

116TH CONGRESS
1ST SESSION

H. R. 3695

To amend titles XI and XIX of the Social Security Act to promote program integrity with respect to the enrollment of certain immigrants in State plans under Medicaid, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2019

Mr. FLORES (for himself, Mr. GUTHRIE, and Mr. MULLIN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend titles XI and XIX of the Social Security Act to promote program integrity with respect to the enrollment of certain immigrants in State plans under Medicaid, 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 “Verify Eligibility Cov-
5 erage Act”.

1 **SEC. 2. PROMOTING PROGRAM INTEGRITY IN ENROLLING**
2 **CERTAIN IMMIGRANTS UNDER MEDICAID.**

3 (a) IN GENERAL.—Section 1137(f) of the Social Se-
4 curity Act (42 U.S.C. 1320b–7(f)) is amended—

5 (1) by striking “Subsections (a)(1) and (d)”
6 and inserting “(1) Subsections (a)(1) and (d)”; and

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

9 “(2)(A) Subparagraphs (A) and (B)(ii) of sub-
10 section (d)(4) shall not apply in the case of an initial
11 determination made on or after the date that is 6
12 months after the date of the enactment of this para-
13 graph with respect to the eligibility of an alien de-
14 scribed in subparagraph (B) for benefits under the
15 program listed in subsection (b)(2).

16 “(B) An alien described in this subparagraph is
17 an individual declaring to be a citizen or national of
18 the United States with respect to whom a State, in
19 accordance with section 1902(a)(46)(B), requires—

20 “(i) pursuant to section 1902(ee), the sub-
21 mission of a social security number; or

22 “(ii) pursuant to section 1903(x), the pres-
23 entation of satisfactory documentary evidence of
24 citizenship or nationality.”.

25 (b) NO PAYMENTS FOR MEDICAL ASSISTANCE PRO-
26 VIDED BEFORE PRESENTATION OF EVIDENCE.—Section

1 1903(i)(22) of the Social Security Act (42 U.S.C.
2 1396b(i)(22)) is amended—

3 (1) by striking “with respect to amounts ex-
4 pended” and inserting “(A) with respect to amounts
5 expended”;

6 (2) by inserting “and” at the end; and

7 (3) by adding at the end the following new sub-
8 paragraph:

9 “(B) in the case of a State that elects to pro-
10 vide a reasonable period to present satisfactory doc-
11 umentary evidence of such citizenship or nationality
12 pursuant to paragraph (2)(C) of section 1902(ee) or
13 paragraph (4) of subsection (x) of this section, for
14 amounts expended for medical assistance for such an
15 individual (other than an individual described in
16 paragraph (2) of such subsection (x)) during such
17 period;”.

18 (c) CONFORMING AMENDMENTS.—Section
19 1137(d)(4) of the Social Security Act (42 U.S.C. 1320b-
20 7(d)(4)) is amended—

21 (1) in subparagraph (A), in the matter pre-
22 ceding clause (i), by inserting “subject to subsection
23 (f)(2),” before “the State”; and

1 (2) in subparagraph (B)(ii), by inserting “sub-
2 ject to subsection (f)(2),” before “pending such
3 verification”.

4 **SEC. 3. MEDICAID IMPROVEMENT FUND.**

5 Section 1941 of the Social Security Act (42 U.S.C.
6 1396w–1(b)) is amended to read as follows:

7 **“SEC. 1941. MEDICAID IMPROVEMENT FUND.**

8 “(a) IN GENERAL.—The Secretary shall establish,
9 and administer, under this title a Medicaid Improvement
10 Fund (in this section referred to as the ‘Fund’) which
11 shall be available to the Secretary for the following pur-
12 poses:

13 “(1) To improve the management of the Med-
14 icaid program by the Centers for Medicare & Med-
15 icaid Services, including oversight of contracts and
16 contractors and evaluation of demonstration
17 projects.

18 “(2) To improve access to care for the most
19 vulnerable individuals eligible to receive medical as-
20 sistance under the State plan under this title (or a
21 waiver of such plan), including by carrying out sec-
22 tion 4 of the Verify Eligibility Coverage Act (relating
23 to reducing waiting lists for medical assistance for
24 home and community-based services under a State

1 plan waiver under subsection (c), (d), or (i) of sec-
2 tion 1915 or section 1115).

3 “(b) SUPPLEMENT, NOT SUPPLANT.—Payments
4 made for activities under this section shall be in addition
5 to payments that would otherwise be made for activities
6 described in subsection (a).

7 “(c) FUNDING.—

8 “(1) IN GENERAL.—

9 “(A) MANAGEMENT IMPROVEMENTS.—

10 There shall be available to the Fund, for the
11 purposes described in subsection (a)(1), for ex-
12 penditures from the Fund for fiscal year 2021
13 and thereafter, \$5,000,000.

14 “(B) INCREASING ACCESS.—There shall be
15 available to the Fund, for the purposes de-
16 scribed in subsection (a)(2), for expenditures
17 from the Fund for fiscal year 2020 and there-
18 after, \$1,095,000,000.

19 “(2) FUNDING LIMITATION.—Amounts in the
20 Fund shall be available in advance of appropriations
21 but only if the total amount obligated from the
22 Fund does not exceed the amount available to the
23 Fund under subparagraphs (A) and (B) of para-
24 graph (1). The Secretary may obligate funds from
25 the Fund only if the Secretary determines (and the

1 Chief Actuary of the Centers for Medicare & Med-
 2 icaid Services and the appropriate budget officer cer-
 3 tify) that there are available in the Fund sufficient
 4 amounts to cover all such obligations incurred con-
 5 sistent with the previous sentence.”.

6 **SEC. 4. PROVIDING CARE FOR THE MOST VULNERABLE PA-**
 7 **TIENTS ON WAITING LISTS.**

8 (a) IN GENERAL.—Subject to subsection (d), the Sec-
 9 retary of Health and Human Services shall provide, for
 10 each of fiscal years 2020 through 2028, payment to eligi-
 11 ble States selected under subsection (c) to provide for
 12 medical assistance for home and community-based services
 13 under a State plan waiver under subsection (c), (d), or
 14 (i) of section 1915 of the Social Security Act (42 U.S.C.
 15 1396n) or section 1115 of the Social Security Act (42
 16 U.S.C. 1315) to individuals who are eligible but, as of
 17 January 1, 2019, are on a waiting list for such services
 18 through such waiver.

19 (b) STATE ELIGIBILITY.—A State is eligible for a
 20 payment under this section if the State submits an appli-
 21 cation to the Secretary at such time, in such form and
 22 manner, and containing such information, provisions, and
 23 assurances, as specified by the Secretary.

24 (c) SELECTION.—Subject to subsection (d), the Sec-
 25 retary shall, for each of fiscal years 2020 through 2028,

1 select, on a competitive basis, from among eligible States,
2 the States that will receive payment under this section.
3 In making such selections, the Secretary shall give priority
4 to—

5 (1) States with the highest number of individ-
6 uals on a waiting list described in subsection (a);

7 (2) States with the highest average or highest
8 median periods individuals have been on such a list;
9 and

10 (3) States with individuals on such a list who
11 have the lowest income levels, as compared to the in-
12 come of individuals on such a list of other eligible
13 States.

14 (d) FUNDING.—

15 (1) FUNDS ALLOCATED TO STATES.—Of the
16 funds available for purposes of carrying out this sec-
17 tion under section 1941(c) of the Social Security Act
18 (42 U.S.C. 1396w–1(c)), the Secretary shall allocate
19 such funds to States selected under subsection (c)
20 on the basis of criteria, including a State’s applica-
21 tion submitted under subsection (b), the availability
22 of funds under such section 1941(c), and criteria
23 specified under subsection (c), as determined by the
24 Secretary.

1 (2) PAYMENTS TO STATES.—For each calendar
2 quarter beginning on or after October 1, 2019, the
3 Secretary shall pay to each State selected under sub-
4 section (c), from the allocation made to the State
5 under paragraph (1), an amount equal to 90 percent
6 of the Federal medical assistance percentage of the
7 amount expended during such quarter for the med-
8 ical assistance described in subsection (a).

9 (e) DEFINITIONS.—In this section:

10 (1) FEDERAL MEDICAL ASSISTANCE PERCENT-
11 AGE.—The term “Federal medical assistance per-
12 centage” has the meaning given such term in section
13 1905(b) of the Social Security Act (42 U.S.C.
14 1396d(b)).

15 (2) MEDICAL ASSISTANCE.—The term “medical
16 assistance” has the meaning given such term in sec-
17 tion 1905(a) of the Social Security Act (42 U.S.C.
18 1396d(a)).

19 (3) STATE.—The term “State” has the mean-
20 ing given such term for purposes of title XIX of the
21 Social Security Act (42 U.S.C. 1396 et seq.).

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