

**AMENDMENT TO THE AMENDMENT
IN THE NATURE OF A SUBSTITUTE TO THE
COMMITTEE PRINT
RELATING TO THE MEDICAID PROGRAM
OFFERED BY M. _____**

At the end of subtitle B, add:

1 **SEC. _____. ADJUSTMENTS TO FAMILIES FIRST MEDICAID**
2 **MAINTENANCE OF EFFORT REQUIREMENTS.**

3 (a) IN GENERAL.—Section 6008 of the Families
4 First Coronavirus Response Act (42 U.S.C. 1396d note)
5 is amended—

6 (1) in subsection (b)(3), by striking “or the in-
7 dividual ceases” and inserting “, the State verifies
8 that the individual is within a category of individuals
9 described in subsection (f), or the individual ceases”;

10 (2) by redesignating the subsection (d) added
11 by section 11 of division X of the Consolidated Ap-
12 propriations Act, 2021 (Public Law 116–260) as
13 subsection (e); and

14 (3) by adding at the end the following new sub-
15 sections:

16 “(f) EXCEPTIONS TO CONTINUOUS ELIGIBILITY
17 MAINTENANCE OF EFFORT REQUIREMENT.—For pur-

1 poses of subsection (b)(3), the categories of individuals de-
2 scribed in this subsection are the following:

3 “(1) Individuals who are entitled to, or eligible
4 to enroll under, part A of title XVIII of the Social
5 Security Act (42 U.S.C. 1395 et seq.), or are eligible
6 to enroll under part B of such title and who are not
7 dual eligible individuals (as defined in section
8 1915(h)(2)(B) of such Act (42 U.S.C.
9 1396n(h)(2)(B)).

10 “(2) Individuals who are eligible to enroll in
11 qualified employer-sponsored coverage (as defined in
12 section 1906A(b) of the Social Security Act (42
13 U.S.C. 1396e–1(b))).

14 “(3) Individuals who are eligible to enroll in a
15 qualified health plan offered on an Exchange estab-
16 lished pursuant to title I of the Patient Protection
17 and Affordable Care Act (42 U.S.C. 18001 et seq.)
18 and are eligible (or would be eligible but for their
19 enrollment under a State plan under title XIX of the
20 Social Security Act (42 U.S.C. 1396 et seq.), includ-
21 ing any waiver of such plan) for the premium tax
22 credit under section 36B of the Internal Revenue
23 Code of 1986.

24 “(g) STATE FLEXIBILITY WITH RESPECT TO MED-
25 ICAID ELIGIBILITY CATEGORIES.—A State shall not be

1 considered to have violated the requirement of subsection
2 (b)(3) if, with respect to an individual, the State changes
3 the eligibility category under which the individual is en-
4 rolled for medical assistance under a State plan or waiver
5 described in subsection (b)(1) so long as the amount, du-
6 ration, and scope of the medical assistance available to the
7 individual under the alternative eligibility category is equal
8 to the amount, duration, and scope of the medical assist-
9 ance available to the individual under the prior eligibility
10 category.”.

11 (b) **EFFECTIVE DATE.**—The amendments made by
12 this section shall take effect on the date of the enactment
13 of this Act.

