ms. LINDA T. SÁNCHEZ of California, Mr. BOYD, Mr. GEORGE MILLER of California, Mr. STARK, and Ms. DEGETTE) 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

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Legal Immigrant Chil-  
3 dren’s Health Improvement Act of 2003”.

4 **SEC. 2. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS**  
5 **UNDER THE MEDICAID PROGRAM AND SCHIP.**

6 (a) **MEDICAID PROGRAM.**—Section 1903(v) of the  
7 Social Security Act (42 U.S.C. 1396b(v)) is amended—

8 (1) in paragraph (1), by striking “paragraph  
9 (2)” and inserting “paragraphs (2) and (4)”; and

10 (2) by adding at the end the following new  
11 paragraph:

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

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

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

1           “(B) In the case of a State that has elected to provide  
2 medical assistance to a category of aliens under subpara-  
3 graph (A), no debt shall accrue under an affidavit of sup-  
4 port against any sponsor of such an alien on the basis  
5 of provision of assistance to such category and the cost  
6 of such assistance shall not be considered as an unreim-  
7 bursed cost.”.

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

13                       “(C) Section 1903(v)(4) (relating to op-  
14 tional coverage of categories of permanent resi-  
15 dent alien children), but only if the State has  
16 elected to apply such section to the category of  
17 children under title XIX.”.

18           (c) EFFECTIVE DATE.—The amendments made by  
19 this section take effect on October 1, 2003, and apply to  
20 medical assistance and child health assistance furnished  
21 on or after such date.

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