

[DISCUSSION DRAFT]

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title XIX of the Social Security Act to establish State plan requirements for determining residency and coverage for military families, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mrs. KIGGANS of Virginia introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title XIX of the Social Security Act to establish State plan requirements for determining residency and coverage for military families, 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 [“\_\_\_\_\_ Act  
5 of \_\_\_\_\_”].

1 **SEC. 2. MEDICAID STATE PLAN REQUIREMENT FOR DETER-**  
2 **MINING RESIDENCY AND COVERAGE FOR**  
3 **MILITARY FAMILIES.**

4 (a) IN GENERAL.—Section 1902 of the Social Secu-  
5 rity Act (42 U.S.C. 1396a) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (86), by striking “and”  
8 at the end;

9 (B) in paragraph (87)(D), by striking the  
10 period at the end and inserting “; and”; and

11 (C) by inserting after paragraph (87)(D),  
12 the following new paragraph:

13 “(88) beginning January 1, 2028, provide, with  
14 respect to an active duty relocated individual (as de-  
15 fined in subsection (uu)(1))—

16 “(A) that, for purposes of determining eli-  
17 gibility for medical assistance under the State  
18 plan (or waiver of such plan), such active duty  
19 relocated individual is treated as a resident of  
20 the State unless such individual voluntarily  
21 elects not to be so treated for such purposes;

22 “(B) that if, at the time of relocation (as  
23 described in subsection (uu)(1)), such active  
24 duty relocated individual is on a home and com-  
25 munity-based services waiting list (as defined in

1 subsection (uu)(2)), such individual remains on  
2 such list until—

3 “(i) the State completes an assess-  
4 ment and renders a decision with respect  
5 to the eligibility of such individual to re-  
6 ceive the relevant home and community-  
7 based services at the time a slot for such  
8 services becomes available and, in the case  
9 such decision is a denial of such eligibility,  
10 such individual has exhausted the individ-  
11 ual’s opportunity for a fair hearing; or

12 “(ii) such individual elects to be re-  
13 moved from such list; and

14 “(C) payment for medical assistance fur-  
15 nished under the State plan (or a waiver of the  
16 plan) on behalf of such active duty relocated in-  
17 dividual in the military service relocation State  
18 (as referred to in subsection (uu)(1)(B)(i)), to  
19 the extent that such assistance is available in  
20 such military service relocation State in accord-  
21 ance with such guidance as the Secretary may  
22 issue to ensure access to such assistance.”; and  
23 (2) by adding at the end the following new sub-  
24 section:

1 “(uu) ACTIVE DUTY RELOCATED INDIVIDUAL; HOME  
2 AND COMMUNITY-BASED SERVICES WAITING LIST.—For  
3 purposes of subsection (a)(88) and this subsection:

4 “(1) ACTIVE DUTY RELOCATED INDIVIDUAL.—  
5 The term ‘active duty relocated individual’ means an  
6 individual—

7 “(A) who—

8 “(i) is enrolled under the State plan  
9 (or waiver of such plan); or

10 “(ii) with respect to an individual de-  
11 scribed in subparagraph (C)(ii), would be  
12 so enrolled pursuant to subsection  
13 (a)(10)(A)(ii)(VI) if such individual began  
14 receiving home and community-based serv-  
15 ices;

16 “(B) who—

17 “(i) is a member of the Armed Forces  
18 engaged in active duty service and is relo-  
19 cated to another State (in this subsection  
20 referred to as the ‘military service reloca-  
21 tion State’) by reason of such service;

22 “(ii) would be described in clause (i)  
23 except that the individual stopped being  
24 engaged in active duty service (including  
25 by reason of retirement from such service)

1 and the last day on which the individual  
2 was engaged in active duty service oc-  
3 curred not more than 12 months ago; or

4 “(iii) is a dependent (as defined by  
5 the Secretary) of a member described in  
6 clause (i) or (ii) who relocates to the mili-  
7 tary service relocation State with such  
8 member; and

9 “(C) who—

10 “(i) was receiving home and commu-  
11 nity-based services (as defined in section  
12 9817(a)(2)(B) of the American Rescue  
13 Plan Act of 2021) at the time of such relo-  
14 cation; or

15 “(ii) if the State maintains a home  
16 and community-based services waiting list,  
17 was on such home and community-based  
18 services waiting list at the time of such re-  
19 location.

20 “(2) HOME AND COMMUNITY-BASED SERVICES  
21 WAITING LIST.—The term ‘home and community-  
22 based services waiting list’ means, in the case of a  
23 State that has a limit on the number of individuals  
24 who may receive home and community-based services  
25 under section 1115(a), section 1915(c), or section

1 1915(j), a list maintained by such State of individ-  
2 uals who are requesting to receive such services  
3 under 1 or more such sections but for whom the  
4 State has not yet completed an assessment and ren-  
5 dered a decision with respect to the eligibility of  
6 such individuals to receive the relevant home and  
7 community-based services at the time a slot for such  
8 services becomes available due to such limit.”.

9 (b) IMPLEMENTATION FUNDING.—There are appro-  
10 priated, out of any funds in the Treasury not otherwise  
11 obligated, \$1,000,000 for each of fiscal years **【2026】**  
12 through **【2030】**, to remain available until expended, to  
13 the Secretary of Health and Human Services for purposes  
14 of implementing the amendments made by subsection (a).

15 **【(c) EFFECTIVE DATE.—】**

16 **【(1) IN GENERAL.—**Except as provided in  
17 paragraph (2), the amendments made by subsection  
18 (a) shall take effect on the date of enactment of this  
19 Act.**】**

20 **【(2) DELAY PERMITTED IF STATE LEGISLA-**  
21 **TION REQUIRED.—**In the case of a State plan ap-  
22 proved under title XIX of the Social Security Act  
23 (42 U.S.C. 1396 et seq.) which the Secretary of  
24 Health and Human Services determines requires  
25 State legislation (other than legislation appro-

1        priating funds) in order for the plan to meet the ad-  
2        ditional requirements imposed by the amendments  
3        made by this section, the State plan shall not be re-  
4        garded as failing to comply with the requirements of  
5        such title XIX solely on the basis of the failure of  
6        the plan to meet such additional requirements before  
7        the first day of the first calendar quarter beginning  
8        after the close of the first regular session of the  
9        State legislature that ends after the 1-year period  
10       beginning with the date of the enactment of this sec-  
11       tion. For purposes of the preceding sentence, in the  
12       case of a State that has a 2-year legislative session,  
13       each year of the session is deemed to be a separate  
14       regular session of the State legislature.】