

111TH CONGRESS
1ST SESSION

H. R. 1386

To amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) to make permanent the program of Federal reimbursement of emergency health services furnished to undocumented aliens.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2009

Mr. FILNER introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) to make permanent the program of Federal reimbursement of emergency health services furnished to undocumented aliens.

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 “Pay for all your Un-
5 documented Procedures (PAY UP!) Act of 2009”.

1 **SEC. 2. MAKING PERMANENT THE PROGRAM OF FEDERAL**
2 **REIMBURSEMENT OF EMERGENCY HEALTH**
3 **SERVICES FURNISHED TO UNDOCUMENTED**
4 **ALIENS.**

5 (a) IN GENERAL.—Subsection (a)(1) of section 1011
6 of the Medicare Prescription Drug, Improvement, and
7 Modernization Act of 2003 (Public Law 108–173) is
8 amended—

9 (1) by inserting “and for each of fiscal years
10 2010 through 2014” after “each of fiscal years 2005
11 through 2008”; and

12 (2) by adding at the end the following: “There
13 are authorized to be appropriated to the Secretary
14 for fiscal year 2015 and each succeeding fiscal year
15 such sums as may be necessary for such purpose.”.

16 (b) REALLOCATION OF UNSPENT FUNDS IN A FIS-
17 CAL YEAR.—

18 (1) IN GENERAL.—Subsection (b) of such sec-
19 tion is amended—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A), by striking
22 “subparagraph (B)” and inserting “sub-
23 paragraphs (B) and (C)”; and

24 (ii) by adding at the end the following
25 new subparagraph:

1 “(C) REALLOTMENT OF UNSPENT
2 FUNDS.—

3 “(i) IN GENERAL.—If the amounts al-
4 lotted under this paragraph with respect to
5 one or more States for a fiscal year are not
6 fully expended under this section during
7 the fiscal year and there is one or more
8 full expenditure States for the fiscal year,
9 the Secretary shall provide for the reallocot-
10 ment of the aggregate unexpended portion
11 of such amounts (for expenditure under
12 this paragraph in the succeeding fiscal
13 year) among eligible providers in full ex-
14 penditure States in the same proportion as
15 the ratio of—

16 “(I) the amount of each full ex-
17 penditure State’s allotment under this
18 paragraph for such fiscal year (deter-
19 mined without regard to this subpara-
20 graph); to

21 “(II) the sum of all the amounts
22 determined for all full expenditure
23 States under subclause (I).

24 “(ii) IF NO FULL EXPENDITURE
25 STATE.—If the amounts allotted under this

1 paragraph with respect to one or more
2 States for a fiscal year are not fully ex-
3 pended under this section during the fiscal
4 year and there is no full expenditure State
5 for the fiscal year, the aggregate unex-
6 pended portion shall be added to the ag-
7 gregate amount available for allotment
8 available under paragraph (1) for the suc-
9 ceeding fiscal year.

10 “(iii) FULL EXPENDITURE STATE DE-
11 FINED.—In this subparagraph, the term
12 ‘full expenditure State’ means, with respect
13 to a fiscal year, a State described in sub-
14 paragraph (A) which has received an allot-
15 ment under this paragraph for the fiscal
16 year and which has fully expended such al-
17 lotment by the end of such fiscal year.”;
18 and

19 (B) in paragraph (2)—

20 (i) in subparagraph (B), by inserting
21 “, subject to subparagraph (D),” after
22 “shall”; and

23 (ii) by adding at the end the following
24 new subparagraph:

1 “(D) REALLOTMENT OF UNSPENT
2 FUNDS.—The provisions of subparagraph (C) of
3 paragraph (1) shall apply with respect to allot-
4 ments made under this paragraph to a State
5 described in subparagraph (A) in the same
6 manner as such subparagraph (C) applies with
7 respect to allotments made to a State under
8 paragraph (1).”.

9 (2) EFFECTIVE DATE.—The amendments made
10 by paragraph (1) shall apply to allotments for fiscal
11 years beginning before, during, or after fiscal 2010;
12 except that, in applying such amendments for fiscal
13 years that began before the date of the enactment
14 of this Act—

15 (A) the allotments to a State for such fis-
16 cal years under paragraph (1) or (2) of section
17 1011(b) of the Medicare Prescription Drug, Im-
18 provement, and Modernization Act of 2003
19 (Public Law 108–173) shall be treated as being
20 a single allotment under the respective para-
21 graph for the fiscal year in which this Act is en-
22 acted; and

1 (B) such fiscal years shall be treated as
2 being such the fiscal year in which this Act is
3 enacted.

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