

In the Senate of the United States,

July 25, 2019.

Resolved, That the bill from the House of Representatives (H.R. 3253) entitled “An Act to provide for certain extensions with respect to the Medicaid program under title XIX of the Social Security Act, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Sustaining Excellence*
3 *in Medicaid Act of 2019”.*

4 ***SEC. 2. EXTENSION OF THE COMMUNITY MENTAL HEALTH***
5 ***SERVICES DEMONSTRATION PROGRAM.***

6 *Section 223(d)(3) of the Protecting Access to Medicare*
7 *Act of 2014 (42 U.S.C. 1396a note), as amended by Public*
8 *Law 116–29, is amended by striking “July 14, 2019” and*
9 *inserting “September 13, 2019”.*

1 **SEC. 3. EXTENSION OF PROTECTION FOR MEDICAID RECIPI-**
 2 **ENTS OF HOME AND COMMUNITY-BASED**
 3 **SERVICES AGAINST SPOUSAL IMPOVERISH-**
 4 **MENT.**

5 (a) *IN GENERAL.*—Section 2404 of Public Law 111–
 6 148 (42 U.S.C. 1396r–5 note) is amended by striking “Sep-
 7 tember 30, 2019” and inserting “December 31, 2019”.

8 (b) *RULE OF CONSTRUCTION.*—Nothing in section
 9 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or
 10 section 1902(a)(17) or 1924 of the Social Security Act (42
 11 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohib-
 12 iting a State from applying an income or resource dis-
 13 regard under a methodology authorized under section
 14 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

15 (1) *to the income or resources of an individual*
 16 *described in section 1902(a)(10)(A)(ii)(VI) of such*
 17 *Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a*
 18 *disregard of the income or resources of such individ-*
 19 *ual’s spouse); or*

20 (2) *on the basis of an individual’s need for home*
 21 *and community-based services authorized under sub-*
 22 *section (c), (d), (i), or (k) of section 1915 of such Act*
 23 *(42 U.S.C. 1396n) or under section 1115 of such Act*
 24 *(42 U.S.C. 1315).*

1 **SEC. 4. EXTENSION OF MONEY FOLLOWS THE PERSON RE-**
 2 **BALANCING DEMONSTRATION.**

3 *Section 6071(h)(1)(F) of the Deficit Reduction Act of*
 4 *2005 (42 U.S.C. 1396a note) is amended by striking*
 5 *“\$132,000,000” and inserting “\$254,500,000”.*

6 **SEC. 5. EXTENSION FOR FAMILY-TO-FAMILY HEALTH INFOR-**
 7 **MATION CENTERS.**

8 *Section 501(c) of the Social Security Act (42 U.S.C.*
 9 *701(c)) is amended—*

10 *(1) in paragraph (1)(A)(vii), by striking “and*
 11 *2019” and inserting “through 2024”; and*

12 *(2) in paragraph (3)(C), by striking “fiscal*
 13 *years 2018 and 2019” and inserting “fiscal year 2018*
 14 *and each fiscal year thereafter”.*

15 **SEC. 6. REDUCED WHOLESALE ACQUISITION COST (WAC)-**
 16 **BASED PAYMENTS FOR NEW DRUGS AND**
 17 **BIOLOGICALS.**

18 *Section 1847A(c)(4) of the Social Security Act (42*
 19 *U.S.C. 1395w-3a(c)(4)) is amended by striking “payable*
 20 *under this section for the drug or biological based on—”*
 21 *and all that follows through the period at the end and in-*
 22 *serting the following: “payable under this section—*

23 *“(A) in the case of a drug or biological fur-*
 24 *nished prior to January 1, 2019, based on—*

25 *“(i) the wholesale acquisition cost; or*

1 “(ii) the methodologies in effect under
2 this part on November 1, 2003, to determine
3 payment amounts for drugs or biologicals;
4 and

5 “(B) in the case of a drug or biological fur-
6 nished on or after January 1, 2019—

7 “(i) at an amount not to exceed 103
8 percent of the wholesale acquisition cost; or

9 “(ii) based on the methodologies in ef-
10 fect under this part on November 1, 2003,
11 to determine payment amounts for drugs or
12 biologicals.”.

Attest:

Secretary.

116TH CONGRESS
1ST Session

H.R. 3253

AMENDMENT