

*Rabert Mendez*

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To create a point of order against legislation that would eliminate or reduce Federal funding to States under the Medicaid expansion.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

**S. Con. Res. 3**

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**AMENDMENT N<sup>o</sup> 0083**

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By *Mendez*

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*Sen. Mendez,*

*with. Sen. Durbin, Hassan, Leahy, Heinrich, Franken,*

Viz: *Fennstein, Reed, Murray, Casper*

1 At the end of title IV, add the following:

2 **SEC. 4\_\_\_\_. POINT OF ORDER AGAINST ELIMINATING OR RE-**

3 **DUCING FEDERAL FUNDING TO STATES**

4 **UNDER THE MEDICAID EXPANSION.**

5 (a) POINT OF ORDER.—It shall not be in order in  
6 the Senate to consider any bill, joint resolution, motion,  
7 amendment, amendment between the Houses, or con-  
8 ference report that would eliminate or reduce funding to  
9 States available under law in effect on the date of the  
10 adoption of this section to provide comprehensive, afford-

1 able health care to low-income Americans by eliminating  
2 or reducing the availability of Federal financial assistance  
3 to States available under section 1905(y)(1) or 1905(z)(2)  
4 of the Social Security Act (42 U.S.C. 1396d(y)(1),  
5 1396d(z)(2)), unless the Director of the Congressional  
6 Budget Office certifies that the legislation would not—

7           (1) increase the number of uninsured Ameri-  
8       cans;

9           (2) decrease Medicaid enrollment in States that  
10       have opted to expand eligibility for medical assist-  
11       ance under that program for low-income, non-elderly  
12       individuals under the eligibility option established by  
13       the Affordable Care Act under section  
14       1902(a)(10)(A)(i)(VIII) of the Social Security Act  
15       (42 U.S.C. 1396a(a)(10)(A)(i)(VIII));

16           (3) reduce the likelihood that any State that, as  
17       of the date of the adoption of this section, has not  
18       opted to expand Medicaid under the eligibility option  
19       established by the Affordable Care Act under section  
20       1902(a)(10)(A)(i)(VIII) of the Social Security Act  
21       would opt to expand eligibility for medical assistance  
22       under that program using that eligibility option for  
23       low-income, non-elderly individuals; and

1           (4) increase the required State share of Med-  
2       icaid spending in any States that opt to expand  
3       Medicaid under that eligibility option.

4       (b) WAIVER AND APPEAL.—Subsection (a) may be  
5       waived or suspended in the Senate only by an affirmative  
6       vote of three-fifths of the Members, duly chosen and  
7       sworn. An affirmative vote of three-fifths of the Members  
8       of the Senate, duly chosen and sworn, shall be required  
9       to sustain an appeal of the ruling of the Chair on a point  
10      of order raised under subsection (a).