

110TH CONGRESS
1ST SESSION

H. R. 3872

To amend title XXI of the Social Security Act to impose requirements on coverage of children in higher income families under the State Children's Health Insurance Program (SCHIP).

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2007

Mr. FORTENBERRY introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XXI of the Social Security Act to impose requirements on coverage of children in higher income families under the State Children's Health Insurance Program (SCHIP).

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 "Children Come First
5 Act of 2007".

1 **SEC. 2. LIMITATION ON PAYMENTS FOR STATES COVERING**
2 **CHILDREN IN FAMILIES WITH INCOME BE-**
3 **TWEEN 200 AND 300 PERCENT OF THE POV-**
4 **ERTY LINE; OPTION OF PREMIUM ASSIST-**
5 **ANCE FOR CHILDREN OF HIGHER INCOME**
6 **FAMILIES.**

7 (a) IN GENERAL.—Section 2105(c) of the Social Se-
8 curity Act (42 U.S.C. 1397ee(c)) is amended by adding
9 at the end the following new paragraph:

10 “(8) LIMITATION ON PAYMENTS FOR STATES
11 COVERING CHILDREN OF HIGHER INCOME FAMI-
12 LIES.—

13 “(A) IN GENERAL.—No payment shall be
14 made under this section for child health assist-
15 ance provided for a child of a higher income
16 family (as defined in subparagraph (B)) under
17 the State child health plan unless—

18 “(i) the family demonstrates that
19 health insurance coverage for the child
20 is—

21 “(I) unattainable, in accordance
22 with subparagraph (C); or

23 “(II) unaffordable, in accordance
24 with subparagraph (D); and

25 “(ii) the plan permits the family to be
26 provided child health assistance through

1 the form of premium assistance described
2 in subparagraph (E) rather than through
3 Medicaid or otherwise.

4 “(B) HIGHER INCOME FAMILY.—For pur-
5 poses of this paragraph, the term ‘higher in-
6 come family’ means a family the income of
7 which exceeds 200 percent, but does not exceed
8 300 percent, of the poverty line.

9 “(C) UNATTAINABILITY.—For purposes of
10 this paragraph, health insurance coverage shall
11 be treated as unattainable with respect to the
12 child of a higher income family if the family can
13 demonstrate an inability to obtain health insur-
14 ance coverage for the child (as determined in
15 accordance with standards established by the
16 Secretary).

17 “(D) UNAFFORDABILITY.—

18 “(i) IN GENERAL.—For purposes of
19 this paragraph, health insurance coverage
20 shall be treated as unaffordable with re-
21 spect to the child of a higher income family
22 if the premium for such coverage exceeds
23 the percentage (as determined by the Sec-
24 retary under clause (ii)) of the adjusted
25 gross income of the family. In applying the

1 previous sentence to family coverage, there
2 shall only be taken into account the por-
3 tion of such premium that is actuarially at-
4 tributable to children (as computed for
5 purposes of subparagraph (E)(iii)).

6 “(ii) PERCENTAGE DETERMINED.—

7 The Secretary shall determine a percentage
8 under this clause based on factors such as
9 family size, the average premium for
10 health insurance coverage in the private
11 sector for children, and such other factors
12 as the Secretary deems appropriate.

13 “(E) PREMIUM ASSISTANCE OPTION.—

14 “(i) IN GENERAL.—The premium as-
15 sistance option under this subparagraph
16 shall be in the form of payment of pre-
17 mium for a policy that provides health in-
18 surance benefits to the child of a higher in-
19 come family involved. Except as otherwise
20 specifically provided, the State child health
21 plan shall establish standards for such ben-
22 efits and premium contributions.

23 “(ii) TREATMENT.—Payment of pre-
24 mium assistance under this subparagraph
25 shall be treated as child health assistance

1 for purposes of obtaining Federal financial
2 participation under section 2105.

3 “(iii) APPLICATION TO FAMILY COV-
4 ERAGE.—In the case of premium assist-
5 ance under this subparagraph applied to
6 coverage of one or more children under
7 family coverage that covers a parent of
8 such a child or other individuals who are
9 not children, the amount of the premium
10 payment under the option under this sub-
11 paragraph shall be adjusted to take into
12 account only the portion of the health in-
13 surance benefits that are actuarially attrib-
14 utable to such children.

15 “(F) EXCEPTION FOR CURRENTLY COV-
16 ERED INDIVIDUALS.—Subparagraph (A) shall
17 not apply until October 1, 2011, to children
18 who are enrolled under this part as targeted
19 low-income children as of October 1, 2008.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply to State child health plans for
22 payment for items and services furnished on or after Octo-
23 ber 1, 2008.

○