

COMMITTEE PRINT

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

1 **Subtitle C—Children’s Health** 2 **Insurance Program**

3 **SEC. 3201. MANDATORY COVERAGE OF COVID-19 VACCINES** 4 **AND ADMINISTRATION AND TREATMENT** 5 **UNDER CHIP.**

6 (a) COVERAGE.—

7 (1) IN GENERAL.—Section 2103(c) of the So-
8 cial Security Act (42 U.S.C. 1397cc(e)) is amended
9 by adding at the end the following paragraph:

10 “(11) REQUIRED COVERAGE OF COVID-19 VAC-
11 CINES AND TREATMENT.—Regardless of the type of
12 coverage elected by a State under subsection (a), the
13 child health assistance provided for a targeted low-
14 income child, and, in the case of a State that elects
15 to provide pregnancy-related assistance pursuant to
16 section 2112, the pregnancy-related assistance pro-
17 vided for a targeted low-income pregnant woman (as
18 such terms are defined for purposes of such section),
19 shall include coverage, during the period beginning
20 on the date of the enactment of this paragraph and

1 ending on the last day of the first calendar quarter
2 that begins at least one year after the last day of
3 the emergency period described in section
4 1135(g)(1)(B), of—

5 “(A) a COVID–19 vaccine licensed under
6 section 351 of the Public Health Service Act or
7 authorized under section 564 of the Federal
8 Food, Drug, and Cosmetic Act; and

9 “(B) any drug, biological product, or serv-
10 ice furnished for the treatment of COVID–19,
11 including drugs approved or authorized under
12 section 505 of the Federal Food, Drug, and
13 Cosmetic Act, biological products licensed under
14 section 351 of the Public Health Service Act, or
15 drugs or biological products authorized under
16 section 564 of the Federal Food, Drug, and
17 Cosmetic Act, for such use (and the administra-
18 tion of such drug or biological product), or, in
19 the case of an individual who is diagnosed with
20 or presumed to have COVID–19, during the pe-
21 riod during which such individual has (or is
22 presumed to have) COVID–19, the treatment of
23 a condition that may seriously complicate the
24 treatment of COVID–19, as determined by the
25 Secretary.”.

1 (2) PROHIBITION OF COST SHARING.—Section
2 2103(e)(2) of the Social Security Act (42 U.S.C.
3 1397ee(e)(2)), as amended by section 6004(b)(3) of
4 the Families First Coronavirus Response Act, is
5 amended—

6 (A) in the paragraph header, by inserting
7 “A COVID–19 VACCINE, COVID–19 TREATMENT,”
8 before “OR PREGNANCY-RELATED ASSISTANCE”;
9 and

10 (B) by striking “visits described in section
11 1916(a)(2)(G), or” and inserting “services de-
12 scribed in section 1916(a)(2)(G), vaccines de-
13 scribed in section 1916(a)(2)(H) administered
14 during the period described in such section (and
15 the administration of such vaccines), drugs, bio-
16 logical products, or services described in section
17 1916(a)(2)(I) (and the administration of such a
18 drug or biological product) furnished during the
19 period described in such section, or”.

20 (b) TEMPORARY INCREASE IN FEDERAL PAYMENTS
21 FOR COVERAGE AND ADMINISTRATION OF COVID–19
22 VACCINES.—Section 2105(c) of the Social Security Act
23 (42 U.S.C. 1397ee(e)) is amended by adding at the end
24 the following new paragraph:

1 “(12) TEMPORARY ENHANCED PAYMENT FOR
2 COVERAGE AND ADMINISTRATION OF COVID–19 VAC-
3 CINES.—During the period described in section
4 1905(hh)(2), notwithstanding subsection (b), the en-
5 hanced FMAP for a State, with respect to payments
6 under subsection (a) for expenditures under the
7 State child health plan (or a waiver of such plan) for
8 a vaccine described in section 1905(a)(4)(E) (and
9 the administration of such a vaccine), shall be equal
10 to 100 percent.”.

11 (c) ADJUSTMENT OF CHIP ALLOTMENTS.—Section
12 2104(m) of the Social Security Act (42 U.S.C.
13 1397dd(m)) is amended—

14 (1) in paragraph (2)(B), in the matter pre-
15 ceding clause (i), by striking “paragraphs (5) and
16 (7)” and inserting “paragraphs (5), (7), and (12)”;
17 and

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

20 “(12) ADJUSTING ALLOTMENTS TO ACCOUNT
21 FOR INCREASED FEDERAL PAYMENTS FOR COV-
22 ERAGE AND ADMINISTRATION OF COVID–19 VAC-
23 CINES.—If a State, commonwealth, or territory re-
24 ceives payment for a fiscal year (beginning with fis-
25 cal year 2021) under subsection (a) of section 2105

1 for expenditures that are subject to the enhanced
2 FMAP specified under subsection (c)(12) of such
3 section, the amount of the allotment determined for
4 the State, commonwealth, or territory under this
5 subsection—

6 “(A) for such fiscal year shall be increased
7 by the projected expenditures for such year by
8 the State, commonwealth, or territory under the
9 State child health plan (or a waiver of such
10 plan) for vaccines described in section
11 1905(a)(4)(E) (and the administration of such
12 vaccines); and

13 “(B) once actual expenditures are available
14 in the subsequent fiscal year, the fiscal year al-
15 lotment that was adjusted by the amount de-
16 scribed in subparagraph (A) shall be adjusted
17 on the basis of the difference between—

18 “(i) such projected amount of expend-
19 itures described in subparagraph (A) for
20 such fiscal year described in such subpara-
21 graph by the State, commonwealth, or ter-
22 ritory; and

23 “(ii) the actual amount of expendi-
24 tures for such fiscal year described in sub-
25 paragraph (A) by the State, common-

1 wealth, or territory under the State child
2 health plan (or waiver of such plan) for
3 vaccines described in section 1905(a)(4)(E)
4 (and the administration of such vac-
5 cines).”.

6 **SEC. 3202. MODIFICATIONS TO CERTAIN COVERAGE UNDER**
7 **CHIP FOR PREGNANT AND POSTPARTUM**
8 **WOMEN.**

9 (a) MODIFICATIONS TO COVERAGE.—

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

13 (A) by redesignating subparagraphs (J)
14 through (S) as subparagraphs (K) through (T),
15 respectively; and

16 (B) by inserting after subparagraph (I) the
17 following new subparagraph:

18 “(J) Paragraphs (5) and (16) of section
19 1902(e) (relating to the State option to provide
20 medical assistance consisting of full benefits
21 during pregnancy and throughout the 12-month
22 postpartum period under title XIX, but only if
23 the State has elected to apply such paragraph
24 (16) with respect to pregnant women under
25 title XIX and provides child health assistance

1 for targeted low-income children who are preg-
2 nant or has elected under section 2112(a) to
3 provide pregnancy-related assistance for tar-
4 geted low-income pregnant women and, in the
5 case of such a State, the provision of assistance
6 under the State child health plan for such tar-
7 geted low-income children or targeted low-in-
8 come pregnant women (as applicable) during
9 pregnancy and the 12-month postpartum period
10 shall be required and not at the option of the
11 State, and subparagraph (B) of section
12 1902(e)(16) shall be applied to the State child
13 health plan or waiver as requiring coverage of
14 all items or services provided to a targeted low
15 income children or targeted low-income preg-
16 nant woman (as applicable) under such plan or
17 waiver).”.

18 (2) OPTIONAL COVERAGE OF TARGETED LOW-
19 INCOME PREGNANT WOMEN.—Section 2112(d)(2)(A)
20 of the Social Security Act (42 U.S.C.
21 1397ll(d)(2)(A)) is amended by inserting after “60-
22 day period” the following: “, or, in the case that
23 subparagraph (A) of section 1902(e)(16) applies to
24 the State child health plan (or waiver of such plan),

1 pursuant to section 2107(e)(1), the 12-month pe-
2 riod,”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a), shall apply with respect to State elections
5 made under paragraph (16) of section 1902(e) of the So-
6 cial Security Act (42 U.S.C. 1396a(e)), as added by sec-
7 tion 3102(a) of subtitle B of this title, during the 5-year
8 period beginning on the 1st day of the 1st fiscal year quar-
9 ter that begins at least one year after the date of the en-
10 actment of this Act.

