116TH CONGRESS
1ST SESSION

S. ____

To amend title XIX of the Social Security Act to prohibit Federal Medicaid
funding for the administrative costs of providing health benefits to indi-
viduals who are unauthorized immigrants.

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IN THE SENATE OF THE UNITED STATES

_____

Mr. CASSIDY introduced the following bill; which was read twice and referred
to the Committee on _____

_____

A BILL

To amend title XIX of the Social Security Act to prohibit
Federal Medicaid funding for the administrative costs
of providing health benefits to individuals who are unau-
thorized immigrants.

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 "Protect Medicaid Act".

1 **SEC. 2. PROHIBITING FEDERAL MEDICAID FUNDING FOR**

2   **THE ADMINISTRATIVE COSTS OF PROVIDING**

3   **HEALTH BENEFITS TO INDIVIDUALS WHO**

4   **ARE UNAUTHORIZED IMMIGRANTS.**

5   Section 1903(i) of the Social Security Act (42 U.S.C.

6 1396b(i)) is amended—

7   (1) in paragraph (26), by striking "; or" and

8   inserting a semicolon;

9   (2) in paragraph (27), by striking the period at

10   the end and inserting "; or"; and

11   (3) by inserting after paragraph (27) the fol-

12   lowing new paragraph:

13   "(28) with respect to any amounts expended for

14   the administration of a State program that provides

15   health benefits to noncitizens who are ineligible for

16   medical assistance under this title on the basis of

17   not having a satisfactory immigration status (as de-

18   fined in section 1137(d)(1)(B)(iii)) (except that such

19   prohibition shall not be construed as prohibiting

20   payment under the preceding provisions of this sec-

21   tion for costs attributable to the establishment or

22   operation of a system designed to ensure compliance

23   with such prohibition).".

24 **SEC. 3. INSPECTOR GENERAL REPORT.**

25   Not later than 180 days after the date of enactment

26 of this Act, the Inspector General of the Department of

1 Health and Human Services shall submit to Congress a

2 report that includes the following information with respect

3 to States that provide health benefits to noncitizens who

4 are ineligible on the basis of immigration status for med-

5 ical assistance under title XIX of the Social Security Act

6 (42 U.S.C. 1396 et seq.):

7   (1) How such States separate amounts ex-

8   pended on the administrative costs related to the

9   State's Medicaid program and amounts expended on

10   administrative costs related to providing health ben-

11   efits to such noncitizens.

12   (2) The types of procedures, protocols, or sys-

13   tems that such States employ to ensure that they

14   are in full compliance with prohibitions on the use

15   of Federal funding to provide health benefits to such

16   noncitizens and how effective they are at ensuring

17   compliance.

18   (3) A description of States' methods of financ-

19   ing State programs that provide health benefits to

20   noncitizens who are ineligible for medical assistance

21   due to not having a satisfactory immigration status,

22   including through the increased use of provider taxes

23   and intergovernmental transfers to finance the non-

24   Federal share of expenditures under the State Med-

1   icaid program for medical assistance provided to in-

2   dividuals who are not so ineligible.

3   (4) An analysis of—

4   (A) the extent to which such noncitizens

5   are provided covered outpatient drugs pur-

6   chased under—

7   (i) the Medicaid Drug Rebate Pro-

8   gram under section 1927 of the Social Se-

9   curity Act (42 U.S.C. 1396r–8); or

10   (ii) the drug discount program under

11   section 340B of the Public Health Service

12   Act (42 U.S.C. 256b); and

13   (B) the effect that the provision to such

14   noncitizens of covered outpatient drugs pur-

15   chased under the programs described in sub-

16   paragraph (A) has on the average manufacturer

17   price (as defined in section 1927(k)(1) of the

18   Social Security Act (42 U.S.C. 1396r–8(k)(1)))

19   of such drugs, including whether the average

20   manufacturer price for such drugs would be

21   lower if no drugs purchased under such pro-

22   grams were provided to such noncitizens.