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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

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 unauthorized immigrants.

IN THE HOUSE OF REPRESENTATIVES

Mr. HUDSON introduced the following bill; which was 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 unauthorized 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 associated
15 with providing health benefits to noncitizens who are
16 not lawfully admitted permanent residents and are
17 ineligible for medical assistance under this title on
18 the basis of not having a satisfactory immigration
19 status (as defined in section 1137(d)(1)(B)(iii)) (ex-
20 cept that such prohibition shall not be construed as
21 prohibiting payment under the preceding provisions
22 of this section for costs attributable to the establish-
23 ment or operation of a system designed to ensure
24 compliance with such prohibition).”.

1 **SEC. 3. INSPECTOR GENERAL REPORT.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Inspector General of the Department of
4 Health and Human Services shall submit to Congress a
5 report that includes the following information with respect
6 to States that provide health benefits to noncitizens who
7 are not lawfully admitted permanent residents and are in-
8 eligible on the basis of immigration status for medical as-
9 sistance under title XIX of the Social Security Act (42
10 U.S.C. 1396 et seq.):

11 (1) How such States separate amounts ex-
12 pended on the administrative costs related to the
13 State's Medicaid program and amounts expended on
14 administrative costs related to providing health ben-
15 efits to such noncitizens.

16 (2) The types of procedures, protocols, or sys-
17 tems that such States employ to ensure that they
18 are in full compliance with prohibitions on the use
19 of Federal funding to provide health benefits to such
20 noncitizens and how effective they are at ensuring
21 compliance.

22 (3) A description of States' methods of financ-
23 ing State programs that provide health benefits to
24 such noncitizens who are ineligible for medical as-
25 sistance due to not having a satisfactory immigra-
26 tion status, including through the increased use of

1 provider taxes and intergovernmental transfers to fi-
2 nance the non-Federal share of expenditures under
3 the State Medicaid program for medical assistance
4 provided to individuals who are not so ineligible.

5 (4) An analysis of—

6 (A) the extent to which such noncitizens
7 are provided covered outpatient drugs pur-
8 chased under—

9 (i) the Medicaid Drug Rebate Pro-
10 gram under section 1927 of the Social Se-
11 curity Act (42 U.S.C. 1396r-8); or

12 (ii) the drug discount program under
13 section 340B of the Public Health Service
14 Act (42 U.S.C. 256b); and

15 (B) the effect that the provision to such
16 noncitizens of covered outpatient drugs pur-
17 chased under the programs described in sub-
18 paragraph (A) has on the average manufacturer
19 price (as defined in section 1927(k)(1) of the
20 Social Security Act (42 U.S.C. 1396r-8(k)(1)))
21 of such drugs, including whether the average
22 manufacturer price for such drugs would be
23 lower if no drugs purchased under such pro-
24 grams were provided to such noncitizens.