

1 rectly relevant to eligibility determinations and deter-
2 mining the correct amount of benefits under a State child
3 health plan under CHIP or a State plan under Medicaid
4 from the following:

5 (1) The National Directory of New Hires estab-
6 lished under section 453(i) of the Social Security
7 Act (42 U.S.C. 653(i)).

8 (2) Data regarding enrollment in insurance that
9 may help to facilitate outreach and enrollment under
10 the State Medicaid plan, the State CHIP plan, and
11 such other programs as the Secretary may specify.

12 (f) EFFECTIVE DATE.—The amendments made by
13 this section are effective on the date of the enactment of
14 this Act.

15 **Subtitle B—Reducing Barriers to**
16 **Enrollment**

17 **SEC. 211. VERIFICATION OF DECLARATION OF CITIZENSHIP**

18 **OR NATIONALITY FOR PURPOSES OF ELIGI-**
19 **BILITY FOR MEDICAID AND CHIP.**

20 (a) ALTERNATIVE STATE PROCESS FOR
21 VERIFICATION OF DECLARATION OF CITIZENSHIP OR NA-
22 TIONALITY FOR PURPOSES OF ELIGIBILITY FOR MED-
23 ICAID.—

24 (1) ALTERNATIVE TO DOCUMENTATION RE-
25 QUIREMENT.—

1 (A) IN GENERAL.—Section 1902 (42
2 U.S.C. 1396a), as amended by section 203(c),
3 is amended—

4 (i) in subsection (a)(46)—

5 (I) by inserting “(A)” after
6 “(46)”;

7 (II) by adding “and” after the
8 semicolon; and

9 (III) by adding at the end the
10 following new subparagraph:

11 “(B) provide, with respect to an individual de-
12 claring to be a citizen or national of the United
13 States for purposes of establishing eligibility under
14 this title, that the State shall satisfy the require-
15 ments of—

16 “(i) section 1903(x); or

17 “(ii) subsection (ee);”; and

18 (ii) by adding at the end the following
19 new subsection:

20 “(ee)(1) For purposes of subsection (a)(46)(B)(ii),
21 the requirements of this subsection with respect to an indi-
22 vidual declaring to be a citizen or national of the United
23 States for purposes of establishing eligibility under this
24 title, are, in lieu of requiring the individual to present sat-
25 isfactory documentary evidence of citizenship or nation-

1 ality under section 1903(x) (if the individual is not de-
2 scribed in paragraph (2) of that section), as follows:

3 “(A) The State submits the name and social se-
4 curity number of the individual to the Commissioner
5 of Social Security as part of the program established
6 under paragraph (2).

7 “(B) If the State receives notice from the Com-
8 missioner of Social Security that the name or social
9 security number, or the declaration of citizenship or
10 nationality, of the individual is inconsistent with in-
11 formation in the records maintained by the Commis-
12 sioner—

13 “(i) the State makes a reasonable effort to
14 identify and address the causes of such incon-
15 sistency, including through typographical or
16 other clerical errors, by contacting the indi-
17 vidual to confirm the accuracy of the name or
18 social security number submitted or declaration
19 of citizenship or nationality and by taking such
20 additional actions as the Secretary, through
21 regulation or other guidance, or the State may
22 identify, and continues to provide the individual
23 with medical assistance while making such ef-
24 fort; and

1 “(ii) in the case such inconsistency is not
2 resolved under clause (i), the State—

3 “(I) notifies the individual of such
4 fact;

5 “(II) provides the individual with a
6 period of 90 days from the date on which
7 the notice required under subclause (I) is
8 received by the individual to either present
9 satisfactory documentary evidence of citi-
10 zenship or nationality (as defined in sec-
11 tion 1903(x)(3)) or resolve the inconsis-
12 tency with the Commissioner of Social Se-
13 curity (and continues to provide the indi-
14 vidual with medical assistance during such
15 90-day period); and

16 “(III) disenrolls the individual from
17 the State plan under this title within 30
18 days after the end of such 90-day period if
19 no such documentary evidence is presented
20 or if such inconsistency is not resolved.

21 “(2)(A) Each State electing to satisfy the require-
22 ments of this subsection for purposes of section
23 1902(a)(46)(B) shall establish a program under which the
24 State submits at least monthly to the Commissioner of So-
25 cial Security for comparison of the name and social secu-

1 rity number, of each individual newly enrolled in the State
2 plan under this title that month who is not described in
3 section 1903(x)(2) and who declares to be a United States
4 citizen or national, with information in records maintained
5 by the Commissioner.

6 “(B) In establishing the State program under this
7 paragraph, the State may enter into an agreement with
8 the Commissioner of Social Security—

9 “(i) to provide, through an on-line system or
10 otherwise, for the electronic submission of, and re-
11 sponse to, the information submitted under subpara-
12 graph (A) for an individual enrolled in the State
13 plan under this title who declares to be citizen or na-
14 tional on at least a monthly basis; or

15 “(ii) to provide for a determination of the con-
16 sistency of the information submitted with the infor-
17 mation maintained in the records of the Commis-
18 sioner through such other method as agreed to by
19 the State and the Commissioner and approved by
20 the Secretary, provided that such method is no more
21 burdensome for individuals to comply with than any
22 burdens that may apply under a method described in
23 clause (i).

24 “(C) The program established under this paragraph
25 shall provide that, in the case of any individual who is

1 required to submit a social security number to the State
2 under subparagraph (A) and who is unable to provide the
3 State with such number, shall be provided with at least
4 the reasonable opportunity to present satisfactory docu-
5 mentary evidence of citizenship or nationality (as defined
6 in section 1903(x)(3)) as is provided under clauses (i) and
7 (ii) of section 1137(d)(4)(A) to an individual for the sub-
8 mittal to the State of evidence indicating a satisfactory
9 immigration status.

10 “(3)(A) The State agency implementing the plan ap-
11 proved under this title shall, at such times and in such
12 form as the Secretary may specify, provide information on
13 the percentage each month that the inconsistent submis-
14 sions bears to the total submissions made for comparison
15 for such month. For purposes of this subparagraph, a
16 name, social security number, or declaration of citizenship
17 or nationality of an individual shall be treated as incon-
18 sistent and included in the determination of such percent-
19 age only if—

20 “(i) the information submitted by the individual
21 is not consistent with information in records main-
22 tained by the Commissioner of Social Security;

23 “(ii) the inconsistency is not resolved by the
24 State;

1 “(iii) the individual was provided with a reason-
2 able period of time to resolve the inconsistency with
3 the Commissioner of Social Security or provide satis-
4 factory documentation of citizenship status and did
5 not successfully resolve such inconsistency; and

6 “(iv) payment has been made for an item or
7 service furnished to the individual under this title.

8 “(B) If, for any fiscal year, the average monthly per-
9 centage determined under subparagraph (A) is greater
10 than 3 percent—

11 “(i) the State shall develop and adopt a correc-
12 tive plan to review its procedures for verifying the
13 identities of individuals seeking to enroll in the State
14 plan under this title and to identify and implement
15 changes in such procedures to improve their accu-
16 racy; and

17 “(ii) pay to the Secretary an amount equal to
18 the amount which bears the same ratio to the total
19 payments under the State plan for the fiscal year for
20 providing medical assistance to individuals who pro-
21 vided inconsistent information as the number of in-
22 dividuals with inconsistent information in excess of
23 3 percent of such total submitted bears to the total
24 number of individuals with inconsistent information.

1 “(C) The Secretary may waive, in certain limited
2 cases, all or part of the payment under subparagraph
3 (B)(ii) if the State is unable to reach the allowable error
4 rate despite a good faith effort by such State.

5 “(D) Subparagraphs (A) and (B) shall not apply to
6 a State for a fiscal year if there is an agreement described
7 in paragraph (2)(B) in effect as of the close of the fiscal
8 year that provides for the submission on a real-time basis
9 of the information described in such paragraph.

10 “(4) Nothing in this subsection shall affect the rights
11 of any individual under this title to appeal any
12 disenrollment from a State plan.”.

13 (B) COSTS OF IMPLEMENTING AND MAIN-
14 TAINING SYSTEM.—Section 1903(a)(3) (42
15 U.S.C. 1396b(a)(3)) is amended—

16 (i) by striking “plus” at the end of
17 subparagraph (E) and inserting “and”,
18 and

19 (ii) by adding at the end the following
20 new subparagraph:

21 “(F)(i) 90 percent of the sums expended
22 during the quarter as are attributable to the de-
23 sign, development, or installation of such
24 mechanized verification and information re-
25 trieval systems as the Secretary determines are