## 111TH CONGRESS 1ST SESSION

## H. R. 1386

To amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) to make permanent the program of Federal reimbursement of emergency health services furnished to undocumented aliens.

## IN THE HOUSE OF REPRESENTATIVES

March 9, 2009

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

## A BILL

To amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) to make permanent the program of Federal reimbursement of emergency health services furnished to undocumented aliens.

- 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 "Pay for all your Un-
- 5 documented Procedures (PAY UP!) Act of 2009".

1	SEC. 2. MAKING PERMANENT THE PROGRAM OF FEDERAL
2	REIMBURSEMENT OF EMERGENCY HEALTH
3	SERVICES FURNISHED TO UNDOCUMENTED
4	ALIENS.
5	(a) In General.—Subsection (a)(1) of section 1011
6	of the Medicare Prescription Drug, Improvement, and
7	Modernization Act of 2003 (Public Law 108–173) is
8	amended—
9	(1) by inserting "and for each of fiscal years
10	$2010$ through $2014\ensuremath{^{\prime\prime}}$ after "each of fiscal years $2005$
11	through 2008"; and
12	(2) by adding at the end the following: "There
13	are authorized to be appropriated to the Secretary
14	for fiscal year 2015 and each succeeding fiscal year
15	such sums as may be necessary for such purpose.".
16	(b) Reallocation of Unspent Funds in a Fis-
17	CAL YEAR.—
18	(1) In general.—Subsection (b) of such sec-
19	tion is amended—
20	(A) in paragraph (1)—
21	(i) in subparagraph (A), by striking
22	"subparagraph (B)" and inserting "sub-
23	paragraphs (B) and (C)"; and
24	(ii) by adding at the end the following
25	new subparagraph:

1	"(C) Reallotment of unspent
2	FUNDS.—
3	"(i) In general.—If the amounts al-
4	lotted under this paragraph with respect to
5	one or more States for a fiscal year are not
6	fully expended under this section during
7	the fiscal year and there is one or more
8	full expenditure States for the fiscal year,
9	the Secretary shall provide for the reallot-
10	ment of the aggregate unexpended portion
11	of such amounts (for expenditure under
12	this paragraph in the succeeding fiscal
13	year) among eligible providers in full ex-
14	penditure States in the same proportion as
15	the ratio of—
16	"(I) the amount of each full ex-
17	penditure State's allotment under this
18	paragraph for such fiscal year (deter-
19	mined without regard to this subpara-
20	graph); to
21	"(II) the sum of all the amounts
22	determined for all full expenditure
23	States under subclause (I).
24	"(ii) If no full expenditure
25	STATE.—If the amounts allotted under this

1	paragraph with respect to one or more
2	States for a fiscal year are not fully ex-
3	pended under this section during the fiscal
4	year and there is no full expenditure State
5	for the fiscal year, the aggregate unex-
6	pended portion shall be added to the ag-
7	gregate amount available for allotment
8	available under paragraph (1) for the suc-
9	ceeding fiscal year.
10	"(iii) Full expenditure state de-
11	FINED.—In this subparagraph, the term
12	'full expenditure State' means, with respect
13	to a fiscal year, a State described in sub-
14	paragraph (A) which has received an allot-
15	ment under this paragraph for the fiscal
16	year and which has fully expended such al-
17	lotment by the end of such fiscal year."
18	and
19	(B) in paragraph (2)—
20	(i) in subparagraph (B), by inserting
21	", subject to subparagraph (D)," after
22	"shall"; and
23	(ii) by adding at the end the following
24	new subparagraph:

"(D) REALLOTMENT OF UNSPENT FUNDS.—The provisions of subparagraph (C) of paragraph (1) shall apply with respect to allotments made under this paragraph to a State described in subparagraph (A) in the same manner as such subparagraph (C) applies with respect to allotments made to a State under paragraph (1).".

(2) Effective date.—The amendments made by paragraph (1) shall apply to allotments for fiscal years beginning before, during, or after fiscal 2010; except that, in applying such amendments for fiscal years that began before the date of the enactment of this Act—

(A) the allotments to a State for such fiscal years under paragraph (1) or (2) of section 1011(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) shall be treated as being a single allotment under the respective paragraph for the fiscal year in which this Act is enacted; and

1	(B) such fiscal years shall be treated as
2	being such the fiscal year in which this Act is
3	enacted.

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