

LEXSEE 109 P.L. 432

UNITED STATES PUBLIC LAWS
109th Congress 2nd Session
(c) 2006, LEXIS-NEXIS, A DIVISION OF REED ELSEVIER INC. AND REED ELSEVIER
PROPERTIES INC.

PUBLIC LAW 109-432 [H.R. 6111]
DEC. 20, 2006

109 P.L. 432; 120 Stat. 2922; 2006 Enacted H.R. 6111; 109 Enacted H.R. 6111

BILL TRACKING REPORT: 109 Bill Tracking H.R. 6111
FULL TEXT VERSION(S) OF BILL: 109 H.R. 6111

Note: Division B, Title 4 of this Act amended the Social Security Act to include foster children in the groups exempt from the requirement to present documentary evidence of citizenship or nationality in order to qualify for Medicaid benefits. The relevant section of the Act is presented below.

An Act

To amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[*1] SECTION 1. SHORT TITLE, ETC.

(a) Short Title.--This Act may be cited as the "Tax Relief and Health Care Act of 2006".

DIVISION B--MEDICARE AND OTHER HEALTH PROVISIONS

TITLE IV--MEDICAID AND OTHER HEALTH PROVISIONS

Sec. 401. Extension of Transitional Medical Assistance (TMA) and abstinence education program.

Sec. 402. Grants for research on vaccine against Valley Fever.

Sec. 403. Change in threshold for Medicaid indirect hold harmless provision of broad-based health care taxes.

Sec. 404. DSH allotments for fiscal year 2007 for Tennessee and Hawaii.

Sec. 405. Certain Medicaid DRA technical corrections.

Sec. 405. CERTAIN MEDICAID DRA TECHNICAL CORRECTIONS.

(a) Technical Corrections Relating to State Option for Alternative Premiums and Cost Sharing (Sections 6041 Through 6043).--

(1) Clarification of continued application of regular cost sharing rules for individuals with family income not exceeding 100 percent of the poverty line.-- Section 1916A of the Social Security Act, as inserted by section 6041(a) of the Deficit Reduction Act of 2005 and amended by sections 6042 and 6043 of such Act, is amended--

(A) in subsection (a)(1)--

(i) by inserting "but subject to paragraph (2)," after "1902(a)(10)(B),"; and

(ii) by inserting "and non-emergency services furnished in a hospital emergency department for which cost sharing may be imposed under subsection (e)" after "(c)";

(B) by redesignating paragraph (2) of subsection (a) as paragraph (3);

(C) in subsection (a), by inserting after paragraph (1) the following:

"(2) Exemption for individuals with family income not exceeding 100 percent of the poverty line.----

"(A) In general.--Paragraph (1) and subsection (d) shall not apply, and sections 1916 and 1902(a)(10)(B) shall continue to apply, in the case of an individual whose family income does not exceed 100 percent of the poverty line applicable to a family of the size involved.

"(B) Limit on aggregate cost sharing.--To the extent cost sharing under subsections (c) and (e) or under section 1916 is imposed against individuals described in subparagraph (A), the limitation under subsection (b)(1)(B)(ii) on the total aggregate amount of cost sharing shall apply to such cost sharing for all individuals in a family described in subparagraph (A) in the same manner as such limitations apply to cost sharing and families described in subsection (b)(1)(B)(ii).";

(D) in subsections (c)(2)(C) and (e)(2)(C), by inserting "under subsection (a)(2)(B) or" after "cap on cost sharing applied"; and

(E) in subsection (e)(2)(A), by inserting "who is not described in subparagraph (B)" after "subsection (b)(1)".

(2) Clarification of treatment of non-preferred drug and non-emergency cost-sharing.-- Such section is further amended--

(A) in subsections (b)(1) and (b)(2), by striking ", subject to subsections (c)(2) and (e)(2)(A)";

(B) in subsection (c)(1), in the matter preceding subparagraph (A), by striking "least (or less) costly effective" and inserting "most (or more) cost effective";

(C) in subsection (c)(1)(B), by striking "otherwise be imposed under" and inserting "be imposed under subsection (a) due to the application of";

(D) in subsection (c)(2)(B), by striking "otherwise not subject to cost sharing due to the application of subsection (b)(3)(B)" and inserting "not subject to cost sharing under subsection (a) due to the application of paragraph (1)(B)";

(E) in subsection (e)(2)(A)--

(i) by amending the heading to read as follows: "Individuals with family income between 100 and 150 percent of the poverty line.--"; and

(ii) by striking "under subsection (b)(1)" and inserting "under subsection

(b)(1)(B)(ii)";

(F) in subsection (e)(2)(B), by striking "who is otherwise not subject to cost sharing under subsection (b)(3)" and inserting "described in subsection (a)(2)(A) or who is not subject to cost sharing under subsection (b)(3)(B) with respect to non-emergency services described in paragraph (1)"; and

(G) in subsection (e)(2)(C), by inserting "or section 1916" after "subsection (a)".

(3) Clarification of cost sharing rules applicable to disabled children provided medical assistance under the eligibility category added by the family opportunity act.-- Such section is further amended--

(A) in subsection (a)(1), in the second sentence, by striking "section 1916(g)" and inserting "subsection (g) or (i) of section 1916"; and

(B) in subsection (b)(3)--

(i) in subparagraph (A), by adding at the end the following:

"(vi) Disabled children who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XIX) and 1902(cc)."; and

(ii) in subparagraph (B), by adding at the end the following:

"(ix) Services furnished to disabled children who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XIX) and 1902(cc).".

(4) Correction of iv-b references.-- Such section is further amended in subsection (b)(3)--

(A) in subparagraph (A)(i), by striking "aid or assistance is made available under part B of title IV to children in foster care" and inserting "child welfare services are made available under part B of title IV on the basis of being a child in foster care"; and

(B) in subparagraph (B)(i), by striking "aid or assistance is made available under part B of title IV to children in foster care" and inserting "child welfare services are made available under part B of title IV on the basis of being a child in foster care or".

(5) Non-emergency services.-- Section 1916A(e)(4)(A) of the Social Security Act, as added by section 6043(a) of the Deficit Reduction Act of 2005, is amended by striking "the physician determines".

(6) Effective date.-- The amendments made by this subsection shall take effect as if included in the amendments made by sections 6041(a) of the Deficit Reduction Act of 2005, except that insofar as such amendments are to, or relate to, subsection (c) or (e) of section 1916A of the Social Security Act, such amendments shall take effect as if included in the amendments made by section 6042 or 6043, respectively, of the Deficit Reduction Act of 2005.

(b) Clarifying Treatment of Certain Annuities (Section 6012) .--

(1) In general.-- Section 1917(c)(1)(F)(i) of the Social Security Act ([42 U.S.C. 1396p\(c\)\(1\)\(F\)\(i\)](#)), as added by section 6012(b) of the Deficit Reduction Act of 2005, is amended by striking "annuitant" and inserting "institutionalized individual".

(2) Effective date.-- The amendment made by paragraph (1) shall be effective as if included in the enactment of section 6012 of the Deficit Reduction Act of 2005.

(c) Additional Miscellaneous Technical Corrections.--

(1) Documentation (section 6036).-----

(A) In general.--Effective as if included in the amendment made by section 6036(a)(2) of the Deficit Reduction Act of 2005, section 1903(x) of the Social Security Act ([42 U.S.C. 1396b\(x\)](#)), as inserted by such section 6036(a)(2), is amended--

(i) in paragraph (1), by striking "(i)(23)" and inserting "(i)(22)";

(ii) in paragraph (2)--

(I) in the matter preceding subparagraph (A), by striking "alien" and inserting "individual declaring to be a citizen or national of the United States";

(II) by striking subparagraph (B) and inserting the following:

"(B) and is receiving--

"(i) disability insurance benefits under section 223 or monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)); or

"(ii) supplemental security income benefits under title XVI;";

(III) in subparagraph (C)--

(aa) by striking "other"; and

(bb) by striking "had" and inserting "has";

(IV) by redesignating subparagraph (C) as subparagraph (D); and

(V) by inserting after subparagraph (B) the following new subparagraph:

"(C) and with respect to whom--

"(i) child welfare services are made available under part B of title IV on the basis of being a child in foster care; or

"(ii) adoption or foster care assistance is made available under part E of title IV; or"; and

(iii) in paragraph (3)(C)(iii), by striking "I-97" and inserting "I-197".

(B) Assurance of state foster care agency verification of citizenship or legal status.--

(i) State plan amendment.--Section 471(a) of the Social Security Act ([42 U.S.C. 671\(a\)](#)) is amended--

(I) in paragraph (25), by striking "and" at the end;

(II) in paragraph (26)(C), by striking the period at the end and inserting "; and"; and

(III) by adding at the end the following:

"(27) provides that, with respect to any child in foster care under the responsibility of the State under this part or part B and without regard to whether foster care maintenance payments are made under section 472 on behalf of the child, the State has in effect procedures for verifying the citizenship or immigration status of the child."

(ii) Inclusion in reviews of child and family services programs.--Section 1123A(b)(2) of the Social Security Act ([42 U.S.C. 1320a-2a\(b\)\(2\)](#)) is amended by inserting "(which shall include determining whether the State program is in conformity with the requirement of section 471(a)(27))" after "review".

(iii) Effective date.--The amendments made by this subparagraph shall take effect on the date that is 6 months after the date of the enactment of this Act.

(2) Miscellaneous technical corrections.----

(A) Effective as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109-171), the following sections of such Act are amended as follows:

(i) Section 5114(a)(2) is amended by striking "section 1842(b)(6)(F) of such Act ([42 U.S.C. 1395u\(b\)\(6\)\(F\)](#))" and inserting "section 1842(b)(6) of such Act ([42 U.S.C. 1395u\(b\)\(6\)](#))".

(ii) Section 6003(b)(2) is amended, by striking "subsection (k)" and inserting "subsection (k)(1)".

(iii) Sections 6031(b), 6032(b), and 6035(c) are each amended by striking "section 6035(e)" and inserting "section 6034(e)".

(iv) Section 6034(b) is amended by striking "section 6033(a)" and inserting "section 6032(a)".

(v) Section 6036 is amended--

(I) in subsection (b), by striking "section 1903(z)" and inserting "section 1903(x)"; and

(II) in subsection (c), by striking "(i)(23)" and inserting "(i)(22)".

(B) Effective as if included in the amendment made by section 6015(a)(1) of the Deficit Reduction Act of 2005, section 1919(c)(5)(A)(i)(II) of the Social Security Act ([42 U.S.C. 1396r\(c\)\(5\)\(A\)\(i\)\(II\)](#)) is amended by striking "clause (v)" and inserting "subparagraph (B)(v)".