

118TH CONGRESS
1ST SESSION

S. 2816

To amend title XIX of the Social Security Act to make all children eligible for Medicaid from birth until age 19, to require States to automatically enroll children under age 19 in the State Medicaid program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2023

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

A BILL

To amend title XIX of the Social Security Act to make all children eligible for Medicaid from birth until age 19, to require States to automatically enroll children under age 19 in the State Medicaid program, and for other purposes.

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 “Medicaid for Every
5 Child Act”.

1 **SEC. 2. MEDICAID FOR EVERY CHILD FROM BIRTH TO AGE**

2 **19.**

3 (a) IN GENERAL.—Section 1902(a)(10)(A)(i) of the
4 Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) is
5 amended—

6 (1) by striking “or” at the end of subclause
7 (VIII);

8 (2) in subclause (IX)(dd), by inserting “or” at
9 the end; and

10 (3) by adding at the end the following new sub-
11 clause:

12 “(X) beginning on the date that
13 is 2 years after the date of enactment
14 of this subclause, who are individuals
15 who have not attained 19 years of
16 age;”.

17 (b) AUTOMATIC ENROLLMENT.—

18 (1) IN GENERAL.—Section 1902(e) of the So-
19 cial Security Act is amended by striking paragraph
20 (4) and inserting the following:

21 “(4) AUTOMATIC ENROLLMENT OF CHIL-
22 DREN.—

23 “(A) IN GENERAL.—Any child born in a
24 State on or after the date that is 2 years after
25 the date of enactment of the Medicaid for
26 Every Child Act shall be considered to have ap-

1 plied for medical assistance under the State
2 plan and shall be automatically enrolled for
3 such assistance on the date of their birth.

4 “(B) NOTIFICATION REQUIREMENT.—The
5 State shall inform the parent, guardian, or cus-
6 todial relative of a child who is automatically
7 enrolled in the State plan under subparagraph
8 (A) of the services that will be covered, appro-
9 priate methods for using such services, medical
10 support obligations (under section 1912(a)) cre-
11 ated by enrollment (if applicable), the actions
12 the parent, guardian, or relative must take (if
13 any) to maintain enrollment, and the actions
14 the parent, guardian or relative may take to
15 disenroll the child.

16 “(C) OPT-OUT IF OTHER COVERAGE IS
17 AVAILABLE.—The State shall establish a proc-
18 ess to allow the parent, guardian, or custodial
19 relative of a child who is automatically enrolled
20 in the State plan under subparagraph (A) to
21 disenroll the child from the State plan through
22 affirmation in writing if the child is enrolled in
23 other health benefits coverage that—

24 “(i) at a minimum, provides the es-
25 sential health benefits defined by the Sec-

1 retary under section 1302(b) of the Pa-
 2 tient Protection and Affordable Care Act;
 3 and

4 “(ii) meets such other requirements as
 5 the Secretary determines appropriate.”.

6 (2) EFFECTIVE DATE.—The amendment made
 7 by this section shall take effect on the date that is
 8 2 years after the date of enactment of this Act.

9 (c) CONTINUOUS ELIGIBILITY.—

10 (1) IN GENERAL.—Section 1902(e)(12) of the
 11 Social Security Act (42 U.S.C. 1396a(e)(12)), as
 12 amended by section 5112(a) of division FF of Public
 13 Law 117–328, is amended—

14 (A) by striking subparagraph (A); and

15 (B) by redesignating subparagraphs (B)
 16 and (C) as subparagraphs (A) and (B).

17 (2) EFFECTIVE DATE.—The amendments made
 18 by this section shall take effect on the date that is
 19 2 years after the date of enactment of this Act.

20 (d) EXCLUSION FROM DEFINITION OF MINIMUM ES-
 21 SENTIAL COVERAGE.—Section 36B(c)(2) of the Internal
 22 Revenue Code of 1986 is amended by adding at the end
 23 the following new subparagraph:

24 “(D) TREATMENT OF CERTAIN COVERAGE
 25 UNDER THE MEDICAID PROGRAM.—For pur-

poses of subparagraph (B), an individual shall not be treated as eligible for minimum essential coverage if—

“(i) such coverage consists of eligibility for medical assistance under a State Medicaid program under section 1902(a)(10)(A)(i)(X) of the Social Security Act; and

“(ii) the individual is not enrolled in such a program for such medical assistance.”.

(e) COVERAGE OF CHILDREN WITHOUT REGARD TO IMMIGRATION STATUS.—

(1) IN GENERAL.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(A) in paragraph (1), by striking “and (4)” and inserting “, (4), and (5)”;

(B) in paragraph (4)(A)(ii)—

(i) in the clause header, by inserting “AGED 19 TO 20” after “CHILDREN”; and

(ii) by inserting “who have attained 19 years of age but are” before “under 21 years of age”; and

1 (C) by adding at the end the following
 2 paragraph:

3 “(5)(A) Notwithstanding any other provision of law,
 4 on and after the date that is 2 years after the date of
 5 enactment of this paragraph, a State shall provide medical
 6 assistance under this title to any individual residing or
 7 present in the United States who is eligible for medical
 8 assistance under section 1902(a)(10)(A)(i)(X), without re-
 9 gard to whether the individual is lawfully residing or law-
 10 fully present in the United States.

11 “(B) No debt shall accrue under an affidavit of sup-
 12 port against any sponsor of an individual provided medical
 13 assistance in accordance with subparagraph (A) and the
 14 cost of such assistance shall not be considered as an unre-
 15 imbursed cost.”.

16 (2) CONFORMING AMENDMENTS.—

17 (A) Section 1137(f) of the Social Security
 18 Act (42 U.S.C. 1320b–7(f)) is amended by in-
 19 serting “or to individuals who are eligible for
 20 medical assistance under section
 21 1902(a)(10)(A)(i)(X) and are provided such as-
 22 sistance in accordance with section 1903(v)(5)”
 23 before the period.

24 (B) Section 2107(e)(1)(O) of the Social
 25 Security Act (42 U.S.C. 1397gg(e)(1)(O)) is

1 amended by inserting “who have attained age
2 19 or 20” after “immigrant children”.

3 (C) Section 402(b)(2) of the Personal Re-
4 sponsibility and Work Opportunity Reconcili-
5 ation Act of 1996 (8 U.S.C. 1612(b)(2)) is
6 amended by adding at the end the following:

7 “(H) MEDICAID EXCEPTION FOR CHIL-
8 DREN.—With respect to eligibility for benefits
9 for the program defined in paragraph (3)(C)
10 (relating to the Medicaid program), section
11 401(a) and paragraph (1) shall not apply to
12 any individual who has not attained 19 years of
13 age.”.

14 (D) Section 403(d) of the Personal Re-
15 sponsibility and Work Opportunity Reconcili-
16 ation Act of 1996 (8 U.S.C. 1613(d)) is amend-
17 ed—

18 (i) by striking “or” at the end of
19 paragraph (1);

20 (ii) by striking the period at the end
21 of paragraph (2) and inserting “; or”; and

22 (iii) by adding at the end the fol-
23 lowing:

“(3) an individual described in section 402(a)(2)(H), but only with respect to the program specified in subsection (b)(3)(C) of section 402.”.

(E) Section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)) is amended—

(i) by striking “or” at the end of paragraph (7);

(ii) by striking the period at the end of paragraph (8) and inserting “, or”; and

(iii) by adding at the end the following:

“(9) an individual who has not attained 19 years of age, but only with respect to the designated Federal program defined in section 402(b)(3)(C) (relating to the Medicaid program).”.

(f) 100 PERCENT FEDERAL MATCHING PAYMENTS FOR MEDICAL ASSISTANCE FOR CHILDREN.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), by striking “and (ii)” and inserting “(ii), and (jj)”; and

(B) by adding at the end the following new subsection:

1 “(jj) ENHANCED FMAP FOR CERTAIN CHILDREN.—
 2 Notwithstanding subsection (b), beginning on the date
 3 that is 2 years after the date of enactment of this sub-
 4 section, the Federal medical assistance percentage shall be
 5 100 percent with respect to amounts expended by a State
 6 for medical assistance for individuals—

7 “(1) who are eligible for medical assistance
 8 under section 1902(a)(10)(A)(i)(X); and

9 “(2) who would not have been eligible for med-
 10 ical assistance for full benefits (as defined in sub-
 11 section (y)(2)(B)) under the State plan under this
 12 title or a waiver of such plan as such plan or waiver
 13 was in effect on January 1, 2023.”.

14 (2) CONFORMING AMENDMENT.—Section
 15 9817(a)(1) of the American Rescue Plan Act of
 16 2021 (Public Law 117–2) is amended by striking
 17 “or (ii) of section 1905” and inserting “(ii), or (jj)
 18 of section 1905”.

19 (g) EFFECTIVE DATE.—Except as otherwise pro-
 20 vided, the amendments made by this section shall take ef-
 21 fect on the date of enactment of this Act.

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