

119TH CONGRESS
1ST SESSION

S. _____

To amend titles XIX and XXI of the Social Security Act to provide for continuous eligibility for certain children under the Medicaid program and the Children’s Health Insurance Program.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend titles XIX and XXI of the Social Security Act to provide for continuous eligibility for certain children under the Medicaid program and the Children’s Health Insurance Program.

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 “Keep Kids Covered
5 Act”.

1 **SEC. 2. REQUIRING STATES TO PROVIDE FOR CONTINUOUS**
2 **ELIGIBILITY FOR CHILDREN UNDER MED-**
3 **ICAID AND CHIP.**

4 (a) CONTINUOUS ELIGIBILITY FOR DEEMED
5 NEWBORNS UNTIL AGE 6.—

6 (1) MEDICAID.—Section 1902(e)(4) of the So-
7 cial Security Act (42 U.S.C. 1396a(e)(4)) is amend-
8 ed by striking “one year” and inserting “6 years”.

9 (2) CHIP.—Section 2112(e) of the Social Secu-
10 rity Act (42 U.S.C. 1397ll(e)) is amended by strik-
11 ing “1 year of age” and inserting “6 years of age
12 (except that such a child who is enrolled under the
13 State child health plan or waiver may be transferred
14 to the Medicaid program under title XIX for the re-
15 maining duration of the 6-year continuous eligibility
16 period, if the child becomes eligible for full benefits
17 under title XIX during such period)”.

18 (b) CONTINUOUS ELIGIBILITY FOR CHILDREN
19 UNDER AGE 19 AND FORMER FOSTER YOUTH.—

20 (1) MEDICAID.—Section 1902(e)(12) of the So-
21 cial Security Act (42 U.S.C. 1396a(e)(12)) is
22 amended—

23 (A) in the paragraph heading, by striking
24 “1 YEAR OF CONTINUOUS” and inserting “CON-
25 TINUOUS”;

1 (B) in the text preceding subparagraph
2 (A), by inserting “has attained the age of 6
3 and” after “an individual who”;

4 (C) in subparagraph (A), by striking “the
5 12-month period” and inserting “the 24-month
6 period”;

7 (D) by redesignating subparagraphs (A)
8 through (C) as clauses (i) through (iii), respec-
9 tively, and adjusting the margins accordingly;

10 (E) by striking “The State plan” and in-
11 serting:

12 “(A) CHILDREN UNDER AGE 6.—The State
13 plan (or waiver of such State plan) shall pro-
14 vide that an individual who is under the age of
15 6 and who is determined to be eligible for bene-
16 fits under a State plan (or waiver of such plan)
17 approved under this title under subsection
18 (a)(10)(A) shall remain eligible for such bene-
19 fits until the earlier of—

20 “(i) the time that such individual at-
21 tains the age of 6; or

22 “(ii) the date that such individual
23 ceases to be a resident of such State.

24 “(B) CHILDREN AGES 6 THROUGH 18.—
25 The State plan”; and

1 (F) by adding at the end the following new
2 subparagraph:

3 “(C) FORMER FOSTER YOUTH.—The State
4 plan (or waiver of such State plan) shall pro-
5 vide that an individual who is determined to be
6 eligible for benefits under a State plan (or waiv-
7 er of such plan) approved under this title under
8 subsection (a)(10)(A)(i)(IX) shall remain eligi-
9 ble for such benefits until the earlier of—

10 “(i) the time that such individual at-
11 tains the age of 26; or

12 “(ii) the date that such individual
13 ceases to be a resident of such State.”.

14 (2) CHIP.—Section 2107(e)(1)(L) of the Social
15 Security Act (42 U.S.C. 1397gg(e)(1)(L)), as redes-
16 ignated by section 71103(b)(1) of Public Law 119–
17 21, is amended—

18 (A) by striking “1 year of”; and

19 (B) by striking “12-month” and inserting
20 “applicable”.

21 (c) UPDATING CONTACT INFORMATION DURING
22 CONTINUOUS ELIGIBILITY PERIOD.—

23 (1) MEDICAID.—Section 1902(a) of the Social
24 Security Act (42 U.S.C. 1396a(a)), as amended by

1 sections 71103(a)(1) and 71104 of Public Law 119–
2 21, is amended—

3 (A) in paragraph (88), by striking “and”
4 at the end;

5 (B) in paragraph (89), by striking the pe-
6 riod at the end and inserting “; and”; and

7 (C) by inserting after paragraph (89) the
8 following new paragraph:

9 “(90) provide for a process—

10 “(A) to obtain, not less frequently than an-
11 nually, the up-to-date contact information for
12 individuals enrolled under such plan (or a waiv-
13 er of such plan) who have been so enrolled for
14 a period of longer than 12 months pursuant to
15 a continuous eligibility provision under this
16 title; and

17 “(B) to inform each such individual of
18 their enrollment under such plan (or waiver)
19 pursuant to such continuous eligibility provision
20 and of the remaining duration of the applicable
21 period of continuous eligibility.”.

22 (2) CHIP.—Section 2107(e)(1) of the Social
23 Security Act (42 U.S.C. 1397gg(e)(1)), as redesign-
24 nated by sections 71103(b)(1) and 71109(b) of Pub-
25 lic Law 119–21, is amended—

1 (A) by redesignating subparagraphs (I)
2 through (W) as subparagraphs (J) through (X),
3 respectively; and

4 (B) by inserting after subparagraph (H)
5 the following new subparagraph:

6 “(I) Section 1902(a)(90) (relating to the
7 verification of contact information and provision
8 of information regarding enrollment during a
9 period of continuous eligibility).”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on the date that is 1 year
12 after the date of the enactment of this section.

13 **SEC. 3. ADJUSTING APPLICATION OF PROVISION PRO-**
14 **VIDING COVERAGE CONTINUITY FOR**
15 **FORMER FOSTER CHILDREN UP TO AGE 26**
16 **UNDER MEDICAID.**

17 Section 1002(a)(2) of the SUPPORT for Patients
18 and Communities Act (42 U.S.C. 1396a note) is amended
19 by striking “shall take effect with respect to” and all that
20 follows through the period at the end and inserting the
21 following: “shall apply—

22 “(A) beginning January 1, 2023, with re-
23 spect to foster youth who attain 18 years of age
24 on or after such date; and

1 “(B) beginning on the date that is 180
2 days after the date of enactment of the Keep
3 Kids Covered Act, with respect to foster youth
4 not described in subparagraph (A).”.