

## 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.

