COMMITTEE PRINT

Budget Reconciliation Legislative Recommendations Relating to the Children's Health Insurance Program under title XXI of the Social Security Act

Subtitle H—Children’s Health Insurance Program

SEC. 30801. PERMANENT EXTENSION OF CHILDREN’S HEALTH INSURANCE PROGRAM.

(a) In General.—Section 2104(a)(28) of the Social Security Act (42 U.S.C. 1397dd(a)(28)) is amended to read as follows:

“(28) for fiscal year 2027 and each subsequent year, such sums as are necessary to fund allotments to States under subsection (m).”.

(b) Allotments.—

(1) In General.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)) is amended—

(A) in paragraph (2)(B)(i), by striking “,, 2023, and 2027” and inserting “and 2023”;

(B) in paragraph (5)—

(i) by striking “(10), or (11)” and inserting “or (10)”;

...
(ii) by striking “for a fiscal year” and inserting “for a fiscal year before 2027”; and

(iii) by striking “2023, or 2027” and inserting “or 2023”; 

(C) in paragraph (7) —

(i) in subparagraph (A), by striking “and ending with fiscal year 2027,”; and

(ii) in the flush left matter at the end, by striking “or fiscal year 2026” and inserting “fiscal year 2026, or a subsequent even-numbered fiscal year”;

(D) in paragraph (9) —

(i) by striking “(10), or (11)” and inserting “or (10)”; and

(ii) by striking “2023, or 2027,” and inserting “or 2023”; and

(E) by striking paragraph (11).

(2) CONFORMING AMENDMENT.—Section 50101(b)(2) of the Bipartisan Budget Act of 2018 (Public Law 115–123) is repealed.
SEC. 30802. PERMANENT EXTENSIONS OF OTHER PROGRAMS AND DEMONSTRATION PROJECTS.

(a) Pediatric Quality Measures Program.—Section 1139A(i)(1) of the Social Security Act (42 U.S.C. 1320b–9a(i)(1)) is amended—

(1) in subparagraph (C), by striking at the end “and”;

(2) in subparagraph (D), by striking the period at the end and insert a semicolon; and

(3) by adding at the end the following new sub-

paragraphs:

“(E) for fiscal year 2028, $15,000,000 for

the purpose of carrying out this section (other

than subsections (e), (f), and (g)); and

“(F) for a subsequent fiscal year, the

amount appropriated under this paragraph for

the previous fiscal year, increased by the per-

centage increase in the consumer price index for

all urban consumers (all items; United States

city average) over such previous fiscal year, for

the purpose of carrying out this section (other

than subsections (e), (f), and (g)).”.

(b) Assurance of Affordability Standard for Children and Families.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)) is amend-
(1) in the paragraph heading, by striking “THROUGH SEPTEMBER 30, 2027”; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i)—

(i) by striking “During the period that begins on the date of enactment of the Patient Protection and Affordable Care Act and ends on September 30, 2027” and inserting “Beginning on the date of the enactment of the Patient Protection and Affordable Care Act”; 

(ii) by striking “During the period that begins on October 1, 2019, and ends on September 30, 2027” and inserting “Beginning on October 1, 2019”; and

(iii) by striking “The preceding sentences shall not be construed as preventing a State during any such periods from” and inserting “The preceding sentences shall not be construed as preventing a State from”; 

(B) in clause (i), by striking the semicolon at the end and inserting a period; 

(C) by striking clauses (ii) and (iii); and
(D) by striking “periods from” and all that follows through “applying eligibility standards” and inserting “periods from applying eligibility standards”.

(c) QUALIFYING STATES OPTION.—Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)) is amended—

(1) in the paragraph heading, by striking “FOR FISCAL YEARS 2009 THROUGH 2027” and inserting “AFTER FISCAL YEAR 2008”; and

(2) in subparagraph (A), by striking “for any of fiscal years 2009 through 2027” and inserting “for any fiscal year after fiscal year 2008”.

(d) OUTREACH AND ENROLLMENT PROGRAM.—Section 2113 of the Social Security Act (42 U.S.C. 1397mm) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “during the period of fiscal years 2009 through 2027” and inserting “, beginning with fiscal year 2009,”;

(B) in paragraph (2)—

(i) by striking “10 percent of such amounts” and inserting “10 percent of such amounts for the period or the fiscal
year for which such amounts are appropriated’’; and

(ii) by striking ‘‘during such period’’ and inserting ‘‘, during such period or such fiscal year,’’; and

(C) in paragraph (3), by striking ‘‘For the period of fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts’’ and inserting ‘‘Beginning with fiscal year 2024, an amount equal to 10 percent of such amounts for the period or the fiscal year for which such amounts are appropriated’’; and

(2) in subsection (g)—

(A) by striking ‘‘2017,,’’ and inserting ‘‘2017,’’;

(B) by striking ‘‘and $48,000,000’’ and inserting ‘‘$48,000,000’’; and

(C) by inserting after ‘‘through 2027’’ the following: ‘‘, $60,000,000 for fiscal years 2028, 2029, and 2020, for each 3 fiscal years after fiscal year 2030, the amount appropriated under this subsection for the previous fiscal year, increased by the percentage increase in the consumer price index for all urban con-
sumers (all items; United States city average) over such previous fiscal year”.

(e) CHILD ENROLLMENT CONTINGENCY FUND.—

Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii)—

(i) by striking “and 2024 through 2026” and inserting “beginning with fiscal year 2024”; and

(ii) by striking “2023, and 2027” and inserting “and 2023”; and

(B) in subparagraph (B)—

(i) by striking “2024 through 2026” and inserting “beginning with fiscal year 2024”; and

(ii) by striking “2023, and 2027” and inserting “and 2023”; and

(2) in paragraph (3)(A)—

(A) by striking “fiscal years 2024 through 2026” and inserting “fiscal year 2024 or any subsequent fiscal year”; and

(B) by striking “2023, or 2027” and inserting “or 2023”.

SEC. 30803. STATE OPTION TO INCREASE CHILDREN'S ELIGIBILITY FOR MEDICAID AND CHIP.

(a) In General.—Section 2110(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1397jj(b)(1)(B)(ii)) is amended—

(1) in subclause (II), by striking “or” at the end;

(2) in subclause (III), by striking “and” at the end and inserting “or”; and

(3) by inserting after subclause (III) the following new subclause:

“(IV) at the option of the State, whose family income exceeds the maximum income level otherwise established for children under the State child health plan as of the date of the enactment of this subclause; and”.

(b) Treatment of Territories.—Section 2104(c) of the Social Security Act (42 U.S.C. 1397dd(c)) is amended—

(1) in paragraph (1), by inserting “paragraph (5) and” after “subject to”; and

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

“(5) INCREASE IN ALLOTMENT TO ACCOUNT FOR CERTAIN APPROVED PROGRAM EXPANSIONS.—
In the case of a commonwealth or territory described in paragraph (3) that—

“(A) has submitted to the Secretary, and has approved by the Secretary, a State plan amendment or waiver request relating to an expansion of eligibility pursuant to section 2110(b)(1)(B)(ii) for children under this title that becomes effective for a fiscal year; and

“(B) has submitted to the Secretary, before the August 31 preceding the beginning of the fiscal year (or, in the case of fiscal year 2022, by not later than the date that is 60 days after the date of the enactment of this paragraph), a request for an expansion allotment adjustment under this paragraph for such fiscal year that specifies—

“(i) the additional expenditures that are attributable to the eligibility expansion provided under the amendment or waiver described in subparagraph (A), as certified by the commonwealth or territory and submitted to the Secretary by not later than August 31 preceding the beginning of the fiscal year; and
“(ii) the extent to which such additional expenditures are projected to exceed
the allotment of the commonwealth or territory for the year,
subject to subsection (m)(5), the amount of the
allotment of the commonwealth or territory under this subsection for such fiscal year shall
be increased by the excess amount described in
subparagraph (B)(i). A commonwealth or territory may only obtain an increase under this
paragraph for an allotment for fiscal year 2022
or a succeeding even-numbered fiscal year.”.

SEC. 30804. EXTENDING CONTINUOUS CHIP COVERAGE FOR
PREGNANT AND POSTPARTUM WOMEN.

(a) Requiring Full Benefits for Pregnant
and Postpartum Women for 12-Month Period Post
Pregnancy.—

(1) In General.—Section 2107(e)(1)(J) of the
Social Security Act (42 U.S.C. 1397gg(e)(1)(J)) is
amended—

(A) by striking “Paragraphs (5) and (16)”
and inserting “(i) For any fiscal year quarter
with respect to which the amendments made by
section 30804(a)(1)(B) of the Act titled ‘An
Act to provide for reconciliation pursuant to
title II of S. Con. Res. 14’ do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), paragraphs (5)(A) and (16)”; and

(B) by adding at the end the following new clause:

“(ii) For any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of this clause), section 1902(e)(5)(B) (requiring, notwithstanding section 2103(e)(3)(C)(ii)(I) or any other limitation under this title, continuous coverage for pregnant and postpartum individuals, including 12 months postpartum, of medical assistance, if the State provides child health assistance for targeted low-income children who are pregnant or to targeted low-income pregnant women, under the State child health plan or waiver, including coverage of all items or services provided to a targeted low-income child or targeted low-income pregnant woman (as applicable) under the State child health plan or waiver).”.
(2) CONFORMING AMENDMENTS.—Section 2112 of the Social Security Act (42 U.S.C. 1397ll) is amended—

(A) in subsection (d)—

(i) in paragraph (1), by inserting “and includes, through application of section 1902(e)(5)(B) pursuant to section 2107(e)(1)(J)(ii), continuous coverage for pregnant and postpartum individuals, including 12 months postpartum of assistance” before the period at the end; and

(ii) in paragraph (2), by striking “60-day period” and all that follows through “ends” and inserting “12-month period (or, for any fiscal year quarter with respect to which the amendments made by section 30804(a)(1)(B) of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’ do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), 60-day period) (beginning on the last day of her pregnancy) ends”; and
(B) in subsection (f)(2), by striking “60-day period” and inserting “12-month period (or, for any fiscal year quarter with respect to which the amendments made by section 30804(a)(1)(B) of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’ do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), 60-day period’”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect on the 1st day of the 1st fiscal year quarter that begins one year after the date of the enactment of this Act and shall apply with respect to child health assistance and pregnancy-related assistance, as applicable, provided on or after such date.

(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.) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made under this section, the plan shall
not be regarded as failing to comply with the re-
quirements of such title solely on the basis of its
failure to meet such a requirement before the first
day of the first calendar quarter beginning after the
close of the first regular session of the State legisla-
ture that begins after the date of the enactment of
this Act. For purposes of the previous sentence, in
the case of a State that has a 2-year legislative ses-
sson, each year of the session shall be considered to
be a separate regular session of the State legislature.

SEC. 30805. PROVIDING FOR 1 YEAR OF CONTINUOUS ELIGI-
BILITY FOR CHILDREN UNDER THE CHIL-
DREN'S HEALTH INSURANCE PROGRAM.

Section 2107(e)(1) of the Social Security Act (42
U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraphs (K) through (T) as subparagraphs (L) through (U), re-
spectively; and

(2) by inserting after subparagraph (J) the fol-
lowing new subparagraph:

“(K) Section 1902(e)(17) (relating to 1
year of continuous eligibility for children).”.

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