To amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to allow States and localities to provide primary and preventive care to all individuals.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to allow States and localities to provide primary and preventive care to all individuals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Good Health Protection Act of 2001”.

SECTION 2. FINDINGS.

The Congress makes the following findings:

(1) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 states that
aliens may receive “assistance for health care items and services that are necessary for the treatment of an emergency medical condition”.

(2) The Attorney General of Texas made a recent decision based on the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that undocumented aliens could not receive non-emergency medical care from hospitals with public funds.

(3) In the decision, the Texas Attorney General states that Federal law prohibits hospitals from providing nonemergency health care, which consists of primary and preventive care, to undocumented aliens with public money.

(4) If hospitals do not comply with the opinion of the Texas Attorney General, they face the possibility of losing Federal money or face criminal charges for misuse of public funds.

(5) The amendments made by section 2 will protect staff, administrators, and members of boards of directors of hospitals from criminal and civil penalties.

(6) The opinion of the Texas Attorney General is unfair to health care providers and endangers the health of all residents.
It is necessary to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to correct this injustice.

SEC. 3. PERMITTING STATES AND LOCALITIES TO PROVIDE PRIMARY AND PREVENTIVE CARE TO ALL INDIVIDUALS.

(a) IN GENERAL.—Section 411(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(b)(1)) is amended by inserting “or for primary and preventive care” after “Act)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to primary and preventive care furnished before, on, or after the date of the enactment of this Act.

SEC. 4. REMEDIES.

Any person purposely or mistakenly denied after the enactment of this Act may in a civil action obtain appropriate relief.