

AMENDMENT TO H.R. 2, AS

REPORTED

OFFERED BY MR. GINGREY OF GEORGIA

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

Insert at the appropriate place the following new section:

1 SEC. ____ . SCHIP AND MEDICAID GROSS INCOME ELIGI-
2 BILITY CEILING.

3 (a) APPLICATION OF SCHIP ELIGIBILITY CEIL-
4 ING.—

5 (1) IN GENERAL.—Section 2110 (42 U.S.C.
6 1397jj) is amended—

7 (A) in subsection (b)(1)—

8 (i) by striking “and” at the end of
9 subparagraph (B);

10 (ii) by striking the period at the end
11 of subparagraph (C) and inserting “; and”;
12 and

13 (iii) by adding at the end the fol-
14 lowing new subparagraph:

1 “(D) whose gross family income (as de-
2 fined in subsection (c)(9)) does not exceed 250
3 percent of the poverty line.”; and

4 (B) in subsection (c), by adding at the end
5 the following new paragraph:

6 “(9) GROSS FAMILY INCOME.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), the term ‘gross family income’
9 means, with respect to an individual, gross in-
10 come (as defined by the Secretary in regula-
11 tions) for the members of the individual’s fam-
12 ily. For purposes of the previous sentence, in
13 defining ‘gross income’ the Secretary shall, to
14 the maximum extent practicable, include income
15 from whatever source, other than amounts de-
16 ducted under section 62(a)(1) of the Internal
17 Revenue Code of 1986.

18 “(B) INCOME DISREGARDS AUTHORIZED.—
19 A State may provide, through a State plan
20 amendment and with the approval of the Sec-
21 retary, for the disregard from gross family in-
22 come of one or more amounts so long as the
23 total amount of such disregards for a family
24 does not exceed \$250 per month, or \$3,000 per
25 year.”.

1 (2) DENIAL OF FEDERAL MATCHING PAYMENTS
2 FOR STATE SCHIP EXPENDITURES FOR INDIVIDUALS
3 WITH GROSS FAMILY INCOME ABOVE 250 PERCENT
4 OF THE POVERTY LINE.—Section 2105(c) (42
5 U.S.C. 1397ee(c)) is amended by adding at the end
6 the following new paragraph:

7 “(8) DENIAL OF PAYMENTS FOR EXPENDI-
8 TURES FOR CHILD HEALTH ASSISTANCE FOR INDI-
9 VIDUALS WHOSE GROSS FAMILY INCOME EXCEEDS
10 250 PERCENT OF THE POVERTY LINE.—No payment
11 may be made under this section, for any expendi-
12 tures for providing child health assistance or health
13 benefits coverage under a State child health plan
14 under this title, including under a waiver under sec-
15 tion 1115, with respect to an individual whose gross
16 family income (as defined in section 2110(c)(9)) ex-
17 ceeds 250 percent of the poverty line.”.

18 (3) CONFORMING AMENDMENT TO MAINTENANCE OF EFFORT.—Section 2105(d)(1) (42 U.S.C.
19 1397ee(d)(1)) is amended by inserting before the pe-
20 riod at the end the following: “, unless such income
21 standards were adopted in order to comply with the
22 requirements of section 1942”.

23 (b) MEDICAID GROSS INCOME ELIGIBILITY CEIL-
24 ING.—
25

1 (1) IN GENERAL.—Title XIX is amended by
2 adding at the end the following new section:

3 **“SEC. 1942. INCOME ELIGIBILITY LIMITATION.**

4 “Notwithstanding any other provision of this title, no
5 individual with gross family income (as defined in section
6 2110(c)(9)) that exceeds 250 percent of the poverty line
7 shall be eligible to receive medical assistance under a State
8 plan under this title, including under a waiver under sec-
9 tion 1915 or 1115.”.

10 (2) DENIAL OF FEDERAL MATCHING PAYMENTS
11 FOR STATE EXPENDITURES FOR MEDICAL ASSIST-
12 ANCE FOR INDIVIDUALS WHOSE GROSS FAMILY IN-
13 COME EXCEEDS 250 PERCENT OF THE FEDERAL
14 POVERTY LINE.—Section 1903(i) (42 U.S.C.
15 1396b(i)) is amended—

16 (A) in paragraph (23) by striking “or” at
17 the end;

18 (B) in paragraph (24) by striking the pe-
19 riod at the end and inserting “; or”; and

20 (C) by inserting after paragraph (24) the
21 following new paragraph:

22 “(25) if a State fails to comply with the provi-
23 sions of section 1942, with respect to amounts ex-
24 pended by a State for medical assistance for individ-

1 uals to whom the income eligibility limitation under
2 such section applies.”.

3 (3) MEDICAID STATE PLAN REQUIREMENTS.—
4 Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

5 (A) in paragraph (70) by striking “and” at
6 the end;

7 (B) in paragraph (71) by striking the pe-
8 riod at the end and inserting “; and”; and

9 (C) by inserting after paragraph (71) the
10 following new paragraph:

11 “(72) provide that the State complies with the
12 requirements of section 1942.”.

13 (4) CONFORMING AMENDMENT RELATING TO
14 INCOME ELIGIBILITY.—Section 1903(f)(1)(A) of
15 such Act (42 U.S.C. 1396b(f)(1)(A)) is amended by
16 inserting before the period at the end the following:
17 “, if such payments are not otherwise prohibited
18 under subsection (i)(25),”.

19 (e) EFFECTIVE DATE; TRANSITION.—

20 (1) IN GENERAL.—Subject to paragraph (2),
21 the amendments made by this section shall apply to
22 payments made for items and services furnished on
23 or after the first day of the first calendar quarter
24 beginning more than 90 days after the date of the
25 enactment of this Act.

1 (2) TRANSITION.—The amendments made by—

2 (A)(i) subsection (a)(1) shall not apply to
3 an individual who was receiving, or was deter-
4 mined eligible to receive, child health assistance
5 or health benefits coverage under a State child
6 health plan under title XXI of the Social Secu-
7 rity Act, including under a waiver under section
8 1115 of such Act, as of the day before the date
9 of the enactment of this Act, until such date as
10 the individual is determined ineligible using in-
11 come standards or methodologies in place as of
12 the day before the date of the enactment of this
13 Act;

14 (ii) subsection (a)(2) shall not apply to
15 payment for items and services furnished to an
16 individual described in clause (i);

17 (B)(i) subsection (b)(1) shall not apply to
18 an individual who was receiving, or was deter-
19 mined eligible to receive, medical assistance or
20 health benefits coverage under a State plan
21 under title XIX of the Social Security Act, in-
22 cluding under a waiver under section 1115 of
23 such Act, as of the day before the date of the
24 enactment of this Act, until such date as the in-
25 dividual is determined ineligible using income

1 standards or methodologies in place as of the
2 day before the date of the enactment of this
3 Act; and

4 (ii) subsection (b)(2) shall not apply to
5 payment for items and services furnished to an
6 individual described in clause (i).

