

AMENDMENT TO H.R. 2, AS
REPORTED
OFFERED BY MRS. BIGGERT OF ILLINOIS

[Amendment is to the Children's Health Insurance Program
Reauthorization Act of 2009]

Insert at the appropriate place the following:

1 SEC. ____ . REQUIRING PRIORITY FOR SCHIP COVERAGE
2 OF CHILDREN IN FAMILIES WITH INCOME
3 UNDER 200 PERCENT OF THE FEDERAL POV-
4 ERTY LEVEL.

5 (a) DATA COLLECTION REQUIREMENT.—Section
6 2108 (42 U.S.C. 1397hh) is amended by adding at the
7 end the following new subsection:

8 “(e) INCLUSION OF CERTAIN INCOME-RELATED
9 DATA.—

10 “(1) IN GENERAL.—Each annual report under
11 this section for each fiscal year (beginning with fis-
12 cal year 2010) shall include information, consistent
13 with regulations promulgated under paragraph (2),
14 on the success of the State in providing health insur-
15 ance coverage for children at various family income
16 levels.

1 “(2) REGULATIONS.—In order to provide con-
2 sistency in the reporting of information under para-
3 graph (1), the Secretary shall promulgate, not later
4 than September 30, 2009, standards for data collec-
5 tion and statistical methodologies that must be used
6 in submitting such information. Such standards
7 shall provide for family income levels to be deter-
8 mined based on gross income relative to percentages
9 of the poverty line for a family of the size involved.”.

10 (b) PLAN FOR COVERAGE OF LOW INCOME CHIL-
11 DREN.—Section 2101 (42 U.S.C. 1397aa) is amended by
12 adding at the end the following new subsection:

13 “(e) INCLUSION OF PLAN FOR COVERAGE OF LOW
14 INCOME CHILDREN.—

15 “(1) DEVELOPMENT.—No State child health
16 plan shall be considered approved under section
17 2106 for a fiscal year (beginning with fiscal year
18 2010) unless—

19 “(A) the State has developed and sub-
20 mitted to the Secretary, not later than 6
21 months after the date of the enactment of this
22 subsection, a plan to assure that all qualified
23 low-income children (as defined in paragraph
24 (3)) are covered by creditable health coverage;

1 “(B) such a plan has been approved under
2 paragraph (2); and

3 “(C) the State implements such plan be-
4 ginning with fiscal year 2010.

5 “(2) REVIEW AND APPROVAL.—The Secretary
6 shall—

7 “(A) promptly review plans submitted
8 under paragraph (1)(A);

9 “(B) approve such plan if the Secretary
10 determines that the plan is reasonably designed
11 to assure the coverage described in such para-
12 graph, effective as for the plan year beginning
13 in fiscal year 2010; or

14 “(C) disapprove such plan if the Secretary
15 determines that the plan is not so reasonably
16 designed.

17 “(3) OPPORTUNITY FOR RESUBMITTAL.—If the
18 Secretary disapproves a plan under paragraph
19 (2)(C), the Secretary shall provide the State with an
20 opportunity to resubmit a modified plan under para-
21 graph (1)(A) that meets the requirement of para-
22 graph (2)(B).

23 “(4) NOTIFICATION.—The Secretary shall
24 promptly notify the State involved of the approval or

1 disapproval of a plan submitted under paragraph
2 (1)(A), or resubmitted under paragraph (3).

3 “(5) QUALIFIED LOW-INCOME CHILDREN.—In
4 this subsection and section 2105(c)(8), the term
5 ‘qualified low-income child’ means a child—

6 “(A) the gross income of whose family does
7 not exceed 200 percent of the poverty line for
8 a family of the size involved; and

9 “(B) who meets all eligibility requirements,
10 other than those related to income, to be a tar-
11 geted low-income child.”.

12 (c) LIMITATION ON USE OF SCHIP FUNDS.—Sec-
13 tion 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding
14 at the end the following new paragraph:

15 “(8) LIMITATION BASED ON INCREASES IN IN-
16 COME ELIGIBILITY.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), in the case of a State that increases
19 its income eligibility level under its State child
20 health plan above the level in effect as of the
21 date of the enactment of this paragraph, pay-
22 ment shall not be made to a State under this
23 section for any amount expended for an indi-
24 vidual whose family income exceeds the income
25 eligibility level under its State child health plan

1 as of such date unless the State demonstrates
2 to the satisfaction of the Secretary that no
3 more than 10 percent of qualified low-income
4 children (as defined in section 2101(e)(5)) re-
5 siding in the State are not covered under cred-
6 itable health coverage.

7 “(B) SAFE HARBOR FOR QUALIFIED LOW-
8 INCOME CHILDREN AND CURRENTLY ELIGIBLE
9 CHILDREN.—Subparagraph (A) shall not apply
10 to limit payment under this section for amounts
11 expended for—

12 “(i) qualified low-income children (as
13 so defined); or

14 “(ii) any child who meets eligibility
15 standards under the State child health
16 plan as in effect as of the date of the en-
17 actment of this paragraph.”

