

117TH CONGRESS
1ST SESSION

S. 2315

To require the Secretary of Health and Human Services to establish a program to provide health care coverage to low-income adults in States that have not expanded Medicaid.

IN THE SENATE OF THE UNITED STATES

JULY 12, 2021

Mr. WARNOCK (for himself, Ms. BALDWIN, and Mr. OSSOFF) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require the Secretary of Health and Human Services to establish a program to provide health care coverage to low-income adults in States that have not expanded Medicaid.

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 “Medicaid Saves Lives
5 Act”.

1 **SEC. 2. MEDICAID FALLBACK COVERAGE PROGRAM FOR**
2 **LOW-INCOME ADULTS IN NON-EXPANSION**
3 **STATES.**

4 (a) IN GENERAL.—As soon as possible after the date
5 of enactment of this Act the Secretary of Health and
6 Human Services (in this section referred to as the “Sec-
7 retary”) shall—

8 (1) directly or by contract, establish a program
9 that offers eligible individuals the opportunity to en-
10 roll in health benefits coverage that meets the re-
11 quirements described in subsection (c) and any re-
12 quirements applicable to such coverage pursuant to
13 subsection (d); and

14 (2) ensure that such program is administered
15 consistent with the requirements of section
16 431.10(c)(2) of title 42, Code of Federal Regula-
17 tions.

18 (b) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this
19 section, the term “eligible individual” means an individual
20 who—

21 (1) is described in section
22 1902(a)(10)(A)(i)(VIII) of the Social Security Act
23 (42 U.S.C. 1396a(a)(10)(A)(i)(VIII));

24 (2) resides in a State that—

25 (A) does not expend amounts for medical
26 assistance under title XIX of the Social Secu-

1 rity Act (42 U.S.C. 1396 et seq.) for all individ-
2 uals described in such section; and

3 (B) did not expend amounts for medical
4 assistance under such title for all such individ-
5 uals as of the date of enactment of this Act;
6 and

7 (3) would not be eligible for medical assistance
8 under such State's plan for medical assistance under
9 title XIX of the Social Security Act (42 U.S.C. 1396
10 et seq.), or a waiver of such plan, as such plan or
11 waiver was in effect on such date.

12 (c) HEALTH BENEFITS COVERAGE REQUIRE-
13 MENTS.—The requirements described in this subsection
14 with respect to health benefits coverage are the following:

15 (1) ESSENTIAL HEALTH BENEFITS.—At a min-
16 imum, the coverage meets the minimum standards
17 required under paragraph (5) of section 1937(b) of
18 the Social Security Act (42 U.S.C. 1396u–7(b)) for
19 benchmark coverage described in paragraph (1) of
20 such section or benchmark equivalent coverage de-
21 scribed in paragraph (2) of such section.

22 (2) PREMIUMS AND COST SHARING.—No pre-
23 miums are imposed for the coverage, and deducti-
24 bles, cost sharing, or similar charges may only be
25 imposed in accordance with the requirements im-

1 posed on State Medicaid plans under section 1916 of
2 the Social Security Act (42 U.S.C. 1396o).

3 (d) APPLICATION OF REQUIREMENTS AND PROVI-
4 SIONS OF TITLE XIX OF THE SOCIAL SECURITY ACT.—
5 The Secretary shall specify that—

6 (1) any requirement applicable to the furnishing
7 of medical assistance under title XIX of the Social
8 Security Act (42 U.S.C. 1396 et seq.) by States that
9 have elected to make medical assistance available to
10 individuals described in section
11 1902(a)(10)(A)(i)(VIII) of such title (42 U.S.C.
12 1396a(a)(10)(A)(i)(VIII)) that does not conflict with
13 the requirements specified in subsection (c) applies
14 to the program established under this section; and

15 (2) other provisions of such title apply to such
16 program.

17 (e) NO STATE MANDATE.—Nothing in this section
18 shall be construed as requiring a State to make expendi-
19 tures related to the program established under this section
20 and the Secretary shall not impose any such requirement.

21 (f) FUNDING.—There are appropriated to the Sec-
22 retary for each fiscal year beginning with fiscal year 2021
23 from any funds in the Treasury not otherwise appro-
24 priated, such sums as are necessary to carry out this sec-
25 tion.

1 **SEC. 3. INCREASE AND EXTENSION OF TEMPORARY EN-**
2 **HANCED FMAP FOR STATES WHICH BEGIN TO**
3 **EXPEND AMOUNTS FOR CERTAIN MANDA-**
4 **TORY INDIVIDUALS.**

5 (a) **IN GENERAL.**—Section 1905(ii)(1) of the Social
6 Security Act (42 U.S.C. 1396d(ii)(1)) is amended—

7 (1) by striking “8-quarter period” and inserting
8 “40-quarter period”; and

9 (2) by striking “5 percentage points” and in-
10 sserting “10 percentage points”.

11 (b) **EFFECTIVE DATE.**—The amendments made by
12 this section shall take effect as if included in the enact-
13 ment of section 9814 of the American Rescue Plan Act
14 of 2021 (Public Law 117–2).

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