

115TH CONGRESS
2D SESSION

S. 3330

To protect the Medicare and Medicaid programs with respect to certain changes in reconciliation legislation.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2018

Ms. HIRONO (for herself, Mr. REED, Mr. BROWN, Mr. NELSON, Ms. HASSAN, Mrs. SHAHEEN, Ms. HARRIS, Mr. JONES, Mr. MERKLEY, Mrs. MCCASKILL, Ms. BALDWIN, Ms. DUCKWORTH, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To protect the Medicare and Medicaid programs with respect to certain changes in reconciliation legislation.

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 “Medicare and Medicaid
5 Protection Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Congress enacted Medicare in 1965 to ad-
9 dress concerns that about half of the seniors in the

1 United States lacked health insurance. Under Medi-
2 care, the uninsured rate for seniors has dropped to
3 just 2 percent and the life expectancy at age 65 has
4 increased by 15 percent.

5 (2) Today, Medicare provides affordable health
6 coverage to approximately 1 out of 6 individuals in
7 the United States (about 58,000,000 in 2017),
8 mainly people age 65 and older and other adults
9 with permanent disabilities.

10 (3) Congress enacted Medicaid to provide
11 “medical assistance to [eligible individuals] whose
12 income and resources are insufficient to meet the
13 costs of necessary medical services”.

14 (4) Approximately 67,000,000 children, seniors,
15 individuals with disabilities, pregnant women, and
16 low-income adults in the United States rely on Med-
17 icaid for affordable health care.

18 (5) Individuals in the United States who are
19 uninsured are nearly twice as likely to live in poverty
20 as those who have health insurance, making Medi-
21 care and Medicaid important tools for empowering
22 Americans to economic success.

1 **SEC. 3. POINT OF ORDER AGAINST PRIVATIZING MEDI-**
 2 **CARE, LIMITING FEDERAL FUNDING FOR**
 3 **MEDICAID, OR DECREASING BENEFITS IN**
 4 **MEDICARE OR MEDICAID IN RECONCILI-**
 5 **ATION LEGISLATION.**

6 Section 310 of the Congressional Budget Act of 1974
 7 (2 U.S.C. 641) is amended by adding at the end the fol-
 8 lowing:

9 “(h) POINT OF ORDER PROHIBITING CERTAIN
 10 CHANGES TO THE MEDICARE AND MEDICAID PROGRAMS
 11 IN RECONCILIATION LEGISLATION.—

12 “(1) IN GENERAL.—It shall not be in order in
 13 the Senate to consider any reconciliation bill or rec-
 14 onciliation resolution reported pursuant to a concur-
 15 rent resolution on the budget agreed to under sec-
 16 tion 301 or 304, or a joint resolution pursuant to
 17 section 258C of the Balanced Budget and Emer-
 18 gency Deficit Control Act of 1985, or any amend-
 19 ment thereto or conference report thereon, that
 20 would—

21 “(A) increase the eligibility age under the
 22 Medicare program under title XVIII of the So-
 23 cial Security Act (42 U.S.C. 1395 et seq.);

24 “(B) privatize or turn the Medicare pro-
 25 gram into a voucher system;

“(C) block grant the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), impose per capita spending caps on State plans under such title, or decrease coverage under such program from current levels; or

“(D) reduce or eliminate the ability of States to provide comprehensive and affordable health coverage through medical assistance to low-income, non-elderly individuals as established under section 1902(a)(10)(A)(i)(VIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(VIII)).

“(2) WAIVER AND APPEAL.—

“(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(B) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1) and debate on such an appeal shall be limited to 1 hour, to be equally divided between, and controlled by

1 the appellant and the manager of the reconcili-
2 ation bill, reconciliation resolution, or joint res-
3 olution described in paragraph (1), as the case
4 may be.”.

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