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114TH CONGRESS
2D SESSION

H. R. 5375

To amend titles XIX and XXI of the Social Security Act to eliminate the CHIP maintenance of effort requirement and to eliminate DSH cuts for States not implementing the ACA Medicaid expansion.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 2016

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

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A BILL

To amend titles XIX and XXI of the Social Security Act to eliminate the CHIP maintenance of effort requirement and to eliminate DSH cuts for States not implementing the ACA Medicaid expansion.

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 ''Preserving Access to Medicaid for Americans Act of 2016''.

SEC. 2. ELIMINATION OF MOE REQUIREMENT FOR CHIP ELIGIBILITY.

Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)) is amended by striking ''September 30, 2019'' and inserting ''the date of the enactment of the Preserving Access to Medicaid for Americans Act of 2016''.

SEC. 3. ELIMINATION OF DSH CUTS FOR STATES NOT IMPLEMENTING ACA EXPANSION.

(a) IN GENERAL.—Section 1923(f)(7) of the Social Security Act (42 U.S.C. 1396r–4(f)(7)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking ''each of fiscal years 2018 through 2025'' and inserting ''fiscal year 2018 and each subsequent fiscal year''; and

(ii) in subclause (I)—

(I) by striking ''the amount specified under the DSH health reform methodology under subparagraph (B)'' and inserting ''the amount of the aggregate reduction target''; and

(II) by striking ''DSH allotments to States'' and inserting ''the DSH allotment to each expansion State'' each place it appears;

(B) in clause (ii)—

(i) in the matter preceding subclause (I), by striking ''The aggregate reductions'' and inserting ''In applying subparagraph (B), the aggregate reduction targets'';

(ii) in subclause (VII), by striking ''and'' at the end;

(iii) in subclause (VIII), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new subclause:

''(IX) $8,000,000,000 for fiscal year 2026 and, subject to subparagraph (C), each subsequent fiscal year.'';

(C) by amending clause (iv) to read as follows:

''(iv) DEFINITIONS.—For purposes of this paragraph:

''(I) The term 'expansion State' means, for a fiscal year, a State that, as of the date that is 180 days before the start of such fiscal year, provides for eligibility under clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) for medical assistance under this title (or a waiver of the State plan approved under section 1115).

"(II) The term 'non-expansion State' means, for a fiscal year, a State that is not an expansion State for such fiscal year."; and

(D) in clause (v), by striking "DISTRIBUTION OF AGGREGATE REDUCTIONS.—The Secretary shall distribute the aggregate reductions" and inserting "DISTRIBUTION OF AGGREGATE REDUCTION TARGETS.—The Secretary shall distribute the aggregate reduction targets under clause (ii) among all the States (including non-expansion States)";

(2) in subparagraph (B), by adding at the end the following new clause:

"(iv) The methodology imposes reduction targets as if the reductions under subparagraph (A) were applied to all States, including non-expansion States."; and

(3) by adding at the end the following new subparagraph:

"(C) EXTENSION OF REDUCTION FOR EXPANSION STATES TO PAY FOR ELIMINATION OF REDUCTION FOR NON-EXPANSION STATES.—The aggregate amount of reductions under subparagraph (A) for fiscal years after fiscal year 2025 shall not exceed the sum of the aggregate reduction targets distributed under clause (v) to non-expansion States for fiscal years 2018 through 2025.".

(b) CONFORMING AMENDMENT.—Section 1923(f)(8) of the Social Security Act (42 U.S.C. 1396r–4(f)(8)) is amended by striking "fiscal year 2025" and inserting "the last fiscal year for which a reduction is made under paragraph (7)(A)".

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