

In the Senate of the United States,

February 9 (legislative day, February 8), 2018.

Resolved, That the bill from the House of Representatives (H.R. 1892) entitled “An Act to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.”, do pass with the following

**SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE AMENDMENT:**

In lieu of the matter proposed to be inserted, insert the following:

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

- 2 (a) *SHORT TITLE.*—*This Act may be cited as the “Bi-*
3 *partisan Budget Act of 2018”.*

1 ***DIVISION B—SUPPLEMENTAL APPROPRIA-***
2 ***TIONS, TAX RELIEF, AND MEDICAID***
3 ***CHANGES RELATING TO CERTAIN DIS-***
4 ***ASTERS AND FURTHER EXTENSION OF***
5 ***CONTINUING APPROPRIATIONS***

6 ***Subdivision 1—Further Additional Supple-***
7 ***mental Appropriations for Disaster Relief***
8 ***Requirements Act, 2018***

9 *The following sums in this subdivision are appro-*
10 *priated, out of any money in the Treasury not otherwise*
11 *appropriated, for the fiscal year ending September 30, 2018*
12 *and for other purposes, namely:*

13 ***TITLE I***

14 ***DEPARTMENT OF AGRICULTURE***

15 ***AGRICULTURAL PROGRAMS***

16 ***PROCESSING, RESEARCH AND MARKETING***

17 ***OFFICE OF THE SECRETARY***

18 *For an additional amount for the “Office of the Sec-*
19 *retary”, \$2,360,000,000, which shall remain available until*
20 *December 31, 2019, for necessary expenses related to crops,*
21 *trees, bushes, and vine losses related to the consequences of*
22 *Hurricanes Harvey, Irma, Maria, and other hurricanes*
23 *and wildfires occurring in calendar year 2017 under such*
24 *terms and conditions as determined by the Secretary: Pro-*
25 *vided, That the Secretary may provide assistance for such*

1 losses in the form of block grants to eligible states and terri-
2 tories: Provided further, That the total amount of payments
3 received under this heading and applicable policies of crop
4 insurance under the Federal Crop Insurance Act (7 U.S.C.
5 1501 et seq.) or the Noninsured Crop Disaster Assistance
6 Program (NAP) under section 196 of the Federal Agri-
7 culture Improvement and Reform Act of 1996 (7 U.S.C.
8 7333) shall not exceed 85 percent of the loss as determined
9 by the Secretary: Provided further, That the total amount
10 of payments received under this heading for producers who
11 did not obtain a policy or plan of insurance for an insur-
12 able commodity for the 2017 crop year, or 2018 crop year
13 as applicable, under the Federal Crop Insurance Act (7
14 U.S.C. 1501 et seq.) for the crop incurring the losses or did
15 not file the required paperwork and pay the service fee by
16 the applicable State filing deadline for a noninsurable com-
17 modity for the 2017 crop year, or 2018 crop year as appli-
18 cable, under NAP for the crop incurring the losses shall not
19 exceed 65 percent of the loss as determined by the Secretary:
20 Provided further, That producers receiving payments under
21 this heading, as determined by the Secretary, shall be re-
22 quired to purchase crop insurance where crop insurance is
23 available for the next two available crop years, and pro-
24 ducers receiving payments under this heading shall be re-
25 quired to purchase coverage under NAP where crop insur-

1 *ance is not available in the next two available crop years,*
2 *as determined by the Secretary: Provided further, That, not*
3 *later than 90 days after the end of fiscal year 2018, the*
4 *Secretary shall submit a report to the Congress specifying*
5 *the type, amount, and method of such assistance by state*
6 *and territory and the status of the amounts obligated and*
7 *plans for further expenditure and include improvements*
8 *that can be made to Federal Crop Insurance policies, either*
9 *administratively or legislatively, to increase participation,*
10 *particularly among underserved producers, in higher levels*
11 *of coverage in future years for crops qualifying for assist-*
12 *ance under this heading: Provided further, That such*
13 *amount is designated by the Congress as being for an emer-*
14 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
15 *the Balanced Budget and Emergency Deficit Control Act*
16 *of 1985.*

17 *OFFICE OF INSPECTOR GENERAL*

18 *For an additional amount for “Office of Inspector*
19 *General”, \$2,500,000, to remain available until expended,*
20 *for oversight and audit of programs, grants, and activities*
21 *funded by this subdivision and administered by the Depart-*
22 *ment of Agriculture: Provided, That such amount is des-*
23 *ignated by the Congress as being for an emergency require-*
24 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
25 *Budget and Emergency Deficit Control Act of 1985.*

1 *AGRICULTURAL RESEARCH SERVICE*2 *BUILDINGS AND FACILITIES*

3 *For an additional amount for “Buildings and Facili-*
4 *ties”, \$22,000,000, to remain available until expended, for*
5 *necessary expenses related to the consequences of Hurricanes*
6 *Harvey, Irma, and Maria: Provided, That such amount is*
7 *designated by the Congress as being for an emergency re-*
8 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
9 *anced Budget and Emergency Deficit Control Act of 1985.*

10 *FARM SERVICE AGENCY*11 *EMERGENCY CONSERVATION PROGRAM*

12 *For an additional amount for the “Emergency Con-*
13 *servaion Program”, for necessary expenses related to the*
14 *consequences of Hurricanes Harvey, Irma, and Maria and*
15 *of wildfires occurring in calendar year 2017, and other nat-*
16 *ural disasters, \$400,000,000, to remain available until ex-*
17 *pended: Provided, That such amount is designated by the*
18 *Congress as being for an emergency requirement pursuant*
19 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
20 *Emergency Deficit Control Act of 1985.*

21 *NATURAL RESOURCES CONSERVATION SERVICE*22 *WATERSHED AND FLOOD PREVENTION OPERATIONS*

23 *For an additional amount for “Watershed and Flood*
24 *Prevention Operations”, for necessary expenses for the*
25 *Emergency Watershed Protection Program related to the*

1 *consequences of Hurricanes Harvey, Irma, and Maria and*
2 *of wildfires occurring in calendar year 2017, and other nat-*
3 *ural disasters, \$541,000,000, to remain available until ex-*
4 *pende: Provided, That such amount is designated by the*
5 *Congress as being for an emergency requirement pursuant*
6 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
7 *Emergency Deficit Control Act of 1985.*

8 *RURAL DEVELOPMENT PROGRAMS*

9 *RURAL HOUSING SERVICE*

10 *RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT*

11 *For an additional amount for “Rural Housing Insur-*
12 *ance Fund Program Account”, \$18,672,000, to remain*
13 *available until September 30, 2019, for the cost of direct*
14 *loans, including the cost of modifying loans as defined in*
15 *section 502 of the Congressional Budget Act of 1974, for*
16 *the rehabilitation of section 515 rental housing (42 U.S.C.*
17 *1485) in areas impacted by Hurricanes Harvey, Irma, and*
18 *Maria where owners were not required to carry national*
19 *flood insurance: Provided, That such amount is designated*
20 *by the Congress as being for an emergency requirement pur-*
21 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
22 *Emergency Deficit Control Act of 1985.*

1 *RURAL UTILITIES SERVICE*2 *RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT*

3 *For an additional amount for the “Rural Water and*
4 *Waste Disposal Program Account”, \$165,475,000, to re-*
5 *main available until expended, for grants to repair drink-*
6 *ing water systems and sewer and solid waste disposal sys-*
7 *tems impacted by Hurricanes Harvey, Irma, and Maria:*
8 *Provided, That not to exceed \$2,000,000 of the amount ap-*
9 *propriated under this heading shall be for technical assist-*
10 *ance grants for rural water and waste systems pursuant*
11 *to section 306(a)(22) of the Consolidated Farm and Rural*
12 *Development Act: Provided further, That such amount is*
13 *designated by the Congress as being for an emergency re-*
14 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
15 *anced Budget and Emergency Deficit Control Act of 1985.*

16 *DOMESTIC FOOD PROGRAMS*17 *FOOD AND NUTRITION SERVICE*18 *SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR*19 *WOMEN, INFANTS, AND CHILDREN (WIC)*

20 *For an additional amount for the “Special Supple-*
21 *mental Nutrition Program for Women, Infants, and Chil-*
22 *dren”, \$14,000,000, to remain available until September*
23 *30, 2019, for infrastructure grants to the Commonwealth*
24 *of Puerto Rico and the U.S. Virgin Islands to assist in the*
25 *repair and restoration of buildings, equipment, technology,*

1 *and other infrastructure damaged as a consequence of Hur-*
2 *ricanes Irma and Maria: Provided, That such amount is*
3 *designated by the Congress as being for an emergency re-*
4 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
5 *anced Budget and Emergency Deficit Control Act of 1985.*

6 *COMMODITY ASSISTANCE PROGRAM*

7 *For an additional amount for “Commodity Assistance*
8 *Program” for the emergency food assistance program as au-*
9 *thorized by section 27(a) of the Food and Nutrition Act of*
10 *2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emer-*
11 *gency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)),*
12 *\$24,000,000, to remain available until September 30, 2019,*
13 *for necessary expenses of those jurisdictions that received*
14 *a major disaster or emergency declaration pursuant to sec-*
15 *tion 401 or 501, respectively, of the Robert T. Stafford Dis-*
16 *aster Relief and Emergency Assistance Act (42 U.S.C. 5170,*
17 *5191) related to the consequences of Hurricanes Harvey,*
18 *Irma, and Maria or due to wildfires in 2017: Provided,*
19 *That notwithstanding any other provisions of the Emer-*
20 *gency Food Assistance Act of 1983, the Secretary of Agri-*
21 *culture may provide resources to Puerto Rico, the Virgin*
22 *Islands of the United States, and affected States, as deter-*
23 *mined by the Secretary, to assist affected families and indi-*
24 *viduals without regard to sections 204 and 214 of such Act*
25 *(7 U.S.C. 7508, 7515) by allocating additional foods and*

1 *funds for administrative expenses from resources specifi-*
2 *cally appropriated, transferred, or reprogrammed: Provided*
3 *further, That such amount is designated by the Congress*
4 *as being for an emergency requirement pursuant to section*
5 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
6 *Deficit Control Act of 1985.*

7 *RELATED AGENCIES AND FOOD AND DRUG*

8 *ADMINISTRATION*

9 *DEPARTMENT OF HEALTH AND HUMAN SERVICES*

10 *FOOD AND DRUG ADMINISTRATION*

11 *BUILDINGS AND FACILITIES*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For an additional amount for “Buildings and Facili-*
14 *ties”, \$7,600,000, to remain available until expended, for*
15 *necessary expenses related to the consequences of Hurricanes*
16 *Harvey, Irma, and Maria: Provided, That such amount*
17 *may be transferred to “Department of Health and Human*
18 *Services—Food and Drug Administration—Salaries and*
19 *Expenses” for costs related to repair of facilities, for re-*
20 *placement of equipment, and for other increases in facility-*
21 *related costs: Provided further, That obligations incurred*
22 *for the purposes provided herein prior to the date of enact-*
23 *ment of this subdivision may be charged to funds appro-*
24 *priated by this paragraph: Provided further, That such*
25 *amount is designated by the Congress as being for an emer-*

1 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
 2 *the Balanced Budget and Emergency Deficit Control Act*
 3 *of 1985.*

4 *GENERAL PROVISION—THIS TITLE*

5 *SEC. 20101. (a) Section 1501(b) of the Agricultural*
 6 *Act of 2014 (7 U.S.C. 9081(b)) is amended—*

7 *(1) in paragraph (1), in the matter before sub-*
 8 *paragraph (A), by inserting “sold livestock for a re-*
 9 *duced sale price, or both” after “normal mortality,”;*

10 *(2) in paragraph (2), by striking “applicable*
 11 *livestock on the day before the date of death of the*
 12 *livestock, as determined by the Secretary.” and insert-*
 13 *ing the following:*

14 *“affected livestock, as determined by the Secretary, on,*
 15 *as applicable—*

16 *“(A) the day before the date of death of the*
 17 *livestock; or*

18 *“(B) the day before the date of the event*
 19 *that caused the harm to the livestock that re-*
 20 *sulted in a reduced sale price.”; and*

21 *(3) by adding at the end the following new para-*
 22 *graph:*

23 *“(4) A payment made under paragraph (1) to*
 24 *an eligible producer on a farm that sold livestock for*
 25 *a reduced sale price shall—*

1 “(A) be made if the sale occurs within a
2 reasonable period following the event, as deter-
3 mined by the Secretary; and

4 “(B) be reduced by the amount that the pro-
5 ducer received for the sale.”.

6 (b) Section 1501(d)(1) of the Agricultural Act of 2014
7 (7 U.S.C. 9081(d)(1)) is amended by striking “not more
8 than \$20,000,000 of”.

9 (c) Section 1501(e)(4)(C) of the Agricultural Act of
10 2014 (7 U.S.C. 9081(e)(4)(C)) is amended by striking “500
11 acres” and inserting “1,000 acres”.

12 (d) Section 1501 of the Agricultural Act of 2014 (7
13 U.S.C. 9081) is amended—

14 (1) in subsection (e)(4)—

15 (A) by striking subparagraph (B); and

16 (B) by redesignating subparagraph (C), as
17 amended by subsection (c), as subparagraph (B);
18 and

19 (2) in subsection (f)(2), by striking “subsection
20 (e)” and inserting “subsections (b) and (e)”.

21 (e) Section 1501 of the Agricultural Act of 2014 (7
22 U.S.C. 9081), as amended by this section, shall apply with
23 respect to losses described in such section 1501 incurred on
24 or after January 1, 2017.

1 *vided further, That within the amount appropriated, up to*
2 *2 percent of funds may be transferred to the “Salaries and*
3 *Expenses” account for administration and oversight activi-*
4 *ties: Provided further, That within the amount appro-*
5 *priated, \$1,000,000 shall be transferred to the “Office of In-*
6 *spector General” account for carrying out investigations*
7 *and audits related to the funding provided under this head-*
8 *ing.*

9 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
10 *OPERATIONS, RESEARCH, AND FACILITIES*

11 *For an additional amount for “Operations, Research,*
12 *and Facilities” for necessary expenses related to the con-*
13 *sequences of Hurricanes Harvey, Irma, and Maria,*
14 *\$120,904,000, to remain available until September 30,*
15 *2019, as follows:*

16 *(1) \$12,904,000 for repair and replacement of*
17 *observing assets, Federal real property, and equip-*
18 *ment;*

19 *(2) \$18,000,000 for marine debris assessment*
20 *and removal;*

21 *(3) \$40,000,000 for mapping, charting, and ge-*
22 *odesy services; and*

23 *(4) \$50,000,000 to improve weather forecasting,*
24 *hurricane intensity forecasting and flood forecasting*

1 *and mitigation capabilities, including data assimila-*
2 *tion from ocean observing platforms and satellites:*
3 *Provided, That the amount provided under this heading is*
4 *designated by the Congress as being for an emergency re-*
5 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
6 *anced Budget and Emergency Deficit Control Act of 1985:*
7 *Provided further, That the National Oceanic and Atmos-*
8 *pheric Administration shall submit a spending plan to the*
9 *Committees on Appropriations of the House of Representa-*
10 *tives and the Senate within 45 days after the date of enact-*
11 *ment of this subdivision.*

12 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

13 *For an additional amount for “Procurement, Acquisi-*
14 *tion and Construction” for necessary expenses related to the*
15 *consequences of Hurricanes Harvey, Irma, and Maria,*
16 *\$79,232,000, to remain available until September 30, 2020,*
17 *as follows:*

- 18 (1) *\$29,232,000 for repair and replacement of*
19 *Federal real property and observing assets; and*
20 (2) *\$50,000,000 for improvements to operational*
21 *and research weather supercomputing infrastructure*
22 *and for improvement of satellite ground services used*
23 *in hurricane intensity and track prediction:*

24 *Provided, That the amount provided under this heading is*
25 *designated by the Congress as being for an emergency re-*

1 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
2 *anced Budget and Emergency Deficit Control Act of 1985:*
3 *Provided further, That the National Oceanic and Atmos-*
4 *pheric Administration shall submit a spending plan to the*
5 *Committees on Appropriations of the House of Representa-*
6 *tives and the Senate within 45 days after the date of enact-*
7 *ment of this subdivision.*

8 *FISHERIES DISASTER ASSISTANCE*

9 *For an additional amount for “Fisheries Disaster As-*
10 *sistance” for necessary expenses associated with the mitiga-*
11 *tion of fishery disasters, \$200,000,000, to remain available*
12 *until expended: Provided, That funds shall be used for miti-*
13 *gating the effects of commercial fishery failures and fishery*
14 *resource disasters declared by the Secretary of Commerce*
15 *in calendar year 2017, as well those declared by the Sec-*
16 *retary to be a direct result of Hurricanes Harvey, Irma,*
17 *or Maria: Provided further, That the amount provided*
18 *under this heading is designated by the Congress as being*
19 *for an emergency requirement pursuant to section*
20 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
21 *Deficit Control Act of 1985.*

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DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$2,500,000: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$21,200,000: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$11,500,000: Provided, That the amount provided under this heading is des-

1 *ignated by the Congress as being for an emergency require-*
2 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
3 *Budget and Emergency Deficit Control Act of 1985.*

4 *FEDERAL PRISON SYSTEM*

5 *SALARIES AND EXPENSES*

6 *For an additional amount for “Salaries and Ex-*
7 *penses” for necessary expenses related to the consequences*
8 *of Hurricanes Harvey, Irma, and Maria, \$16,000,000: Pro-*
9 *vided, That the amount provided under this heading is des-*
10 *ignated by the Congress as being for an emergency require-*
11 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
12 *Budget and Emergency Deficit Control Act of 1985.*

13 *BUILDINGS AND FACILITIES*

14 *For an additional amount for “Buildings and Facili-*
15 *ties” for necessary expenses related to the consequences of*
16 *Hurricanes Harvey, Irma, and Maria, \$34,000,000, to re-*
17 *main available until expended: Provided, That the amount*
18 *provided under this heading is designated by the Congress*
19 *as being for an emergency requirement pursuant to section*
20 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
21 *Deficit Control Act of 1985.*

1 *the Committees on Appropriations of the House of Rep-*
2 *resentatives and the Senate within 45 days after the date*
3 *of enactment of this subdivision.*

4 *RELATED AGENCIES*

5 *LEGAL SERVICES CORPORATION*

6 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

7 *For an additional amount for “Payment to the Legal*
8 *Services Corporation” to carry out the purposes of the Legal*
9 *Services Corporation Act by providing for necessary ex-*
10 *penses related to the consequences of Hurricanes Harvey,*
11 *Irma, and Maria and of the calendar year 2017 wildfires,*
12 *\$15,000,000: Provided, That the amount made available*
13 *under this heading shall be used only to provide the mobile*
14 *resources, technology, and disaster coordinators necessary to*
15 *provide storm-related services to the Legal Services Cor-*
16 *poration client population and only in the areas signifi-*
17 *cantly affected by Hurricanes Harvey, Irma, and Maria*
18 *and by the calendar year 2017 wildfires: Provided further,*
19 *That such amount is designated by the Congress as being*
20 *for an emergency requirement pursuant to section*
21 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
22 *Deficit Control Act of 1985: Provided further, That none*
23 *of the funds appropriated in this subdivision to the Legal*
24 *Services Corporation shall be expended for any purpose pro-*
25 *hibited or limited by, or contrary to any of the provisions*

1 *of, sections 501, 502, 503, 504, 505, and 506 of Public Law*
2 *105–119, and all funds appropriated in this subdivision to*
3 *the Legal Services Corporation shall be subject to the same*
4 *terms and conditions set forth in such sections, except that*
5 *all references in sections 502 and 503 to 1997 and 1998*
6 *shall be deemed to refer instead to 2017 and 2018, respec-*
7 *tively, and except that sections 501 and 503 of Public Law*
8 *104–134 (referenced by Public Law 105–119) shall not*
9 *apply to the amount made available under this heading:*
10 *Provided further, That, for the purposes of this subdivision,*
11 *the Legal Services Corporation shall be considered an agen-*
12 *cy of the United States Government.*

13 **GENERAL PROVISION—THIS TITLE**

14 *SEC. 20201. (a) In recognition of the consistency of*
15 *the Mid-Barataria Sediment Diversion, Mid-Breton Sound*
16 *Sediment Diversion, and Calcasieu Ship Channel Salinity*
17 *Control Measures projects, as selected by the 2017 Louisiana*
18 *Comprehensive Master Plan for a Sustainable Coast, with*
19 *the findings and policy declarations in section 2(6) of the*
20 *Marine Mammal Protection Act (16 U.S.C. 1361 et seq.,*
21 *as amended) regarding maintaining the health and sta-*
22 *bility of the marine ecosystem, within 120 days of the enact-*
23 *ment of this section, the Secretary of Commerce shall issue*
24 *a waiver pursuant to section 101(a)(3)(A) and this section*
25 *to section 101(a) and section 102(a) of the Act, for such*

1 *projects that will remain in effect for the duration of the*
2 *construction, operations and maintenance of the projects.*
3 *No rulemaking, permit, determination, or other condition*
4 *or limitation shall be required when issuing a waiver pur-*
5 *suant to this section.*

6 *(b) Upon issuance of a waiver pursuant to this section,*
7 *the State of Louisiana shall, in consultation with the Sec-*
8 *retary of Commerce:*

9 *(1) To the extent practicable and consistent with*
10 *the purposes of the projects, minimize impacts on ma-*
11 *rine mammal species and population stocks; and*

12 *(2) Monitor and evaluate the impacts of the*
13 *projects on such species and population stocks.*

14 *TITLE III*

15 *DEPARTMENT OF DEFENSE*

16 *DEPARTMENT OF DEFENSE—MILITARY*

17 *OPERATION AND MAINTENANCE*

18 *OPERATION AND MAINTENANCE, ARMY*

19 *For an additional amount for “Operation and Mainte-*
20 *nance, Army”, \$20,110,000, for necessary expenses related*
21 *to the consequences of Hurricanes Harvey, Irma, and*
22 *Maria: Provided, That such amount is designated by the*
23 *Congress as being for an emergency requirement pursuant*
24 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
25 *Emergency Deficit Control Act of 1985.*

1 *OPERATION AND MAINTENANCE, NAVY*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Navy”, \$267,796,000, for necessary expenses related*
4 *to the consequences of Hurricanes Harvey, Irma, and*
5 *Maria: Provided, That such amount is designated by the*
6 *Congress as being for an emergency requirement pursuant*
7 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
8 *Emergency Deficit Control Act of 1985.*

9 *OPERATION AND MAINTENANCE, MARINE CORPS*

10 *For an additional amount for “Operation and Mainte-*
11 *nance, Marine Corps”, \$17,920,000, for necessary expenses*
12 *related to the consequences of Hurricanes Harvey, Irma,*
13 *and Maria: Provided, That such amount is designated by*
14 *the Congress as being for an emergency requirement pursu-*
15 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
16 *Emergency Deficit Control Act of 1985.*

17 *OPERATION AND MAINTENANCE, AIR FORCE*

18 *For an additional amount for “Operation and Mainte-*
19 *nance, Air Force”, \$20,916,000, for necessary expenses re-*
20 *lated to the consequences of Hurricanes Harvey, Irma, and*
21 *Maria: Provided, That such amount is designated by the*
22 *Congress as being for an emergency requirement pursuant*
23 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
24 *Emergency Deficit Control Act of 1985.*

1 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Defense-Wide”, \$2,650,000, for necessary expenses*
4 *related to the consequences of Hurricanes Harvey, Irma,*
5 *and Maria: Provided, That such amount is designated by*
6 *the Congress as being for an emergency requirement pursu-*
7 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
8 *Emergency Deficit Control Act of 1985.*

9 *OPERATION AND MAINTENANCE, ARMY RESERVE*

10 *For an additional amount for “Operation and Mainte-*
11 *nance, Army Reserve”, \$12,500,000, for necessary expenses*
12 *related to the consequences of Hurricanes Harvey, Irma,*
13 *and Maria: Provided, That such amount is designated by*
14 *the Congress as being for an emergency requirement pursu-*
15 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
16 *Emergency Deficit Control Act of 1985.*

17 *OPERATION AND MAINTENANCE, NAVY RESERVE*

18 *For an additional amount for “Operation and Mainte-*
19 *nance, Navy Reserve”, \$2,922,000, for necessary expenses*
20 *related to the consequences of Hurricanes Harvey, Irma,*
21 *and Maria: Provided, That such amount is designated by*
22 *the Congress as being for an emergency requirement pursu-*
23 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
24 *Emergency Deficit Control Act of 1985.*

1 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Air Force Reserve”, \$5,770,000, for necessary ex-*
4 *penses related to the consequences of Hurricanes Harvey,*
5 *Irma, and Maria: Provided, That such amount is des-*
6 *ignated by the Congress as being for an emergency require-*
7 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
8 *Budget and Emergency Deficit Control Act of 1985.*

9 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

10 *For an additional amount for “Operation and Mainte-*
11 *nance, Army National Guard”, \$55,471,000, for necessary*
12 *expenses related to the consequences of Hurricanes Harvey,*
13 *Irma, and Maria: Provided, That such amount is des-*
14 *ignated by the Congress as being for an emergency require-*
15 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
16 *Budget and Emergency Deficit Control Act of 1985.*

17 *PROCUREMENT*18 *OTHER PROCUREMENT, NAVY*

19 *For an additional amount for “Other Procurement,*
20 *Navy” \$18,000,000, to remain available until September*
21 *30, 2020, for necessary expenses related to the consequences*
22 *of Hurricanes Harvey, Irma, and Maria: Provided, That*
23 *such amount is designated by the Congress as being for an*
24 *emergency requirement pursuant to section 251(b)(2)(A)(i)*

1 *of the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *REVOLVING AND MANAGEMENT FUNDS*

4 *DEFENSE WORKING CAPITAL FUNDS*

5 *For an additional amount for “Defense Working Cap-*
6 *ital Funds” for the Navy Working Capital Fund,*
7 *\$9,486,000, for necessary expenses related to the con-*
8 *sequences of Hurricanes Harvey, Irma, and Maria: Pro-*
9 *vided, That such amount is designated by the Congress as*
10 *being for an emergency requirement pursuant to section*
11 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
12 *Deficit Control Act of 1985.*

13 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

14 *DEFENSE HEALTH PROGRAM*

15 *For an additional amount for operation and mainte-*
16 *nance for “Defense Health Program”, \$704,000, for nec-*
17 *essary expenses related to the consequences of Hurricanes*
18 *Harvey, Irma, and Maria: Provided, That such amount is*
19 *designated by the Congress as being for an emergency re-*
20 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
21 *anced Budget and Emergency Deficit Control Act of 1985.*

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TITLE IV
CORPS OF ENGINEERS—CIVIL
DEPARTMENT OF THE ARMY
INVESTIGATIONS

For an additional amount for “Investigations” for necessary expenses related to the completion, or initiation and completion, of flood and storm damage reduction, including shore protection, studies which are currently authorized or which are authorized after the date of enactment of this subdivision, to reduce risk from future floods and hurricanes, at full Federal expense, \$135,000,000, to remain available until expended: Provided, That of such amount, not less than \$75,000,000 is available for such studies in States and insular areas that were impacted by Hurricanes Harvey, Irma, and Maria: Provided further, That funds made available under this heading shall be for high-priority studies of projects in States and insular areas with more than one flood-related major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in calendar years 2014, 2015, 2016, or 2017: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of

1 *the Army for Civil Works shall provide a monthly report*
2 *to the Committees on Appropriations of the House of Rep-*
3 *resentatives and the Senate detailing the allocation and ob-*
4 *ligation of these funds, including new studies selected to be*
5 *initiated using funds provided under this heading, begin-*
6 *ning not later than 60 days after the enactment of this sub-*
7 *division.*

8 *CONSTRUCTION*

9 *For an additional amount for “Construction” for nec-*
10 *essary expenses to address emergency situations at Corps*
11 *of Engineers projects, and to construct, and rehabilitate and*
12 *repair damages caused by natural disasters, to Corps of En-*
13 *gineers projects, \$15,055,000,000, to remain available until*
14 *expended: Provided, That of such amount, \$15,000,000,000*
15 *is available to construct flood and storm damage reduction,*
16 *including shore protection, projects which are currently au-*
17 *thorized or which are authorized after the date of enactment*
18 *of this subdivision, and flood and storm damage reduction,*
19 *including shore protection, projects which have signed*
20 *Chief’s Reports as of the date of enactment of this subdivi-*
21 *sion or which are studied using funds provided under the*
22 *heading “Investigations” if the Secretary determines such*
23 *projects to be technically feasible, economically justified,*
24 *and environmentally acceptable, in States and insular*
25 *areas with more than one flood-related major disaster de-*

1 *clared pursuant to the Robert T. Stafford Disaster Relief*
2 *and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in*
3 *calendar years 2014, 2015, 2016, or 2017: Provided further,*
4 *That of the amounts in the preceding proviso, not less than*
5 *\$10,425,000,000 shall be available for such projects within*
6 *States and insular areas that were impacted by Hurricanes*
7 *Harvey, Irma, and Maria: Provided further, That all re-*
8 *pair, rehabilitation, study, design, and construction of*
9 *Corps of Engineers projects in Puerto Rico and the United*
10 *States Virgin Islands, using funds provided under this*
11 *heading, shall be conducted at full Federal expense: Pro-*
12 *vided further, That for projects receiving funding under this*
13 *heading, the provisions of section 902 of the Water Re-*
14 *sources Development Act of 1986 shall not apply to these*
15 *funds: Provided further, That the completion of ongoing*
16 *construction projects receiving funds provided under this*
17 *heading shall be at full Federal expense with respect to such*
18 *funds: Provided further, That using funds provided under*
19 *this heading, the non-Federal cash contribution for projects*
20 *eligible for funding pursuant to the first proviso shall be*
21 *financed in accordance with the provisions of section 103(k)*
22 *of Public Law 99–662 over a period of 30 years from the*
23 *date of completion of the project or separable element: Pro-*
24 *vided further, That up to \$50,000,000 of the funds made*
25 *available under this heading shall be used for continuing*

1 *authorities projects to reduce the risk of flooding and storm*
2 *damage: Provided further, That any projects using funds*
3 *appropriated under this heading shall be initiated only*
4 *after non-Federal interests have entered into binding agree-*
5 *ments with the Secretary requiring, where applicable, the*
6 *non-Federal interests to pay 100 percent of the operation,*
7 *maintenance, repair, replacement, and rehabilitation costs*
8 *of the project and to hold and save the United States free*
9 *from damages due to the construction or operation and*
10 *maintenance of the project, except for damages due to the*
11 *fault or negligence of the United States or its contractors:*
12 *Provided further, That such amount is designated by the*
13 *Congress as being for an emergency requirement pursuant*
14 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
15 *Emergency Deficit Control Act of 1985: Provided further,*
16 *That the Assistant Secretary of the Army for Civil Works*
17 *shall provide a monthly report to the Committees on Appro-*
18 *priations of the House of Representatives and the Senate*
19 *detailing the allocation and obligation of these funds, begin-*
20 *ning not later than 60 days after the enactment of this sub-*
21 *division.*

22 *MISSISSIPPI RIVER AND TRIBUTARIES*

23 *For an additional amount for “Mississippi River and*
24 *Tributaries” for necessary expenses to address emergency*
25 *situations at Corps of Engineers projects, and to construct,*

1 *and rehabilitate and repair damages to Corps of Engineers*
2 *projects, caused by natural disasters, \$770,000,000, to re-*
3 *main available until expended: Provided, That of such*
4 *amount, \$400,000,000 is available to construct flood and*
5 *storm damage reduction projects which are currently au-*
6 *thorized or which are authorized after the date of enactment*
7 *of this subdivision: Provided further, That such amount is*
8 *designated by the Congress as being for an emergency re-*
9 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
10 *anced Budget and Emergency Deficit Control Act of 1985:*
11 *Provided further, That the Assistant Secretary of the Army*
12 *for Civil Works shall provide a monthly report to the Com-*
13 *mittees on Appropriations of the House of Representatives*
14 *and the Senate detailing the allocation and obligation of*
15 *these funds, beginning not later than 60 days after the en-*
16 *actment of this subdivision.*

17 *OPERATION AND MAINTENANCE*

18 *For an additional amount for “Operation and Mainte-*
19 *nance” for necessary expenses to dredge Federal navigation*
20 *projects in response to, and repair damages to Corps of En-*
21 *gineers Federal projects caused by, natural disasters,*
22 *\$608,000,000, to remain available until expended, of which*
23 *such sums as are necessary to cover the Federal share of*
24 *eligible operation and maintenance costs for coastal harbors*
25 *and channels, and for inland harbors shall be derived from*

1 *the Harbor Maintenance Trust Fund: Provided, That such*
2 *amount is designated by the Congress as being for an emer-*
3 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
4 *the Balanced Budget and Emergency Deficit Control Act*
5 *of 1985: Provided further, That the Assistant Secretary of*
6 *the Army for Civil Works shall provide a monthly report*
7 *to the Committees on Appropriations of the House of Rep-*
8 *resentatives and the Senate detailing the allocation and ob-*
9 *ligation of these funds, beginning not later than 60 days*
10 *after the enactment of this subdivision.*

11 *FLOOD CONTROL AND COASTAL EMERGENCIES*

12 *For an additional amount for “Flood Control and*
13 *Coastal Emergencies”, as authorized by section 5 of the Act*
14 *of August 18, 1941 (33 U.S.C. 701n), for necessary expenses*
15 *to prepare for flood, hurricane and other natural disasters*
16 *and support emergency operations, repairs, and other ac-*
17 *tivities in response to such disasters, as authorized by law,*
18 *\$810,000,000, to remain available until expended: Pro-*
19 *vided, That funding utilized for authorized shore protection*
20 *projects shall restore such projects to the full project profile*
21 *at full Federal expense: Provided further, That such amount*
22 *is designated by the Congress as being for an emergency*
23 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
24 *anced Budget and Emergency Deficit Control Act of 1985:*
25 *Provided further, That the Assistant Secretary of the Army*

1 *for Civil Works shall provide a monthly report to the Com-*
 2 *mittees on Appropriations of the House of Representatives*
 3 *and the Senate detailing the allocation and obligation of*
 4 *these funds, beginning not later than 60 days after the en-*
 5 *actment of this subdivision.*

6

EXPENSES

7 *For an additional amount for “Expenses” for nec-*
 8 *essary expenses to administer and oversee the obligation*
 9 *and expenditure of amounts provided in this title for the*
 10 *Corps of Engineers, \$20,000,000, to remain available until*
 11 *expended: Provided, That such amount is designated by the*
 12 *Congress as being for an emergency requirement pursuant*
 13 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
 14 *Emergency Deficit Control Act of 1985: Provided further,*
 15 *That the Assistant Secretary of the Army for Civil Works*
 16 *shall provide a monthly report to the Committees on Appro-*
 17 *priations of the House of Representatives and the Senate*
 18 *detailing the allocation and obligation of these funds, begin-*
 19 *ning not later than 60 days after enactment of this subdivi-*
 20 *sion.*

21

DEPARTMENT OF ENERGY

22

ENERGY PROGRAMS

23

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

24

25 *For an additional amount for “Electricity Delivery*
and Energy Reliability”, \$13,000,000, to remain available

1 *until expended, for necessary expenses related to the con-*
 2 *sequences of Hurricanes Harvey, Irma, and Maria, includ-*
 3 *ing technical assistance related to electric grids: Provided,*
 4 *That such amount is designated by the Congress as being*
 5 *for an emergency requirement pursuant to section*
 6 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
 7 *Deficit Control Act of 1985.*

8 *STRATEGIC PETROLEUM RESERVE*

9 *For an additional amount for “Strategic Petroleum*
 10 *Reserve”, \$8,716,000, to remain available until expended,*
 11 *for necessary expenses related to damages caused by Hurri-*
 12 *canes Harvey, Irma, and Maria: Provided, That such*
 13 *amount is designated by the Congress as being for an emer-*
 14 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
 15 *the Balanced Budget and Emergency Deficit Control Act*
 16 *of 1985.*

17 *GENERAL PROVISIONS—THIS TITLE*

18 *SEC. 20401. In fiscal year 2018, and each fiscal year*
 19 *thereafter, the Chief of Engineers of the U.S. Army Corps*
 20 *of Engineers shall transmit to the Congress, after reasonable*
 21 *opportunity for comment, but without change, by the Assist-*
 22 *ant Secretary of the Army for Civil Works, a monthly re-*
 23 *port, the first of which shall be transmitted to Congress not*
 24 *later than 2 days after the date of enactment of this subdivi-*
 25 *sion and monthly thereafter, which includes detailed esti-*

1 *mates of damages to each Corps of Engineers project, caused*
2 *by natural disasters or otherwise.*

3 *SEC. 20402. From the unobligated balances of amounts*
4 *made available to the U.S. Army Corps of Engineers,*
5 *\$518,900,000 under the heading “Corps of Engineers—*
6 *Civil, Flood Control and Coastal Emergencies” and*
7 *\$210,000,000 under the heading “Corps of Engineers—*
8 *Civil, Operations and Maintenance” in title X of the Dis-*
9 *aster Relief Appropriations Act, 2013 (Public Law 113–*
10 *2; 127 Stat. 25) shall be transferred to “Corps of Engi-*
11 *neers—Civil, Construction”, to remain available until ex-*
12 *pended, to rehabilitate, repair and construct Corps of Engi-*
13 *neers projects: Provided, That those projects may only in-*
14 *clude construction expenses, including cost sharing, as de-*
15 *scribed under the heading “Corps of Engineers—Civil, Con-*
16 *struction” in title X of that Act or other construction ex-*
17 *penses related to the consequences of Hurricane Sandy: Pro-*
18 *vided further, That amounts transferred pursuant to this*
19 *section that were previously designated by the Congress as*
20 *an emergency requirement pursuant to the Balanced Budg-*
21 *et and Emergency Deficit Control Act are designated by*
22 *the Congress as an emergency requirement pursuant to sec-*
23 *tion 251(b)(2)(A)(i) of the Balanced Budget and Emergency*
24 *Deficit Control Act of 1985: Provided further, That the As-*
25 *stant Secretary of the Army for Civil Works shall provide*

1 *a monthly report to the Committees on Appropriations of*
2 *the House of Representatives and the Senate detailing the*
3 *allocation and obligation of these funds, beginning not later*
4 *than 60 days after the enactment of this subdivision.*

5 *TITLE V*

6 *INDEPENDENT AGENCIES*

7 *GENERAL SERVICES ADMINISTRATION*

8 *REAL PROPERTY ACTIVITIES*

9 *FEDERAL BUILDINGS FUND*

10 *For an additional amount to be deposited in the “Fed-*
11 *eral Buildings Fund”, \$126,951,000, to remain available*
12 *until expended, for necessary expenses related to the con-*
13 *sequences of Hurricanes Harvey, Maria, and Irma for re-*
14 *pair and alteration of buildings under the custody and con-*
15 *trol of the Administrator of General Services, and real*
16 *property management and related activities not otherwise*
17 *provided for: Provided, That funds may be used to reim-*
18 *burse the “Federal Buildings Fund” for obligations in-*
19 *curred for this purpose prior to enactment of this subdivi-*
20 *sion: Provided further, That not more than \$15,000,000*
21 *shall be available for tenant improvements in damaged U.S.*
22 *courthouses: Provided further, That such amount is des-*
23 *ignated by the Congress as being for an emergency require-*
24 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
25 *Budget and Emergency Deficit Control Act of 1985.*

1 *SMALL BUSINESS ADMINISTRATION*2 *OFFICE OF INSPECTOR GENERAL*

3 *For an additional amount for the “Office of Inspector*
4 *General”, \$7,000,000, to remain available until expended:*
5 *Provided, That such amount is designated by the Congress*
6 *as being for an emergency requirement pursuant to section*
7 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
8 *Deficit Control Act of 1985.*

9 *DISASTER LOANS PROGRAM ACCOUNT*10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For an additional amount for the “Disaster Loans*
12 *Program Account” for the cost of direct loans authorized*
13 *by section 7(b) of the Small Business Act, \$1,652,000,000,*
14 *to remain available until expended: Provided, That up to*
15 *\$618,000,000 may be transferred to and merged with “Sala-*
16 *ries and Expenses” for administrative expenses to carry out*
17 *the disaster loan program authorized by section 7(b) of the*
18 *Small Business Act: Provided further, That none of the*
19 *funds provided under this heading may be used for indirect*
20 *administrative expenses: Provided further, That the amount*
21 *provided under this heading is designated by the Congress*
22 *as being for an emergency requirement pursuant to section*
23 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
24 *Deficit Control Act of 1985.*

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TITLE VI

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT, OPERATIONS,

INTELLIGENCE, AND OVERSIGHT

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$25,000,000, to remain available until September 30, 2020, for audits and investigations of activities funded by this title: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$104,494,000, to remain available until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act

1 *of 1985: Provided further, That not more than \$39,400,000*
2 *may be used to carry out U.S. Customs and Border Protec-*
3 *tion activities in fiscal year 2018 in Puerto Rico and the*
4 *United States Virgin Islands, in addition to any other*
5 *amounts available for such purposes.*

6 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

7 *For an additional amount for “Procurement, Con-*
8 *struction, and Improvements” for necessary expenses re-*
9 *lated to the consequences of Hurricanes Harvey, Irma, and*
10 *Maria, including for the reconstruction of facilities affected,*
11 *\$45,000,000, to remain available until September 30, 2022:*
12 *Provided, That such amount is designated by the Congress*
13 *as being for an emergency requirement pursuant to section*
14 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
15 *Deficit Control Act of 1985: Provided further, That funds*
16 *are provided to carry out U.S. Customs and Border Protec-*
17 *tion activities in Puerto Rico and the United States Virgin*
18 *Islands, in addition to any other amounts available for such*
19 *purposes.*

20 *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*

21 *OPERATIONS AND SUPPORT*

22 *For an additional amount for “Operations and Sup-*
23 *port” for necessary expenses related to the consequences of*
24 *Hurricanes Harvey, Irma, and Maria, \$30,905,000, to re-*
25 *main available until September 30, 2019: Provided, That*

1 *such amount is designated by the Congress as being for an*
2 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
3 *of the Balanced Budget and Emergency Deficit Control Act*
4 *of 1985.*

5 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

6 *For an additional amount for “Procurement, Con-*
7 *struction, and Improvements” for necessary expenses re-*
8 *lated to the consequences of Hurricanes Harvey, Irma, and*
9 *Maria, \$33,052,000, to remain available until September*
10 *30, 2022: Provided, That such amount is designated by the*
11 *Congress as being for an emergency requirement pursuant*
12 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
13 *Emergency Deficit Control Act of 1985.*

14 *TRANSPORTATION SECURITY ADMINISTRATION*

15 *OPERATIONS AND SUPPORT*

16 *For an additional amount for “Operations and Sup-*
17 *port” for necessary expenses related to the consequences of*
18 *Hurricanes Harvey, Irma, and Maria, \$10,322,000, to re-*
19 *main available until September 30, 2019: Provided, That*
20 *such amount is designated by the Congress as being for an*
21 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
22 *of the Balanced Budget and Emergency Deficit Control Act*
23 *of 1985.*

1 *after enactment of this subdivision, the Secretary of Home-*
2 *land Security, or her designee, shall submit to the Commit-*
3 *tees on Appropriations of the House of Representatives and*
4 *the Senate a detailed expenditure plan for funds appro-*
5 *riated under this heading: Provided further, That such*
6 *amount is designated by the Congress as being for an emer-*
7 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
8 *the Balanced Budget and Emergency Deficit Control Act*
9 *of 1985.*

10 *PROTECTION, PREPAREDNESS, RESPONSE, AND*
11 *RECOVERY*

12 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

13 *OPERATIONS AND SUPPORT*

14 *For an additional amount for “Operations and Sup-*
15 *port” for necessary expenses related to the consequences of*
16 *Hurricanes Harvey, Irma, and Maria, \$58,800,000, to re-*
17 *main available until September 30, 2019: Provided, That*
18 *such amount is designated by the Congress as being for an*
19 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
20 *of the Balanced Budget and Emergency Deficit Control Act*
21 *of 1985.*

22 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

23 *For an additional amount for “Procurement, Con-*
24 *struction, and Improvements” for necessary expenses re-*
25 *lated to the consequences of Hurricanes Harvey, Irma, and*

1 *Maria, \$1,200,000, to remain available until September 30,*
2 *2020: Provided, That such amount is designated by the*
3 *Congress as being for an emergency requirement pursuant*
4 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
5 *Emergency Deficit Control Act of 1985.*

6 *DISASTER RELIEF FUND*

7 *For an additional amount for “Disaster Relief Fund”*
8 *for major disasters declared pursuant to the Robert T. Staf-*
9 *ford Disaster Relief and Emergency Assistance Act (42*
10 *U.S.C. 5121 et seq.), \$23,500,000,000, to remain available*
11 *until expended: Provided, That the Administrator of the*
12 *Federal Emergency Management Agency shall publish on*
13 *the Agency’s website not later than 5 days after an award*
14 *of a public assistance grant under section 406 or 428 of*
15 *the Robert T. Stafford Disaster Relief and Emergency As-*
16 *sistance Act (42 U.S.C. 5172 or 5189f) that is in excess*
17 *of \$1,000,000, the specifics of each such grant award: Pro-*
18 *vided further, That for any mission assignment or mission*
19 *assignment task order to another Federal department or*
20 *agency regarding a major disaster in excess of \$1,000,000,*
21 *not later than 5 days after the issuance of such mission*
22 *assignment or mission assignment task order, the Adminis-*
23 *trator shall publish on the Agency’s website the following:*
24 *the name of the impacted State, the disaster declaration for*
25 *such State, the assigned agency, the assistance requested,*

1 a description of the disaster, the total cost estimate, and
2 the amount obligated: Provided further, That not later than
3 10 days after the last day of each month until a mission
4 assignment or mission assignment task order described in
5 the preceding proviso is completed and closed out, the Ad-
6 ministrator shall update any changes to the total cost esti-
7 mate and the amount obligated: Provided further, That for
8 a disaster declaration related to Hurricanes Harvey, Irma,
9 or Maria, the Administrator shall submit to the Committees
10 on Appropriations of the House of Representatives and the
11 Senate, not later than 5 days after the first day of each
12 month beginning after the date of enactment of this subdivi-
13 sion, and shall publish on the Agency's website, not later
14 than 10 days after the first day of each such month, an
15 estimate or actual amount, if available, for the current fis-
16 cal year of the cost of the following categories of spending:
17 public assistance, individual assistance, operations, mitiga-
18 tion, administrative, and any other relevant category (in-
19 cluding emergency measures and disaster resources): Pro-
20 vided, further, That not later than 10 days after the first
21 day of each month, the Administrator shall publish on the
22 Agency's website the report (referred to as the Disaster Re-
23 lief Monthly Report) as required by Public Law 114-4: Pro-
24 vided further, That of the amounts provided under this
25 heading for the Disaster Relief Fund, up to \$150,000,000

1 *shall be transferred to the Disaster Assistance Direct Loan*
2 *Program Account for the cost to lend a territory or posses-*
3 *sion of the United States that portion of assistance for*
4 *which the territory or possession is responsible under the*
5 *cost-sharing provisions of the major disaster declaration for*
6 *Hurricanes Irma or Maria, as authorized under section 319*
7 *of the Robert T. Stafford Disaster Relief and Emergency*
8 *Assistance Act (42 U.S.C. 5162): Provided further, That of*
9 *the amount provided under this paragraph for transfer, up*
10 *to \$1,000,000 may be transferred to the Disaster Assistance*
11 *Direct Loan Program Account for administrative expenses*
12 *to carry out the Advance of Non-Federal Share program,*
13 *as authorized by section 319 of the Robert T. Stafford Dis-*
14 *aster Relief and Emergency Assistance Act (42 U.S.C.*
15 *5162): Provided further, That such amount is designated*
16 *by the Congress as being for an emergency requirement pur-*
17 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 *RESEARCH, DEVELOPMENT, TRAINING, AND*

20 *SERVICES*

21 *FEDERAL LAW ENFORCEMENT TRAINING CENTERS*

22 *OPERATIONS AND SUPPORT*

23 *For an additional amount for “Operations and Sup-*
24 *port” for necessary expenses related to the consequences of*
25 *Hurricanes Harvey, Irma, and Maria, \$5,374,000, to re-*

1 *main available until September 30, 2019: Provided, That*
2 *such amount is designated by the Congress as being for an*
3 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
4 *of the Balanced Budget and Emergency Deficit Control Act*
5 *of 1985.*

6 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

7 *For an additional amount for “Procurement, Con-*
8 *struction, and Improvements” for necessary expenses re-*
9 *lated to the consequences of Hurricanes Harvey, Irma, and*
10 *Maria, \$5,000,000, to remain available until September 30,*
11 *2022: Provided, That such amount is designated by the*
12 *Congress as being for an emergency requirement pursuant*
13 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
14 *Emergency Deficit Control Act of 1985.*

15 *GENERAL PROVISIONS—THIS TITLE*

16 *SEC. 20601. The Administrator of the Federal Emer-*
17 *gency Management Agency may provide assistance, pursu-*
18 *ant to section 428 of the Robert T. Stafford Disaster Relief*
19 *and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for*
20 *critical services as defined in section 406 of the Robert T.*
21 *Stafford Disaster Relief and Emergency Assistance Act for*
22 *the duration of the recovery for incidents DR-4336-PR,*
23 *DR-4339-PR, DR-4340-USVI, and DR-4335-USVI to—*

1 (1) *replace or restore the function of a facility or*
2 *system to industry standards without regard to the*
3 *pre-disaster condition of the facility or system; and*

4 (2) *replace or restore components of the facility*
5 *or system not damaged by the disaster where nec-*
6 *essary to fully effectuate the replacement or restora-*
7 *tion of disaster-damaged components to restore the*
8 *function of the facility or system to industry stand-*
9 *ards.*

10 *SEC. 20602. Notwithstanding section 404 or 420 of the*
11 *Robert T. Stafford Disaster Relief and Emergency Assist-*
12 *ance Act (42 U.S.C. 5170c and 8187), for fiscal years 2017*
13 *and 2018, the President shall provide hazard mitigation as-*
14 *sistance in accordance with such section 404 in any area*
15 *in which assistance was provided under such section 420.*

16 *SEC. 20603. The third proviso of the second paragraph*
17 *in title I of Public Law 115–72 under the heading “Federal*
18 *Emergency Management Agency—Disaster Relief Fund”*
19 *shall be amended by striking “180 days” and inserting*
20 *“365 days”: Provided, That amounts repurposed pursuant*
21 *to this section that were previously designated by the Con-*
22 *gress as an emergency requirement pursuant to the Bal-*
23 *anced Budget and Emergency Deficit Control Act are des-*
24 *ignated by the Congress as an emergency requirement pur-*

1 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
2 *Emergency Deficit Control Act of 1985.*

3 *SEC. 20604. (a) DEFINITION OF PRIVATE NONPROFIT*
4 *FACILITY.—Section 102(11)(B) of the Robert T. Stafford*
5 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
6 *5122(11)(B)) is amended to read as follows:*

7 *“(A) IN GENERAL.—The term ‘private non-*
8 *profit facility’ means private nonprofit edu-*
9 *catinal (without regard to the religious char-*
10 *acter of the facility), utility, irrigation, emer-*
11 *gency, medical, rehabilitational, and temporary*
12 *or permanent custodial care facilities (including*
13 *those for the aged and disabled) and facilities on*
14 *Indian reservations, as defined by the President.*

15 *“(B) ADDITIONAL FACILITIES.—In addition*
16 *to the facilities described in subparagraph (A),*
17 *the term ‘private nonprofit facility’ includes any*
18 *private nonprofit facility that provides essential*
19 *social services to the general public (including*
20 *museums, zoos, performing arts facilities, com-*
21 *munity arts centers, community centers, librar-*
22 *ies, homeless shelters, senior citizen centers, reha-*
23 *ilitation facilities, shelter workshops, broad-*
24 *casting facilities, houses of worship, and facili-*
25 *ties that provide health and safety services of a*

1 governmental nature), as defined by the Presi-
2 dent. No house of worship may be excluded from
3 this definition because leadership or membership
4 in the organization operating the house of wor-
5 ship is limited to persons who share a religious
6 faith or practice.”

7 (b) *REPAIR, RESTORATION, AND REPLACEMENT OF*
8 *DAMAGED FACILITIES.*—Section 406(a)(3) of the Robert T.
9 Stafford Disaster Relief and Emergency Assistance Act (42
10 U.S.C. 5172(a)(3)) is amended by adding at the end the
11 following:

12 “(C) *RELIGIOUS FACILITIES.*—A church,
13 synagogue, mosque, temple, or other house of
14 worship, educational facility, or any other pri-
15 vate nonprofit facility, shall be eligible for con-
16 tributions under paragraph (1)(B), without re-
17 gard to the religious character of the facility or
18 the primary religious use of the facility. No
19 house of worship, educational facility, or any
20 other private nonprofit facility may be excluded
21 from receiving contributions under paragraph
22 (1)(B) because leadership or membership in the
23 organization operating the house of worship is
24 limited to persons who share a religious faith or
25 practice.”

1 (c) *APPLICABILITY.*—*This section and the amendments*
2 *made by this section shall apply—*

3 (1) *to the provision of assistance in response to*
4 *a major disaster or emergency declared on or after*
5 *August 23, 2017; or*

6 (2) *with respect to—*

7 (A) *any application for assistance that, as*
8 *of the date of enactment of this Act, is pending*
9 *before Federal Emergency Management Agency;*
10 *and*

11 (B) *any application for assistance that has*
12 *been denied, where a challenge to that denial is*
13 *not yet finally resolved as of the date of enact-*
14 *ment of this Act.*

15 *SEC. 20605. (a) The Federal share of assistance, in-*
16 *cluding direct Federal assistance, provided under section*
17 *407 of the Robert T. Stafford Disaster Relief and Emer-*
18 *gency Assistance Act (42 U.S.C. 5173), with respect to a*
19 *major disaster declared pursuant to such Act for damages*
20 *resulting from a wildfire in calendar year 2017, shall be*
21 *90 percent of the eligible costs under such section.*

22 (b) *The Federal share provided by subsection (a) shall*
23 *apply to assistance provided before, on, or after the date*
24 *of enactment of this Act.*

1 *FEDERAL COST-SHARE ADJUSTMENTS FOR REPAIR, RES-*
2 *TORATION, AND REPLACEMENT OF DAMAGED FACILI-*
3 *TIES*

4 *SEC. 20606. Section 406(b) of the Robert T. Stafford*
5 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
6 *5172(b)) is amended by inserting after paragraph (2) the*
7 *following:*

8 *“(3) INCREASED FEDERAL SHARE.—*

9 *“(A) INCENTIVE MEASURES.—The President*
10 *may provide incentives to a State or Tribal gov-*
11 *ernment to invest in measures that increase*
12 *readiness for, and resilience from, a major dis-*
13 *aster by recognizing such investments through a*
14 *sliding scale that increases the minimum Federal*
15 *share to 85 percent. Such measures may in-*
16 *clude—*

17 *“(i) the adoption of a mitigation plan*
18 *approved under section 322;*

19 *“(ii) investments in disaster relief, in-*
20 *surance, and emergency management pro-*
21 *grams;*

22 *“(iii) encouraging the adoption and*
23 *enforcement of the latest published editions*
24 *of relevant consensus-based codes, specifica-*
25 *tions, and standards that incorporate the*

1 *latest hazard-resistant designs and establish*
2 *minimum acceptable criteria for the design,*
3 *construction, and maintenance of residen-*
4 *tial structures and facilities that may be el-*
5 *igible for assistance under this Act for the*
6 *purpose of protecting the health, safety, and*
7 *general welfare of the buildings' users*
8 *against disasters;*

9 *“(iv) facilitating participation in the*
10 *community rating system; and*

11 *“(v) funding mitigation projects or*
12 *granting tax incentives for projects that re-*
13 *duce risk.*

14 *“(B) COMPREHENSIVE GUIDANCE.—Not*
15 *later than 1 year after the date of enactment of*
16 *this paragraph, the President, acting through the*
17 *Administrator, shall issue comprehensive guid-*
18 *ance to State and Tribal governments regarding*
19 *the measures and investments, weighted appro-*
20 *priately based on actuarial assessments of eligi-*
21 *ble actions, that will be recognized for the pur-*
22 *pose of increasing the Federal share under this*
23 *section. Guidance shall ensure that the agency's*
24 *review of eligible measures and investments does*

1 *not unduly delay determining the appropriate*
2 *Federal cost share.*

3 “(C) *REPORT.*—*One year after the issuance*
4 *of the guidance required by subparagraph (B),*
5 *the Administrator shall submit to the Committee*
6 *on Transportation and Infrastructure of the*
7 *House of Representatives and the Committee on*
8 *Homeland Security and Governmental Affairs of*
9 *the Senate a report regarding the analysis of the*
10 *Federal cost shares paid under this section.*

11 “(D) *SAVINGS CLAUSE.*—*Nothing in this*
12 *paragraph prevents the President from increas-*
13 *ing the Federal cost share above 85 percent.”.*

14 *SEC. 20607. Division F of the Consolidated Appro-*
15 *priations Act, 2017, is amended by inserting the following*
16 *at the end of Title V:*

17 “*SEC. 545. (a) PREMIUM PAY AUTHORITY.*—*During*
18 *calendar year 2017, any premium pay that is funded, ei-*
19 *ther directly or through reimbursement, by the ‘Federal*
20 *Emergency Management Agency—Disaster Relief Fund’*
21 *shall be exempted from the aggregate of basic pay and pre-*
22 *mium pay calculated under section 5547(a) of title 5,*
23 *United States Code, and any other provision of law lim-*
24 *iting the aggregate amount of premium pay payable on a*
25 *biweekly or calendar year basis.*

1 “(b) *OVERTIME AUTHORITY.*—During calendar year
2 2017, any overtime that is funded, either directly or through
3 reimbursement, by the ‘Federal Emergency Management
4 Agency—Disaster Relief Fund’ shall be exempted from any
5 annual limit on the amount of overtime payable in a cal-
6 endar or fiscal year.

7 “(c) *APPLICABILITY OF AGGREGATE LIMITATION ON*
8 *PAY.*—In determining whether an employee’s pay exceeds
9 the applicable annual rate of basic pay payable under sec-
10 tion 5307 of title 5, United States Code, the head of an
11 Executive agency shall not include pay exempted under this
12 section.

13 “(d) *LIMITATION OF PAY AUTHORITY.*—Pay exempted
14 from otherwise applicable limits under subsection (a) shall
15 not cause the aggregate pay earned for the calendar year
16 in which the exempted pay is earned to exceed the rate of
17 basic pay payable for a position at level II of the Executive
18 Schedule under section 5313 of title 5, United States Code.

19 “(e) *EFFECTIVE DATE.*—This section shall take effect
20 as if enacted on December 31, 2016.”.

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TITLE VII

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$210,629,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the “Historic Preservation Fund” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$50,000,000, to remain available until September 30, 2019, including costs to States and territories necessary to complete compliance activities required by section 306108 of title 54, United States Code (formerly section 106 of the National Historic Preservation Act) and costs needed to administer the program: Provided, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.):

1 *Provided further, That individual grants shall not be sub-*
2 *ject to a non-Federal matching requirement: Provided fur-*
3 *ther, That such amount is designated by the Congress as*
4 *being for an emergency requirement pursuant to section*
5 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
6 *Deficit Control Act of 1985.*

7 *CONSTRUCTION*

8 *For an additional amount for “Construction” for nec-*
9 *essary expenses related to the consequences of Hurricanes*
10 *Harvey, Irma, and Maria, \$207,600,000, to remain avail-*
11 *able until expended: Provided, That such amount is des-*
12 *ignated by the Congress as being for an emergency require-*
13 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
14 *Budget and Emergency Deficit Control Act of 1985.*

15 *UNITED STATES GEOLOGICAL SURVEY*

16 *SURVEYS, INVESTIGATIONS, AND RESEARCH*

17 *For an additional amount for “Surveys, Investiga-*
18 *tions, and Research” for necessary expenses related to the*
19 *consequences of Hurricanes Harvey, Irma, and Maria, and*
20 *in those areas impacted by a major disaster declared pursu-*
21 *ant to the Robert T. Stafford Disaster Relief and Emer-*
22 *gency Assistance Act (42 U.S.C. 5121 et seq.) with respect*
23 *to wildfires in 2017, \$42,246,000, to remain available until*
24 *expended: Provided, That such amount is designated by the*
25 *Congress as being for an emergency requirement pursuant*

1 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
2 *Emergency Deficit Control Act of 1985.*

3 *DEPARTMENTAL OFFICES*

4 *INSULAR AFFAIRS*

5 *ASSISTANCE TO TERRITORIES*

6 *For an additional amount for “Technical Assistance”*
7 *for financial management expenses related to the con-*
8 *sequences of Hurricanes Irma and Maria, \$3,000,000, to*
9 *remain available until expended: Provided, That such*
10 *amount is designated by the Congress as being for an emer-*
11 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
12 *the Balanced Budget and Emergency Deficit Control Act*
13 *of 1985.*

14 *OFFICE OF INSPECTOR GENERAL*

15 *SALARIES AND EXPENSES*

16 *For an additional amount for “Salaries and Ex-*
17 *penses” for necessary expenses related to the consequences*
18 *of Hurricanes Harvey, Irma, and Maria, \$2,500,000, to re-*
19 *main available until expended: Provided, That such amount*
20 *is designated by the Congress as being for an emergency*
21 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
22 *anced Budget and Emergency Deficit Control Act of 1985.*

1 ENVIRONMENTAL PROTECTION AGENCY

2 HAZARDOUS SUBSTANCE SUPERFUND

3 *For an additional amount for “Hazardous Substance*
4 *Superfund” for necessary expenses related to the con-*
5 *sequences of Hurricanes Harvey, Irma, and Maria,*
6 *\$6,200,000, to remain available until expended: Provided,*
7 *That such amount is designated by the Congress as being*
8 *for an emergency requirement pursuant to section*
9 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
10 *Deficit Control Act of 1985.*

11 LEAKING UNDERGROUND STORAGE TANK TRUST FUND

12 PROGRAM

13 *For an additional amount for “Leaking Underground*
14 *Storage Tank Fund” for necessary expenses related to the*
15 *consequences of Hurricanes Harvey, Irma, and Maria,*
16 *\$7,000,000, to remain available until expended: Provided,*
17 *That such amount is designated by the Congress as being*
18 *for an emergency requirement pursuant to section*
19 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
20 *Deficit Control Act of 1985.*

21 STATE AND TRIBAL ASSISTANCE GRANTS

22 *For an additional amount for “State and Tribal As-*
23 *sistance Grants” for necessary expenses related to the con-*
24 *sequences of Hurricanes Harvey, Irma, and Maria for the*
25 *hazardous waste financial assistance grants program and*

1 *for other solid waste management activities, \$50,000,000,*
2 *to remain available until expended: Provided, That none*
3 *of these funds allocated within Region 2 shall be subject to*
4 *cost share requirements under section 3011(b) of the Solid*
5 *Waste Disposal Act: Provided further, That such amount*
6 *is designated by the Congress as being for an emergency*
7 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
8 *anced Budget and Emergency Deficit Control Act of 1985.*

9 *ADMINISTRATIVE PROVISION—ENVIRONMENTAL*

10 *PROTECTION AGENCY*

11 *Of amounts previously appropriated for capitalization*
12 *grants for the State Revolving Funds under title VI of the*
13 *Federal Water Pollution Control Act or under section 1452*
14 *of the Safe Drinking Water Act to a State or territory in-*
15 *cluded as part of a disaster declaration related to Hurri-*
16 *canes Irma and Maria, all existing grant funds that are*
17 *available but not drawn down shall not be subject to the*
18 *matching or cost share requirements of sections 602(b)(2),*
19 *602(b)(3) of the Federal Water Pollution Control Act nor*
20 *the matching requirements of section 1452(e) of the Safe*
21 *Drinking Water Act and shall be awarded to such state or*
22 *territory: Provided, That, notwithstanding the requirements*
23 *of section 603(d) of the Federal Water Pollution Control Act*
24 *or section 1452(f) of the Safe Drinking Water Act, the state*
25 *or territory shall utilize the full amount of such funds, ex-*

1 *cluding existing loans, to provide additional subsidization*
2 *to eligible recipients in the form of forgiveness of principal,*
3 *negative interest loans or grants or any combination of*
4 *these: Provided further, That such funds may be used for*
5 *eligible projects whose purpose is to repair damage incurred*
6 *as a result of Hurricanes Irma and Maria, reduce flood*
7 *damage risk and vulnerability or to enhance resiliency to*
8 *rapid hydrologic change or a natural disaster at treatment*
9 *works as defined by section 212 of the Federal Water Pollu-*
10 *tion Control Act or a public drinking water system under*
11 *section 1452 of the Safe Drinking Water Act: Provided fur-*
12 *ther, That any project involving the repair or replacement*
13 *of a lead service line shall replace the entire lead service*
14 *line, not just a portion.*

15 *RELATED AGENCIES*

16 *DEPARTMENT OF AGRICULTURE*

17 *FOREST SERVICE*

18 *STATE AND PRIVATE FORESTRY*

19 *For an additional amount for “State and Private For-*
20 *estry” for necessary expenses related to the consequences of*
21 *Hurricanes Harvey, Irma, and Maria, \$7,500,000, to re-*
22 *main available until expended: Provided, That such amount*
23 *is designated by the Congress as being for an emergency*
24 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
25 *anced Budget and Emergency Deficit Control Act of 1985.*

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TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Training and Employment Services”, \$100,000,000, for the dislocated workers assistance national reserve for necessary expenses directly related to the consequences of Hurricanes Harvey, Maria, and Irma and those jurisdictions that received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to wildfires in 2017, which shall be available from the date of enactment of this subdivision through September 30, 2019: Provided, That the Secretary of Labor may transfer up to \$2,500,000 of such funds to any other Department of Labor account for reconstruction and recovery needs, including worker protection activities: Provided further, That these sums may be used to replace grant funds previously obligated to the impacted areas: Provided further, That of the amount provided, up to \$500,000, to remain available until expended, shall be transferred to “Office of Inspector General” for oversight of activities responding to such hurricanes and wildfires: Provided further, That such amount is designated by the Congress as being for an emergency

1 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
2 *anced Budget and Emergency Deficit Control Act of 1985.*

3 *JOB CORPS*

4 *For an additional amount for “Job Corps” for con-*
5 *struction, rehabilitation and acquisition for Job Corps Cen-*
6 *ters in Puerto Rico, \$30,900,000, which shall be available*
7 *upon the date of enactment of this subdivision and remain*
8 *available for obligation through June 30, 2021: Provided,*
9 *That such amount is designated by the Congress as being*
10 *for an emergency requirement pursuant to section*
11 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
12 *Deficit Control Act of 1985.*

13 *GENERAL PROVISIONS—DEPARTMENT OF LABOR*

14 *DEFERRAL OF INTEREST PAYMENTS FOR VIRGIN ISLANDS*

15 *SEC. 20801. Notwithstanding any other provision of*
16 *law, the interest payment of the Virgin Islands that was*
17 *due under section 1202(b)(1) of the Social Security Act on*
18 *September 29, 2017, shall not be due until September 28,*
19 *2018, and no interest shall accrue on such amount through*
20 *September 28, 2018: Provided, That such amount is des-*
21 *ignated by the Congress as being for an emergency require-*
22 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
23 *Budget and Emergency Deficit Control Act of 1985.*

1 *FLEXIBILITY IN USE OF FUNDS UNDER WIOA*

2 *SEC. 20802. (a) IN GENERAL.—Notwithstanding sec-*
3 *tion 133(b)(4) of the Workforce Innovation and Oppor-*
4 *tunity Act, in States, as defined by section 3(56) of such*
5 *Act, affected by Hurricanes Harvey, Irma, and Maria, a*
6 *local board, as defined by section 3(33) of such Act, in a*
7 *local area, as defined by section 3(32) of such Act, affected*
8 *by such Hurricanes may transfer, if such transfer is ap-*
9 *proved by the Governor, up to 100 percent of the funds allo-*
10 *cated to the local area for Program Years 2016 and 2017*
11 *for Youth Workforce Investment activities under paragraphs*
12 *(2) or (3) of section 128(b) of such Act, for Adult employ-*
13 *ment and training activities under paragraphs (2)(A) or*
14 *(3) of section 133(b) of such Act, or for Dislocated Worker*
15 *employment and training activities under paragraph*
16 *(2)(B) of section 133(b) of such Act among—*

- 17 *(1) adult employment and training activities;*
18 *(2) dislocated worker employment and training*
19 *activities; and*
20 *(3) youth workforce investment activities.*

21 *(b) THE VIRGIN ISLANDS.—Except for the funds re-*
22 *served to carry out required statewide activities under sec-*
23 *tions 127(b) and 134(a)(2) of the Workforce Innovation and*
24 *Opportunity Act, the Governor of the Virgin Islands may*
25 *authorize the transfer of up to 100 percent of the remaining*

1 *funds provided to the Virgin Islands for Program Years*
 2 *2016 and 2017 for Youth Workforce Investment activities*
 3 *under section 127(b)(1)(B) of such Act, for Adult employ-*
 4 *ment and training activities under section 132(b)(1)(A) of*
 5 *such Act, or for Dislocated Worker employment and train-*
 6 *ing activities under section 133(b)(2)(A) of such Act*
 7 *among—*

8 *(1) adult employment and training activities;*

9 *(2) dislocated worker employment and training*
 10 *activities; and*

11 *(3) youth workforce investment activities.*

12 *DEPARTMENT OF HEALTH AND HUMAN*

13 *SERVICES*

14 *CENTERS FOR DISEASE CONTROL AND PREVENTION*

15 *CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For an additional amount for “CDC-Wide Activities*
 18 *and Program Support”, \$200,000,000, to remain available*
 19 *until September 30, 2020, for response, recovery, prepara-*
 20 *tion, mitigation, and other expenses directly related to the*
 21 *consequences of Hurricanes Harvey, Irma, and Maria: Pro-*
 22 *vided, That obligations incurred for the purposes provided*
 23 *herein prior to the date of enactment of this subdivision*
 24 *may be charged to funds appropriated by this paragraph:*
 25 *Provided further, That of the amount provided, not less*

1 *than \$6,000,000 shall be transferred to the “Buildings and*
2 *Facilities” account for the purposes provided herein: Pro-*
3 *vided further, That such amount is designated by the Con-*
4 *gress as being for an emergency requirement pursuant to*
5 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
6 *gency Deficit Control Act of 1985.*

7 *NATIONAL INSTITUTES OF HEALTH*

8 *OFFICE OF THE DIRECTOR*

9 *For an additional amount for fiscal year 2018 for “Of-*
10 *fice of the Director”, \$50,000,000, to remain available until*
11 *September 30, 2020, for response, recovery, and other ex-*
12 *penses directly related to the consequences of Hurricanes*
13 *Harvey, Irma, and Maria: Provided, That obligations in-*
14 *curred for these purposes prior to the date of enactment of*
15 *this subdivision may be charged to funds appropriated by*
16 *this paragraph: Provided further, That funds appropriated*
17 *by this paragraph may be used for construction grants or*
18 *contracts under section 404I of the Public Health Service*
19 *Act without regard to section 404I(c)(2): Provided further,*
20 *That such amount is designated by the Congress as being*
21 *for an emergency requirement pursuant to section*
22 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
23 *Deficit Control Act of 1985.*

1 *ADMINISTRATION FOR CHILDREN AND FAMILIES*2 *CHILDREN AND FAMILIES SERVICES PROGRAMS*

3 *For an additional amount for “Children and Families*
4 *Services Programs”, \$650,000,000, to remain available*
5 *until September 30, 2021, for Head Start programs, for*
6 *necessary expenses directly related to the consequences of*
7 *Hurricanes Harvey, Irma, and Maria, including making*
8 *payments under the Head Start Act: Provided, That none*
9 *of the funds appropriated in this paragraph shall be in-*
10 *cluded in the calculation of the “base grant” in subsequent*
11 *fiscal years, as such term is defined in sections*
12 *640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head*
13 *Start Act: Provided further, That funds appropriated in*
14 *this paragraph are not subject to the allocation require-*
15 *ments of section 640(a) of the Head Start Act: Provided*
16 *further, That funds appropriated in this paragraph shall*
17 *not be available for costs that are reimbursed by the Federal*
18 *Emergency Management Agency, under a contract for in-*
19 *surance, or by self-insurance: Provided further, That up to*
20 *\$12,500,000 shall be available for Federal administrative*
21 *expenses: Provided further, That obligations incurred for the*
22 *purposes provided herein prior to the date of enactment of*
23 *this subdivision may be charged to funds appropriated*
24 *under this heading: Provided further, That such amount is*
25 *designated by the Congress as being for an emergency re-*

1 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
2 *anced Budget and Emergency Deficit Control Act of 1985.*

3 *OFFICE OF THE SECRETARY*
4 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*
5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *For an additional amount for the “Public Health and*
7 *Social Services Emergency Fund”, \$162,000,000, to remain*
8 *available until September 30, 2020, for response, recovery,*
9 *preparation, mitigation and other expenses directly related*
10 *to the consequences of Hurricanes Harvey, Irma, and*
11 *Maria, including activities authorized under section 319(a)*
12 *of the Public Health Service Act (referred to in this subdivi-*
13 *sion as the “PHS Act”): Provided, That of the amount pro-*
14 *vided, \$60,000,000 shall be transferred to “Health Resources*
15 *and Services Administration—Primary Health Care”, for*
16 *expenses related to the consequences of Hurricanes Harvey,*
17 *Irma, and Maria for disaster response and recovery, for the*
18 *Health Centers Program under section 330 of the PHS Act:*
19 *Provided further, That not less than \$50,000,000, of*
20 *amounts transferred under the preceding proviso, shall be*
21 *available for alteration, renovation, construction, equip-*
22 *ment, and other capital improvement costs as necessary to*
23 *meet the needs of areas affected by Hurricanes Harvey,*
24 *Irma, and Maria: Provided further, That the time limita-*
25 *tion in section 330(e)(3) of the PHS Act shall not apply*

1 *to funds made available under the preceding proviso: Pro-*
2 *vided further, That of the amount provided, not less than*
3 *\$20,000,000 shall be transferred to “Substance Abuse and*
4 *Mental Health Services Administration—Health Surveil-*
5 *lance and Program Support” for grants, contracts, and co-*
6 *operative agreements for behavioral health treatment, crisis*
7 *counseling, and other related helplines, and for other simi-*
8 *lar programs to provide support to individuals impacted*
9 *by Hurricanes Harvey, Irma, and Maria: Provided further,*
10 *That of the amount provided, up to \$2,000,000, to remain*
11 *available until expended, shall be transferred to “Office of*
12 *the Secretary—Office of Inspector General” for oversight of*
13 *activities responding to such hurricanes: Provided further,*
14 *That obligations incurred for the purposes provided herein*
15 *prior to the date of enactment of this subdivision may be*
16 *charged to funds appropriated under this heading: Provided*
17 *further, That funds appropriated in this paragraph shall*
18 *not be available for costs that are reimbursed by the Federal*
19 *Emergency Management Agency, under a contract for in-*
20 *surance, or by self-insurance: Provided further, That such*
21 *amount is designated by the Congress as being for an emer-*
22 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
23 *the Balanced Budget and Emergency Deficit Control Act*
24 *of 1985.*

1 *GENERAL PROVISION—DEPARTMENT OF HEALTH AND*
2 *HUMAN SERVICES*
3 *DIRECT HIRE AUTHORITY FOR CERTAIN EMERGENCY*
4 *RESPONSE POSITIONS*

5 *SEC. 20803. (a) IN GENERAL.—As the Secretary of*
6 *Health and Human Services determines necessary to re-*
7 *spond to a critical hiring need for emergency response posi-*
8 *tions, after providing public notice and without regard to*
9 *the provisions of sections 3309 through 3319 of title 5,*
10 *United States Code, the Secretary may appoint candidates*
11 *directly to the following positions, consistent with sub-*
12 *section (b), to perform critical work directly relating to the*
13 *consequences of Hurricanes Harvey, Irma, and Maria:*

14 *(1) Intermittent disaster-response personnel in*
15 *the National Disaster Medical System, under section*
16 *2812 of the Public Health Service Act (42 U.S.C.*
17 *300hh–11).*

18 *(2) Term or temporary related positions in the*
19 *Centers for Disease Control and Prevention and the*
20 *Office of the Assistant Secretary for Preparedness and*
21 *Response.*

22 *(b) EXPIRATION.—The authority under subsection (a)*
23 *shall expire 270 days after the date of enactment of this*
24 *section.*

1 *DEPARTMENT OF EDUCATION*2 *HURRICANE EDUCATION RECOVERY*3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For an additional amount for “Hurricane Education*
5 *Recovery” for necessary expenses related to the consequences*
6 *of Hurricanes Harvey, Irma, and Maria, or wildfires in*
7 *2017 for which a major disaster or emergency has been de-*
8 *clared under sections 401 or 501 of the Robert T. Stafford*
9 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
10 *5170 and 5190) (referred to under this heading as “covered*
11 *disaster or emergency”), \$2,700,000,000, to remain avail-*
12 *able through September 30, 2022, for assisting in meeting*
13 *the educational needs of individuals affected by a covered*
14 *disaster or emergency: Provided, That such amount is des-*
15 *ignated by the Congress as being for an emergency require-*
16 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
17 *Budget and Emergency Deficit Control Act of 1985: Pro-*
18 *vided further, That—*

19 *(1) such funds shall be used—*

20 *(A) to make awards to eligible entities for*
21 *immediate aid to restart school operations, in*
22 *accordance with paragraph (2);*

23 *(B) for temporary emergency impact aid for*
24 *displaced students, in accordance with para-*
25 *graph (2);*

1 (C) for emergency assistance to institutions
2 of higher education and students attending insti-
3 tutions of higher education in an area directly
4 affected by a covered disaster or emergency in
5 accordance with paragraph (3);

6 (D) for payments to institutions of higher
7 education to help defray the unexpected expenses
8 associated with enrolling displaced students from
9 institutions of higher education directly affected
10 by a covered disaster or emergency, in accord-
11 ance with paragraph (4); and

12 (E) to provide assistance to local edu-
13 cational agencies serving homeless children and
14 youth in accordance with paragraph (5);

15 (2) immediate aid to restart school operations
16 and temporary emergency impact aid for displaced
17 students described in subparagraphs (A) and (B) of
18 paragraph (1) shall be provided under the statutory
19 terms and conditions that applied to assistance under
20 sections 102 and 107 of title IV of division B of Pub-
21 lic Law 109–148, respectively, except that such sec-
22 tions shall be applied so that—

23 (A) each reference to a major disaster de-
24 clared in accordance with section 401 of the Rob-
25 ert T. Stafford Disaster Relief and Emergency

1 *Assistance Act (42 U.S.C. 5170) shall be to a*
2 *major disaster or emergency declared by the*
3 *President in accordance with section 401 or 501,*
4 *respectively, of such Act;*

5 *(B) each reference to Hurricane Katrina or*
6 *Hurricane Rita shall be a reference to a covered*
7 *disaster or emergency;*

8 *(C) each reference to August 22, 2005 shall*
9 *be to the date that is one week prior to the date*
10 *that the major disaster or emergency was de-*
11 *clared for the area;*

12 *(D) each reference to the States of Lou-*
13 *isiana, Mississippi, Alabama, and Texas shall be*
14 *to the States or territories affected by a covered*
15 *disaster or emergency, and each reference to the*
16 *State educational agencies of Louisiana, Mis-*
17 *issippi, Alabama, or Texas shall be a reference*
18 *to the State educational agencies that serve the*
19 *states or territories affected by a covered disaster*
20 *or emergency;*

21 *(E) each reference to the 2005–2006 school*
22 *year shall be to the 2017–2018 school year;*

23 *(F) the references in section 102(h)(1) of*
24 *title IV of division B of Public Law 109–148 to*
25 *the number of non-public and public elementary*

1 *schools and secondary schools in the State shall*
2 *be to the number of students in non-public and*
3 *public elementary schools and secondary schools*
4 *in the State, and the reference in such section to*
5 *the National Center for Data Statistics Common*
6 *Core of Data for the 2003–2004 school year shall*
7 *be to the most recent and appropriate data set*
8 *for the 2016–2017 school year;*

9 *(G) in determining the amount of imme-*
10 *diante aid provided to restart school operations as*
11 *described in section 102(b) of title IV of division*
12 *B of Public Law 109–148, the Secretary shall*
13 *consider the number of students enrolled, during*
14 *the 2016–2017 school year, in elementary schools*
15 *and secondary schools that were closed as a re-*
16 *sult of a covered disaster or emergency;*

17 *(H) in determining the amount of emer-*
18 *gency impact aid that a State educational agen-*
19 *cy is eligible to receive under paragraph (1)(B),*
20 *the Secretary shall, subject to section*
21 *107(d)(1)(B) of such title, provide—*

22 *(i) \$9,000 for each displaced student*
23 *who is an English learner, as that term is*
24 *defined in section 8101 of the Elementary*

1 *and Secondary Education Act of 1965 (20*
2 *U.S.C. 7801);*

3 *(ii) \$10,000 for each displaced student*
4 *who is a child with a disability (regardless*
5 *of whether the child is an English learner);*
6 *and*

7 *(iii) \$8,500 for each displaced student*
8 *who is not a child with a disability or an*
9 *English learner;*

10 *(I) with respect to the emergency impact*
11 *aid provided under paragraph (1)(B), the Sec-*
12 *retary may modify the State educational agency*
13 *and local educational agency application*
14 *timelines in section 107(c) of such title; and*

15 *(J) each reference to a public elementary*
16 *school may include, as determined by the local*
17 *educational agency, a publicly-funded preschool*
18 *program that enrolls children below the age of*
19 *kindergarten entry and is part of an elementary*
20 *school;*

21 *(3) \$100,000,000 of the funds made available*
22 *under this heading shall be for programs authorized*
23 *under subpart 3 of Part A, part C of title IV and*
24 *part B of title VII of the Higher Education Act of*
25 *1965 (20 U.S.C. 1087–51 et seq., 1138 et seq.) for in-*

1 *stitutions located in an area affected by a covered dis-*
2 *aster or emergency, and students enrolled in such in-*
3 *stitutions, except that—*

4 *(A) any requirements relating to matching,*
5 *Federal share, reservation of funds, or mainte-*
6 *nance of effort under such parts that would oth-*
7 *erwise be applicable to that assistance shall not*
8 *apply;*

9 *(B) such assistance may be used for student*
10 *financial assistance;*

11 *(C) such assistance may also be used for*
12 *faculty and staff salaries, equipment, student*
13 *supplies and instruments, or any purpose au-*
14 *thorized under the Higher Education Act of*
15 *1965, by institutions of higher education that are*
16 *located in areas affected by a covered disaster or*
17 *emergency; and*

18 *(D) the Secretary shall prioritize, to the ex-*
19 *tent possible, students who are homeless or at*
20 *risk of becoming homeless as a result of displace-*
21 *ment, and institutions that have sustained exten-*
22 *sive damage, by a covered disaster or emergency;*

23 *(4) up to \$75,000,000 of the funds made avail-*
24 *able under this heading shall be for payments to in-*
25 *stitutions of higher education to help defray the unex-*

1 *pected expenses associated with enrolling displaced*
2 *students from institutions of higher education at*
3 *which operations have been disrupted by a covered*
4 *disaster or emergency, in accordance with criteria es-*
5 *tablished by the Secretary and made publicly avail-*
6 *able;*

7 (5) *\$25,000,000 of the funds made available*
8 *under this heading shall be available to provide as-*
9 *sistance to local educational agencies serving homeless*
10 *children and youths displaced by a covered disaster or*
11 *emergency, consistent with section 723 of the McKin-*
12 *ney-Vento Homeless Assistance Act (42 U.S.C. 11431–*
13 *11435) and with section 106 of title IV of division B*
14 *of Public Law 109–148, except that funds shall be*
15 *disbursed based on demonstrated need and the number*
16 *of homeless children and youth enrolled as a result of*
17 *displacement by a covered disaster or emergency;*

18 (6) *section 437 of the General Education Provi-*
19 *sions Act (20 U.S.C. 1232) and section 553 of title 5,*
20 *United States Code, shall not apply to activities*
21 *under this heading;*

22 (7) *\$4,000,000 of the funds made available under*
23 *this heading, to remain available until expended,*
24 *shall be transferred to the Office of the Inspector Gen-*
25 *eral of the Department of Education for oversight of*

1 *activities supported with funds appropriated under*
2 *this heading, and up to \$3,000,000 of the funds made*
3 *available under this heading shall be for program ad-*
4 *ministration;*

5 *(8) up to \$35,000,000 of the funds made avail-*
6 *able under this heading shall be to carry out activities*
7 *authorized under section 4631(b) of the Elementary*
8 *and Secondary Education Act of 1965 (20 U.S.C.*
9 *7281(b)): Provided, That obligations incurred for the*
10 *purposes provided herein prior to the date of enact-*
11 *ment of this subdivision may be charged to funds ap-*
12 *propriated under this paragraph;*

13 *(9) the Secretary may waive, modify, or provide*
14 *extensions for certain requirements of the Higher*
15 *Education Act of 1965 (20 U.S.C. 1001 et seq.) for af-*
16 *ected individuals, affected students, and affected in-*
17 *stitutions in covered disaster or emergency areas in*
18 *the same manner as the Secretary was authorized to*
19 *wave, modify, or provide extensions for certain re-*
20 *quirements of such Act under provisions of subtitle B*
21 *of title IV of division B of Public Law 109–148 for*
22 *affected individuals, affected students, and affected in-*
23 *stitutions in areas affected by Hurricane Katrina and*
24 *Hurricane Rita, except that the cost associated with*
25 *any action taken by the Secretary under this para-*

1 *graph is designated by the Congress as being for an*
2 *emergency requirement pursuant to section*
3 *251(b)(2)(A)(i) of the Balanced Budget and Emer-*
4 *gency Deficit Control Act of 1985; and*

5 *(10) if any provision under this heading or ap-*
6 *plication of such provision to any person or cir-*
7 *cumstance is held to be unconstitutional, the remain-*
8 *der of the provisions under this heading and the ap-*
9 *plication of such provisions to any person or cir-*
10 *cumstance shall not be affected thereby.*

11 *GENERAL PROVISION—DEPARTMENT OF EDUCATION*

12 *SEC. 20804. (a) Notwithstanding any other provision*
13 *of law, the Secretary of Education is hereby authorized to*
14 *forgive any outstanding balance owed to the Department*
15 *of Education under the HBCU Hurricane Supplemental*
16 *Loan program established pursuant to section 2601 of Pub-*
17 *lic Law 109–234, as modified by section 307 of title III*
18 *of division F of the Consolidated Appropriations Act, 2012*
19 *(Public Law 112–74), as carried forward by the Continuing*
20 *Appropriations Resolution, 2013 (Public Law 112–175).*

21 *(b) There are authorized to be appropriated, and there*
22 *are hereby appropriated, such sums as may be necessary*
23 *to carry out subsection (a): Provided, That such amount*
24 *is designated by the Congress as an emergency requirement*

1 *pursuant to section 251(b)(2)(A)(i) of the Balance Budget*
2 *and Emergency Deficit Control Act of 1985.*

3 **GENERAL PROVISIONS—THIS TITLE**

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *SEC. 20805. Funds appropriated to the Department*
6 *of Health and Human Services by this title may be trans-*
7 *ferred to, and merged with, other appropriation accounts*
8 *under the headings “Centers for Disease Control and Pre-*
9 *vention” and “Public Health and Social Services Emer-*
10 *gency Fund” for the purposes specified in this title fol-*
11 *lowing consultation with the Office of Management and*
12 *Budget: Provided, That the Committees on Appropriations*
13 *in the House of Representatives and the Senate shall be no-*
14 *tified 10 days in advance of any such transfer: Provided*
15 *further, That, upon a determination that all or part of the*
16 *funds transferred from an appropriation are not necessary,*
17 *such amounts may be transferred back to that appropria-*
18 *tion: Provided further, That none of the funds made avail-*
19 *able by this title may be transferred pursuant to the author-*
20 *ity in section 205 of division H of Public Law 115–31 or*
21 *section 241(a) of the PHS Act.*

22 *SEC. 20806. Not later than 30 days after enactment*
23 *of this subdivision, the Secretary of Health and Human*
24 *Services shall provide a detailed spend plan of anticipated*
25 *uses of funds made available in this title, including esti-*

1 *mated personnel and administrative costs, to the Commit-*
2 *tees on Appropriations: Provided, That such plans shall be*
3 *updated and submitted to the Committees on Appropria-*
4 *tions every 60 days until all funds are expended or expire.*

5 *SEC. 20807. Unless otherwise provided for by this title,*
6 *the additional amounts appropriated by this title to appro-*
7 *priations accounts shall be available under the authorities*
8 *and conditions applicable to such appropriations accounts*
9 *for fiscal year 2018.*

10 *TITLE IX*

11 *LEGISLATIVE BRANCH*

12 *GOVERNMENT ACCOUNTABILITY OFFICE*

13 *SALARIES AND EXPENSES*

14 *For an additional amount for “Salaries and Ex-*
15 *penses”, \$14,000,000, to remain available until expended,*
16 *for audits and investigations relating to Hurricanes Har-*
17 *vey, Irma, and Maria and the 2017 wildfires: Provided,*
18 *That such amount is designated by the Congress as being*
19 *for an emergency requirement pursuant to section*
20 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
21 *Deficit Control Act of 1985.*

1 *TITLE X*2 *DEPARTMENT OF DEFENSE*3 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

4 *For an additional amount for “Military Construction,*
5 *Navy and Marine Corps”, \$201,636,000, to remain avail-*
6 *able until September 30, 2022, for necessary expenses re-*
7 *lated to the consequences of Hurricanes Harvey, Irma, and*
8 *Maria: Provided, That none of the funds made available*
9 *to the Navy and Marine Corps for recovery efforts related*
10 *to Hurricanes Harvey, Irma, and Maria in this subdivision*
11 *shall be available for obligation until the Committees on*
12 *Appropriations of the House of Representatives and the*
13 *Senate receive form 1391 for each specific request: Provided*
14 *further, That, not later than 60 days after enactment of*
15 *this subdivision, the Secretary of the Navy, or his designee,*
16 *shall submit to the Committees on Appropriations of House*
17 *of Representatives and the Senate a detailed expenditure*
18 *plan for funds provided under this heading: Provided fur-*
19 *ther, That such funds may be obligated or expended for*
20 *planning and design and military construction projects not*
21 *otherwise authorized by law: Provided further, That such*
22 *amount is designated by the Congress as being for an emer-*
23 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
24 *the Balanced Budget and Emergency Deficit Control Act*
25 *of 1985.*

1 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

2 *For an additional amount for “Military Construction,*
3 *Army National Guard”, \$519,345,000, to remain available*
4 *until September 30, 2022, for necessary expenses related to*
5 *the consequences of Hurricanes Harvey, Irma, and Maria:*
6 *Provided, That none of the funds made available to the*
7 *Army National Guard for recovery efforts related to Hurri-*
8 *canes Harvey, Irma, and Maria in this subdivision shall*
9 *be available for obligation until the Committees on Appro-*
10 *priations of the House of Representatives and the Senate*
11 *receive form 1391 for each specific request: Provided further,*
12 *That, not later than 60 days after enactment of this subdivi-*
13 *sion, the Director of the Army National Guard, or his des-*
14 *ignee, shall submit to the Committees on Appropriations*
15 *of the House of Representatives and the Senate a detailed*
16 *expenditure plan for funds provided under this heading:*
17 *Provided further, That such funds may be obligated or ex-*
18 *pended for planning and design and military construction*
19 *projects not otherwise authorized by law: Provided further,*
20 *That such amount is designated by the Congress as being*
21 *for an emergency requirement pursuant to section*
22 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
23 *Deficit Control Act of 1985.*

1 *DEPARTMENT OF VETERANS AFFAIRS*2 *VETERANS HEALTH ADMINISTRATION*3 *MEDICAL SERVICES*

4 *For an additional amount for “Medical Services”,*
5 *\$11,075,000, to remain available until September 30, 2019,*
6 *for necessary expenses related to the consequences of Hurri-*
7 *canes Harvey, Irma, and Maria: Provided, That such*
8 *amount is designated by the Congress as being for an emer-*
9 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
10 *the Balanced Budget and Emergency Deficit Control Act*
11 *of 1985.*

12 *MEDICAL SUPPORT AND COMPLIANCE*

13 *For an additional amount for “Medical Support and*
14 *Compliance”, \$3,209,000, to remain available until Sep-*
15 *tember 30, 2019, for necessary expenses related to the con-*
16 *sequences of Hurricanes Harvey, Irma, and Maria: Pro-*
17 *vided, That such amount is designated by the Congress as*
18 *being for an emergency requirement pursuant to section*
19 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
20 *Deficit Control Act of 1985.*

21 *MEDICAL FACILITIES*

22 *For an additional amount for “Medical Facilities”,*
23 *\$75,108,000, to remain available until September 30, 2022,*
24 *for necessary expenses related to the consequences of Hurri-*
25 *canes Harvey, Irma, and Maria: Provided, That none of*

1 *these funds shall be available for obligation until the Sec-*
2 *retary of Veterans Affairs submits to the Committees on Ap-*
3 *propriations of the House of Representatives and the Senate*
4 *a detailed expenditure plan for funds provided under this*
5 *heading: Provided further, That such amount is designated*
6 *by the Congress as being for an emergency requirement pur-*
7 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
8 *Emergency Deficit Control Act of 1985.*

9 *DEPARTMENTAL ADMINISTRATION*
10 *CONSTRUCTION, MINOR PROJECTS*

11 *For an additional amount for “Construction, Minor*
12 *Projects”, \$4,088,000, to remain available until September*
13 *30, 2022, for necessary expenses related to the consequences*
14 *of Hurricanes Harvey, Irma, and Maria: Provided, That*
15 *such amount is designated by the Congress as being for an*
16 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
17 *of the Balanced Budget and Emergency Deficit Control Act*
18 *of 1985.*

19 *GENERAL PROVISION—THIS TITLE*

20 *SEC. 21001. Notwithstanding section 18236(b) of title*
21 *10, United States Code, the Secretary of Defense shall con-*
22 *tribute to Puerto Rico, 100 percent of the total cost of con-*
23 *struction (including the cost of architectural, engineering*
24 *and design services) for the acquisition, construction, ex-*
25 *pansion, rehabilitation, or conversion of the Arroyo readi-*

1 *ness center under paragraph (5) of section 18233(a) of title*
2 *10, United States Code.*

3 *TITLE XI*

4 *DEPARTMENT OF TRANSPORTATION*

5 *FEDERAL AVIATION ADMINISTRATION*

6 *OPERATIONS*

7 *(AIRPORT AND AIRWAY TRUST FUND)*

8 *For an additional amount for “Operations”,*
9 *\$35,000,000, to be derived from the Airport and Airway*
10 *Trust Fund and to remain available until expended, for*
11 *necessary expenses related to the consequences of Hurricanes*
12 *Harvey, Irma, and Maria, and other hurricanes occurring*
13 *in calendar year 2017: Provided, That such amount is des-*
14 *ignated by the Congress as being for an emergency require-*
15 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
16 *Budget and Emergency Deficit Control Act of 1985.*

17 *FACILITIES AND EQUIPMENT*

18 *(AIRPORT AND AIRWAY TRUST FUND)*

19 *For an additional amount for “Facilities and Equip-*
20 *ment”, \$79,589,000, to be derived from the Airport and Air-*
21 *way Trust Fund and to remain available until expended,*
22 *for necessary expenses related to the consequences of Hurri-*
23 *canes Harvey, Irma, and Maria, and other hurricanes oc-*
24 *curing in calendar year 2017: Provided, That such amount*
25 *is designated by the Congress as being for an emergency*

1 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
2 *anced Budget and Emergency Deficit Control Act of 1985.*

3 *FEDERAL HIGHWAY ADMINISTRATION*

4 *FEDERAL-AID HIGHWAYS*

5 *EMERGENCY RELIEF PROGRAM*

6 *For an additional amount for the “Emergency Relief*
7 *Program” as authorized under section 125 of title 23,*
8 *United States Code, \$1,374,000,000, to remain available*
9 *until expended: Provided, That notwithstanding section*
10 *125(d)(4) of title 23, United States Code, no limitation on*
11 *the total obligations for projects under section 125 of such*
12 *title shall apply to the Virgin Islands, Guam, American*
13 *Samoa, and the Commonwealth of the Northern Mariana*
14 *Islands for fiscal year 2018 and fiscal year 2019: Provided*
15 *further, That notwithstanding subsection (e) of section 120*
16 *of title 23, United States Code, for this fiscal year and here-*
17 *after, the Federal share for Emergency Relief funds made*
18 *available under section 125 of such title to respond to dam-*
19 *age caused by Hurricanes Irma and Maria, shall be 100*
20 *percent for Puerto Rico: Provided further, That such*
21 *amount is designated by the Congress as being for an emer-*
22 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
23 *the Balanced Budget and Emergency Deficit Control Act*
24 *of 1985.*

1 *FEDERAL TRANSIT ADMINISTRATION*2 *PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM*

3 *For an additional amount for the “Public Transpor-*
4 *tation Emergency Relief Program” as authorized under sec-*
5 *tion 5324 of title 49, United States Code, \$330,000,000 to*
6 *remain available until expended, for transit systems af-*
7 *ected by Hurricanes Harvey, Irma, and Maria with major*
8 *disaster declarations in 2017: Provided, That not more than*
9 *three-quarters of one percent of the funds for public trans-*
10 *portation emergency relief shall be available for adminis-*
11 *trative expenses and ongoing program management over-*
12 *sight as authorized under sections 5334 and 5338(f)(2) of*
13 *such title and shall be in addition to any other appropria-*
14 *tions for such purpose: Provided further, That such amount*
15 *is designated by the Congress as being for an emergency*
16 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
17 *anced Budget and Emergency Deficit Control Act of 1985.*

18 *MARITIME ADMINISTRATION*19 *OPERATIONS AND TRAINING*

20 *For an additional amount for “Operations and Train-*
21 *ing”, \$10,000,000, to remain available until expended, for*
22 *necessary expenses, including for dredging, related to dam-*
23 *age to Maritime Administration facilities resulting from*
24 *Hurricane Harvey: Provided, That such amount is des-*
25 *ignated by the Congress as being for an emergency require-*

1 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
2 *Budget and Emergency Deficit Control Act of 1985.*

3 *GENERAL PROVISION—DEPARTMENT OF TRANSPORTATION*

4 *SEC. 21101. Notwithstanding 49 U.S.C. 5302, for fis-*
5 *cal years 2018, 2019, and 2020 the Secretary of Transpor-*
6 *tation shall treat an area as an “urbanized area” for pur-*
7 *poses of 49 U.S.C. 5307 and 5336(a) until the next decen-*
8 *nial census following the enactment of this Act if the area*
9 *was defined and designated as an “urbanized” area by the*
10 *Secretary of Commerce in the 2000 decennial census and*
11 *the population of such area fell below 50,000 after the 2000*
12 *decennial census as a result of a major disaster: Provided,*
13 *That an area treated as an “urbanized area” for purposes*
14 *of this section shall be assigned the population and square*
15 *miles of the urbanized area designated by the Secretary of*
16 *Commerce in the 2000 decennial census: Provided further,*
17 *That the term “major disaster” has the meaning given such*
18 *term in section 102(2) of the Disaster Relief Act of 1974*
19 *(42 U.S.C. 5122(2)).*

1 *DEPARTMENT OF HOUSING AND URBAN*

2 *DEVELOPMENT*

3 *COMMUNITY PLANNING AND DEVELOPMENT*

4 *COMMUNITY DEVELOPMENT FUND*

5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *For an additional amount for “Community Develop-*
7 *ment Fund”, \$28,000,000,000, to remain available until ex-*
8 *pende, for necessary expenses for activities authorized*
9 *under title I of the Housing and Community Development*
10 *Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster re-*
11 *lief, long-term recovery, restoration of infrastructure and*
12 *housing, economic revitalization, and mitigation in the*
13 *most impacted and distressed areas resulting from a major*
14 *declared disaster that occurred in 2017 (except as otherwise*
15 *provided under this heading) pursuant to the Robert T.*
16 *Stafford Disaster Relief and Emergency Assistance Act (42*
17 *U.S.C. 5121 et seq.): Provided, That funds shall be awarded*
18 *directly to the State, unit of general local government, or*
19 *Indian tribe (as such term is defined in section 102 of the*
20 *Housing and Community Development Act of 1974) at the*
21 *discretion of the Secretary: Provided further, That of the*
22 *amounts made available under this heading, up to*
23 *\$16,000,000,000 shall be allocated to meet unmet needs for*
24 *grantees that have received or will receive allocations under*
25 *this heading for major declared disasters that occurred in*

1 2017 or under the same heading of Division B of Public
2 Law 115–56, except that, of the amounts made available
3 under this proviso, no less than \$11,000,000,000 shall be
4 allocated to the States and units of local government af-
5 fected by Hurricane Maria, and of such amounts allocated
6 to such grantees affected by Hurricane Maria,
7 \$2,000,000,000 shall be used to provide enhanced or im-
8 proved electrical power systems: Provided further, That to
9 the extent amounts under the previous proviso are insuffi-
10 cient to meet all unmet needs, the allocation amounts re-
11 lated to infrastructure shall be reduced proportionally based
12 on the total infrastructure needs of all grantees: Provided
13 further, That of the amounts made available under this
14 heading, no less than \$12,000,000,000 shall be allocated for
15 mitigation activities to all grantees of funding provided
16 under this heading, section 420 of division L of Public Law
17 114–113, section 145 of division C of Public Law 114–223,
18 section 192 of division C of Public Law 114–223 (as added
19 by section 101(3) of division A of Public Law 114–254),
20 section 421 of division K of Public Law 115–31, and the
21 same heading in division B of Public Law 115–56, and
22 that such mitigation activities shall be subject to the same
23 terms and conditions under this subdivision, as determined
24 by the Secretary: Provided further, That all such grantees
25 shall receive an allocation of funds under the preceding pro-

1 *viso in the same proportion that the amount of funds each*
2 *grantee received or will receive under the second proviso of*
3 *this heading or the headings and sections specified in the*
4 *previous proviso bears to the amount of all funds provided*
5 *to all grantees specified in the previous proviso: Provided*
6 *further, That of the amounts made available under the sec-*
7 *ond and fourth provisos of this heading, the Secretary shall*
8 *allocate to all such grantees an aggregate amount not less*
9 *than 33 percent of each such amounts of funds provided*
10 *under this heading within 60 days after the enactment of*
11 *this subdivision based on the best available data (especially*
12 *with respect to data for all such grantees affected by Hurri-*
13 *canes Harvey, Irma, and Maria), and shall allocate no less*
14 *than 100 percent of the funds provided under this heading*
15 *by no later than December 1, 2018: Provided further, That*
16 *the Secretary shall not prohibit the use of funds made avail-*
17 *able under this heading and the same heading in division*
18 *B of Public Law 115–56 for non-federal share as authorized*
19 *by section 105(a)(9) of the Housing and Community Devel-*
20 *opment Act of 1974 (42 U.S.C. 5305(a)(9)): Provided fur-*
21 *ther, That of the amounts made available under this head-*
22 *ing, grantees may establish grant programs to assist small*
23 *businesses for working capital purposes to aid in recovery:*
24 *Provided further, That as a condition of making any grant,*
25 *the Secretary shall certify in advance that such grantee has*

1 *in place proficient financial controls and procurement*
2 *processes and has established adequate procedures to prevent*
3 *any duplication of benefits as defined by section 312 of the*
4 *Robert T. Stafford Disaster Relief and Emergency Assist-*
5 *ance Act (42 U.S.C. 5155), to ensure timely expenditure*
6 *of funds, to maintain comprehensive websites regarding all*
7 *disaster recovery activities assisted with these funds, and*
8 *to detect and prevent waste, fraud, and abuse of funds: Pro-*
9 *vided further, That with respect to any such duplication*
10 *of benefits, the Secretary and any grantee under this section*
11 *shall not take into consideration or reduce the amount pro-*
12 *vided to any applicant for assistance from the grantee*
13 *where such applicant applied for and was approved, but*
14 *declined assistance related to such major declared disasters*
15 *that occurred in 2014, 2015, 2016, and 2017 from the Small*
16 *Business Administration under section 7(b) of the Small*
17 *Business Act (15 U.S.C. 636(b)): Provided further, That the*
18 *Secretary shall require grantees to maintain on a public*
19 *website information containing common reporting criteria*
20 *established by the Department that permits individuals and*
21 *entities awaiting assistance and the general public to see*
22 *how all grant funds are used, including copies of all rel-*
23 *evant procurement documents, grantee administrative con-*
24 *tracts and details of ongoing procurement processes, as de-*
25 *termined by the Secretary: Provided further, That prior to*

1 *the obligation of funds a grantee shall submit a plan to*
2 *the Secretary for approval detailing the proposed use of all*
3 *funds, including criteria for eligibility and how the use of*
4 *these funds will address long-term recovery and restoration*
5 *of infrastructure and housing, economic revitalization, and*
6 *mitigation in the most impacted and distressed areas: Pro-*
7 *vided further, That such funds may not be used for activi-*
8 *ties reimbursable by, or for which funds are made available*
9 *by, the Federal Emergency Management Agency or the*
10 *Army Corps of Engineers: Provided further, That funds al-*
11 *located under this heading shall not be considered relevant*
12 *to the non-disaster formula allocations made pursuant to*
13 *section 106 of the Housing and Community Development*
14 *Act of 1974 (42 U.S.C. 5306): Provided further, That a*
15 *State, unit of general local government, or Indian tribe may*
16 *use up to 5 percent of its allocation for administrative costs:*
17 *Provided further, That the sixth proviso under this heading*
18 *in the Supplemental Appropriations for Disaster Relief Re-*
19 *quirements Act, 2017 (division B of Public Law 115–56)*
20 *is amended by striking “State or subdivision thereof” and*
21 *inserting “State, unit of general local government, or In-*
22 *dian tribe (as such term is defined in section 102 of the*
23 *Housing and Community Development Act of 1974 (42*
24 *U.S.C. 5302))”:* *Provided further, That in administering*
25 *the funds under this heading, the Secretary of Housing and*

1 *Urban Development may waive, or specify alternative re-*
2 *quirements for, any provision of any statute or regulation*
3 *that the Secretary administers in connection with the obli-*
4 *gation by the Secretary or the use by the recipient of these*
5 *funds (except for requirements related to fair housing, non-*
6 *discrimination, labor standards, and the environment), if*
7 *the Secretary finds that good cause exists for the waiver*
8 *or alternative requirement and such waiver or alternative*
9 *requirement would not be inconsistent with the overall pur-*
10 *pose of title I of the Housing and Community Development*
11 *Act of 1974: Provided further, That, notwithstanding the*
12 *preceding proviso, recipients of funds provided under this*
13 *heading that use such funds to supplement Federal assist-*
14 *ance provided under section 402, 403, 404, 406, 407,*
15 *408(c)(4), or 502 of the Robert T. Stafford Disaster Relief*
16 *and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may*
17 *adopt, without review or public comment, any environ-*
18 *mental review, approval, or permit performed by a Federal*
19 *agency, and such adoption shall satisfy the responsibilities*
20 *of the recipient with respect to such environmental review,*
21 *approval or permit: Provided further, That, notwith-*
22 *standing section 104(g)(2) of the Housing and Community*
23 *Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Sec-*
24 *retary may, upon receipt of a request for release of funds*
25 *and certification, immediately approve the release of funds*

1 *for an activity or project assisted under this heading if the*
2 *recipient has adopted an environmental review, approval*
3 *or permit under the preceding proviso or the activity or*
4 *project is categorically excluded from review under the Na-*
5 *tional Environmental Policy Act of 1969 (42 U.S.C. 4321*
6 *et seq.): Provided further, That the Secretary shall publish*
7 *via notice in the Federal Register any waiver, or alternative*
8 *requirement, to any statute or regulation that the Secretary*
9 *administers pursuant to title I of the Housing and Commu-*
10 *nity Development Act of 1974 no later than 5 days before*
11 *the effective date of such waiver or alternative requirement:*
12 *Provided further, That the eighth proviso under this head-*
13 *ing in the Supplemental Appropriations for Disaster Relief*
14 *Requirements Act, 2017 (division B of Public Law 115–*
15 *56) is amended by inserting “408(c)(4),” after “407,”: Pro-*
16 *vided further, That of the amounts made available under*
17 *this heading, up to \$15,000,000 shall be made available for*
18 *capacity building and technical assistance, including as-*
19 *sistance on contracting and procurement processes, to sup-*
20 *port States, units of general local government, or Indian*
21 *tribes (and their subrecipients) that receive allocations pur-*
22 *suant to this heading, received disaster recovery allocations*
23 *under the same heading in Public Law 115–56, or may re-*
24 *ceive similar allocations for disaster recovery in future ap-*
25 *propriations Acts: Provided further, That of the amounts*

1 *made available under this heading, up to \$10,000,000 shall*
2 *be transferred, in aggregate, to “Department of Housing*
3 *and Urban Development—Program Office Salaries and Ex-*
4 *penses—Community Planning and Development” for nec-*
5 *essary costs, including information technology costs, of ad-*
6 *ministering and overseeing the obligation and expenditure*
7 *of amounts under this heading: Provided further, That the*
8 *amount specified in the preceding proviso shall be combined*
9 *with funds appropriated under the same heading and for*
10 *the same purpose in Public Law 115–56 and the aggregate*
11 *of such amounts shall be available for any of the purposes*
12 *specified under this heading or the same heading in Public*
13 *Law 115–56 without limitation: Provided further, That, of*
14 *the funds made available under this heading, \$10,000,000*
15 *shall be transferred to the Office of the Inspector General*
16 *for necessary costs of overseeing and auditing funds made*
17 *available under this heading: Provided further, That such*
18 *amount is designated by the Congress as being for an emer-*
19 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
20 *the Balanced Budget and Emergency Deficit Control Act*
21 *of 1985: Provided further, That amounts repurposed pursu-*
22 *ant to this section that were previously designated by the*
23 *Congress as an emergency requirement pursuant to the Bal-*
24 *anced Budget and Emergency Deficit Control Act are des-*
25 *ignated by the Congress as an emergency requirement pur-*

1 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
2 *Emergency Deficit Control Act of 1985.*

3 *GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND*
4 *URBAN DEVELOPMENT*

5 *SEC. 21102. Any funds made available under the head-*
6 *ing “Community Development Fund” under this subdivi-*
7 *sion that remain available, after the other funds under such*
8 *heading have been allocated for necessary expenses for ac-*
9 *tivities authorized under such heading, shall be used for ad-*
10 *ditional mitigation activities in the most impacted and dis-*
11 *tressed areas resulting from a major declared disaster that*
12 *occurred in 2014, 2015, 2016 or 2017: Provided, That such*
13 *remaining funds shall be awarded to grantees of funding*
14 *provided for disaster relief under the heading “Community*
15 *Development Fund” in this subdivision, section 420 of divi-*
16 *sion L of Public Law 114–113, section 145 of division C*
17 *of Public Law 114–223, section 192 of division C of Public*
18 *Law 114–223 (as added by section 101(3) of division A of*
19 *Public Law 114–254), section 421 of division K of Public*
20 *Law 115–31, and the same heading in division B of Public*
21 *Law 115–56 subject to the same terms and conditions under*
22 *this subdivision and such Acts respectively: Provided fur-*
23 *ther, That each such grantee shall receive an allocation from*
24 *such remaining funds in the same proportion that the*
25 *amount of funds such grantee received under this subdivi-*

1 *SEC. 21202. No part of any appropriation contained*
2 *in this subdivision shall remain available for obligation be-*
3 *yond the current fiscal year unless expressly so provided*
4 *herein.*

5 *SEC. 21203. Unless otherwise provided for by this sub-*
6 *division, the additional amounts appropriated by this sub-*
7 *division to appropriations accounts shall be available under*
8 *the authorities and conditions applicable to such appro-*
9 *priations accounts for fiscal year 2018.*

10 *SEC. 21204. Each amount designated in this subdivi-*
11 *sion by the Congress as being for an emergency requirement*
12 *pursuant to section 251(b)(2)(A)(i) of the Balanced Budget*
13 *and Emergency Deficit Control Act of 1985 shall be avail-*
14 *able (or rescinded or transferred, if applicable) only if the*
15 *President subsequently so designates all such amounts and*
16 *transmits such designations to the Congress.*

17 *SEC. 21205. For purposes of this subdivision, the con-*
18 *sequences or impacts of any hurricane shall include dam-*
19 *ages caused by the storm at any time during the entirety*
20 *of its duration as a cyclone, as defined by the National*
21 *Hurricane Center.*

22 *SEC. 21206. Any amount appropriated by this sub-*
23 *division, designated by the Congress as an emergency re-*
24 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
25 *anced Budget and Emergency Deficit Control Act of 1985*

1 *and subsequently so designated by the President, and trans-*
2 *ferred pursuant to transfer authorities provided by this sub-*
3 *division shall retain such designation.*

4 *SEC. 21207. The terms and conditions applicable to*
5 *the funds provided in this subdivision, including those pro-*
6 *vided by this title, shall also apply to the funds made avail-*
7 *able in division B of Public Law 115–56 and in division*
8 *A of Public Law 115–72.*

9 *SEC. 21208. (a) Section 305 of division A of the Addi-*
10 *tional Supplemental Appropriations for Disaster Relief Re-*
11 *quirements Act, 2017 (Public Law 115–72) is amended—*

12 *(1) in subsection (a)—*

13 *(A) by striking “(1) Not later than Decem-*
14 *ber 31, 2017,” and inserting “Not later than*
15 *March 31, 2018,”; and*

16 *(B) by striking paragraph (2); and*

17 *(2) in subsection (b), by striking “receiving*
18 *funds under this division” and inserting “expending*
19 *more than \$10,000,000 of funds provided by this divi-*
20 *sion and division B of Public Law 115–56 in any*
21 *one fiscal year”.*

22 *(b) Section 305 of division A of the Additional Supple-*
23 *mental Appropriations for Disaster Relief Requirements*
24 *Act, 2017 (Public Law 115–72), as amended by this section,*

1 *shall apply to funds appropriated by this division as if they*
2 *had been appropriated by that division.*

3 *(c) In order to proactively prepare for oversight of fu-*
4 *ture disaster relief funding, not later than one year after*
5 *the date of enactment of this Act, the Director of the Office*
6 *of Management and Budget shall issue standard guidance*
7 *for Federal agencies to use in designing internal control*
8 *plans for disaster relief funding. This guidance shall lever-*
9 *age existing internal control review processes and shall in-*
10 *clude, at a minimum, the following elements:*

11 *(1) Robust criteria for identifying and docu-*
12 *menting incremental risks and mitigating controls re-*
13 *lated to the funding.*

14 *(2) Guidance for documenting the linkage be-*
15 *tween the incremental risks related to disaster fund-*
16 *ing and efforts to address known internal control*
17 *risks.*

18 *SEC. 21209. Any agency or department provided fund-*
19 *ing in excess of \$3,000,000,000 by this subdivision, includ-*
20 *ing the Federal Emergency Management Agency, the De-*
21 *partment of Housing and Urban Development, and the*
22 *Corps of Engineers, is directed to provide a report to the*
23 *Committees on Appropriations of the House of Representa-*
24 *tives and the Senate regarding its efforts to provide ade-*

1 *quate resources and technical assistance for small, low-in-*
2 *come communities affected by natural disasters.*

3 *SEC. 21210. (a) Not later than 180 days after the date*
4 *of enactment of this subdivision and in coordination with*
5 *the Administrator of the Federal Emergency Management*
6 *Agency, with support and contributions from the Secretary*
7 *of the Treasury, the Secretary of Energy, and other Federal*
8 *agencies having responsibilities defined under the National*
9 *Disaster Recovery Framework, the Governor of the Com-*
10 *monwealth of Puerto Rico shall submit to Congress a report*
11 *describing the Commonwealth's 12- and 24-month economic*
12 *and disaster recovery plan that—*

13 *(1) defines the priorities, goals, and expected out-*
14 *comes of the recovery effort for the Commonwealth,*
15 *based on damage assessments prepared pursuant to*
16 *Federal law, if applicable, including—*

17 *(A) housing;*

18 *(B) economic issues, including workforce de-*
19 *velopment and industry expansion and cultiva-*
20 *tion;*

21 *(C) health and social services;*

22 *(D) natural and cultural resources;*

23 *(E) governance and civic institutions;*

24 *(F) electric power systems and grid restora-*
25 *tion;*

1 (G) *environmental issues, including solid*
2 *waste facilities; and*

3 (H) *other infrastructure systems, including*
4 *repair, restoration, replacement, and improve-*
5 *ment of public infrastructure such water and*
6 *wastewater treatment facilities, communications*
7 *networks, and transportation infrastructure;*

8 (2) *is consistent with—*

9 (A) *the Commonwealth’s fiscal capacity to*
10 *provide long-term operation and maintenance of*
11 *rebuilt or replaced assets;*

12 (B) *alternative procedures and associated*
13 *programmatic guidance adopted by the Adminis-*
14 *trator of the Federal Emergency Management*
15 *Agency pursuant to section 428 of the Robert T.*
16 *Stafford Disaster Relief and Emergency Assist-*
17 *ance Act (42 U.S.C. 5189f); and*

18 (C) *actions as may be necessary to mitigate*
19 *vulnerabilities to future extreme weather events*
20 *and natural disasters and increase community*
21 *resilience, including encouraging the adoption*
22 *and enforcement of the latest published editions*
23 *of relevant consensus-based codes, specifications,*
24 *and standards that incorporate the latest hazard-*
25 *resistant designs and establish minimum accept-*

1 *able criteria for the design, construction, and*
2 *maintenance of residential structures and facili-*
3 *ties for the purpose of protecting the health, safe-*
4 *ty, and general welfare of the buildings' users*
5 *against disasters;*

6 *(3) promotes transparency and accountability*
7 *through appropriate public notification, outreach,*
8 *and hearings;*

9 *(4) identifies performance metrics for assessing*
10 *and reporting on the progress toward achieving the*
11 *Commonwealth's recovery goals, as identified under*
12 *paragraph (1);*

13 *(5) is developed in coordination with the Over-*
14 *sight Board established under PROMESA; and*

15 *(6) is certified by that Oversight Board to be*
16 *consistent with the purpose set forth in section 101(a)*
17 *of PROMESA (48 U.S.C. 2121(a)).*

18 *(b) At the end of every 30-day period before the submis-*
19 *sion of the report described in subsection (a), the Governor*
20 *of the Commonwealth of Puerto Rico, in coordination with*
21 *the Administrator of the Federal Emergency Management*
22 *Agency, shall provide to Congress interim status updates*
23 *on progress developing such report.*

24 *(c) At the end of every 180-day period after the submis-*
25 *sion of the report described in subsection (a), the Governor*

1 *of the Commonwealth of Puerto Rico, in coordination with*
2 *the Administrator of the Federal Emergency Management*
3 *Agency, shall make public a report on progress achieving*
4 *the goals set forth in such report.*

5 *(d) During the development, and after the submission,*
6 *of the report required in subsection (a), the Oversight Board*
7 *may provide to Congress reports on the status of coordina-*
8 *tion with the Governor of Puerto Rico.*

9 *(e) Amounts made available by this subdivision to a*
10 *covered territory for response to or recovery from Hurricane*
11 *Irma or Hurricane Maria in an aggregate amount greater*
12 *than \$10,000,000 may be reviewed by the Oversight Board*
13 *under the Oversight Board’s authority under 204(b)(2) of*
14 *PROMESA (48 U.S.C. 2144(b)(2)).*

15 *(f) When developing a Fiscal Plan while the recovery*
16 *plan required under subsection (a) is in development and*
17 *in effect, the Oversight Board shall use and incorporate, to*
18 *the greatest extent feasible, damage assessments prepared*
19 *pursuant to Federal law.*

20 *(g) For purposes of this section, the terms “covered ter-*
21 *ritory” and “Oversight Board” have the meaning given*
22 *those term in section 5 of PROMESA (48 U.S.C. 2104).*

23 *This subdivision may be cited as the “Further Addi-*
24 *tional Supplemental Appropriations for Disaster Relief Re-*
25 *quirements Act, 2018”.*

1 **SUBDIVISION 2—TAX RELIEF**
2 **AND MEDICAID CHANGES RE-**
3 **LATING TO CERTAIN DISAS-**
4 **TERS**
5 **TITLE I—CALIFORNIA FIRES**

6 **SEC. 20101. DEFINITIONS.**

7 *For purposes of this title—*

8 (1) **CALIFORNIA WILDFIRE DISASTER ZONE.**—

9 *The term “California wildfire disaster zone” means*
10 *that portion of the California wildfire disaster area*
11 *determined by the President to warrant individual or*
12 *individual and public assistance from the Federal*
13 *Government under the Robert T. Stafford Disaster*
14 *Relief and Emergency Assistance Act by reason of*
15 *wildfires in California.*

16 (2) **CALIFORNIA WILDFIRE DISASTER AREA.**—

17 *The term “California wildfire disaster area” means*
18 *an area with respect to which between January 1,*
19 *2017 through January 18, 2018 a major disaster has*
20 *been declared by the President under section 401 of*
21 *such Act by reason of wildfires in California.*

22 **SEC. 20102. SPECIAL DISASTER-RELATED RULES FOR USE**
23 **OF RETIREMENT FUNDS.**

24 (a) **TAX-FAVORED WITHDRAWALS FROM RETIREMENT**
25 **PLANS.**—

1 (1) *IN GENERAL.*—Section 72(t) of the Internal
2 *Revenue Code of 1986 shall not apply to any quali-*
3 *fied wildfire distribution.*

4 (2) *AGGREGATE DOLLAR LIMITATION.*—

5 (A) *IN GENERAL.*—For purposes of this sub-
6 *section, the aggregate amount of distributions re-*
7 *ceived by an individual which may be treated as*
8 *qualified wildfire distributions for any taxable*
9 *year shall not exceed the excess (if any) of—*

10 (i) \$100,000, over

11 (ii) the aggregate amounts treated as
12 *qualified wildfire distributions received by*
13 *such individual for all prior taxable years.*

14 (B) *TREATMENT OF PLAN DISTRIBUTIONS.*—If a distribution to an individual would
15 *(without regard to subparagraph (A)) be a quali-*
16 *fied wildfire distribution, a plan shall not be*
17 *treated as violating any requirement of the In-*
18 *ternal Revenue Code of 1986 merely because the*
19 *plan treats such distribution as a qualified wild-*
20 *fire distribution, unless the aggregate amount of*
21 *such distributions from all plans maintained by*
22 *the employer (and any member of any controlled*
23 *group which includes the employer) to such indi-*
24 *vidual exceeds \$100,000.*
25

1 (C) *CONTROLLED GROUP.*—For purposes of
2 subparagraph (B), the term “controlled group”
3 means any group treated as a single employer
4 under subsection (b), (c), (m), or (o) of section
5 414 of the Internal Revenue Code of 1986.

6 (3) *AMOUNT DISTRIBUTED MAY BE REPAID.*—

7 (A) *IN GENERAL.*—Any individual who re-
8 ceives a qualified wildfire distribution may, at
9 any time during the 3-year period beginning on
10 the day after the date on which such distribution
11 was received, make one or more contributions in
12 an aggregate amount not to exceed the amount
13 of such distribution to an eligible retirement
14 plan of which such individual is a beneficiary
15 and to which a rollover contribution of such dis-
16 tribution could be made under section 402(c),
17 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of
18 the Internal Revenue Code of 1986, as the case
19 may be.

20 (B) *TREATMENT OF REPAYMENTS OF DIS-*
21 *TRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS*
22 *OTHER THAN IRAS.*—For purposes of the Inter-
23 nal Revenue Code of 1986, if a contribution is
24 made pursuant to subparagraph (A) with respect
25 to a qualified wildfire distribution from an eligi-

1 *ble retirement plan other than an individual re-*
2 *irement plan, then the taxpayer shall, to the ex-*
3 *tent of the amount of the contribution, be treated*
4 *as having received the qualified wildfire distribu-*
5 *tion in an eligible rollover distribution (as de-*
6 *finied in section 402(c)(4) of such Code) and as*
7 *having transferred the amount to the eligible re-*
8 *irement plan in a direct trustee to trustee trans-*
9 *fer within 60 days of the distribution.*

10 (C) *TREATMENT OF REPAYMENTS FOR DIS-*
11 *TRIBUTIONS FROM IRAS.—For purposes of the*
12 *Internal Revenue Code of 1986, if a contribution*
13 *is made pursuant to subparagraph (A) with re-*
14 *spect to a qualified wildfire distribution from an*
15 *individual retirement plan (as defined by section*
16 *7701(a)(37) of such Code), then, to the extent of*
17 *the amount of the contribution, the qualified*
18 *wildfire distribution shall be treated as a dis-*
19 *tribution described in section 408(d)(3) of such*
20 *Code and as having been transferred to the eligi-*
21 *ble retirement plan in a direct trustee to trustee*
22 *transfer within 60 days of the distribution.*

23 (4) *DEFINITIONS.—For purposes of this sub-*
24 *section—*

1 (A) *QUALIFIED WILDFIRE DISTRIBUTION.*—
2 *Except as provided in paragraph (2), the term*
3 *“qualified wildfire distribution” means any dis-*
4 *tribution from an eligible retirement plan made*
5 *on or after October 8, 2017, and before January*
6 *1, 2019, to an individual whose principal place*
7 *of abode during any portion of the period from*
8 *October 8, 2017, to December 31, 2017, is located*
9 *in the California wildfire disaster area and who*
10 *has sustained an economic loss by reason of the*
11 *wildfires to which the declaration of such area*
12 *relates.*

13 (B) *ELIGIBLE RETIREMENT PLAN.*—*The*
14 *term “eligible retirement plan” shall have the*
15 *meaning given such term by section 402(c)(8)(B)*
16 *of the Internal Revenue Code of 1986.*

17 (5) *INCOME INCLUSION SPREAD OVER 3-YEAR PE-*
18 *RIOD.*—

19 (A) *IN GENERAL.*—*In the case of any quali-*
20 *fied wildfire distribution, unless the taxpayer*
21 *elects not to have this paragraph apply for any*
22 *taxable year, any amount required to be in-*
23 *cluded in gross income for such taxable year*
24 *shall be so included ratably over the 3-taxable-*
25 *year period beginning with such taxable year.*

1 (B) *SPECIAL RULE.*—For purposes of sub-
 2 paragraph (A), rules similar to the rules of sub-
 3 paragraph (E) of section 408A(d)(3) of the Inter-
 4 nal Revenue Code of 1986 shall apply.

5 (6) *SPECIAL RULES.*—

6 (A) *EXEMPTION OF DISTRIBUTIONS FROM*
 7 *TRUSTEE TO TRUSTEE TRANSFER AND WITH-*
 8 *HOLDING RULES.*—For purposes of sections
 9 401(a)(31), 402(f), and 3405 of the Internal Rev-
 10 enue Code of 1986, qualified wildfire distribu-
 11 tions shall not be treated as eligible rollover dis-
 12 tributions.

13 (B) *QUALIFIED WILDFIRE DISTRIBUTIONS*
 14 *TREATED AS MEETING PLAN DISTRIBUTION RE-*
 15 *QUIREMENTS.*—For purposes the Internal Rev-
 16 enue Code of 1986, a qualified wildfire distribu-
 17 tion shall be treated as meeting the requirements
 18 of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii),
 19 403(b)(11), and 457(d)(1)(A) of such Code.

20 (b) *RECONTRIBUTIONS OF WITHDRAWALS FOR HOME*
 21 *PURCHASES.*—

22 (1) *RECONTRIBUTIONS.*—

23 (A) *IN GENERAL.*—Any individual who re-
 24 ceived a qualified distribution may, during the
 25 period beginning on October 8, 2017, and ending

1 on June 30, 2018, make one or more contribu-
2 tions in an aggregate amount not to exceed the
3 amount of such qualified distribution to an eligi-
4 ble retirement plan (as defined in section
5 402(c)(8)(B) of the Internal Revenue Code of
6 1986) of which such individual is a beneficiary
7 and to which a rollover contribution of such dis-
8 tribution could be made under section 402(c),
9 403(a)(4), 403(b)(8), or 408(d)(3), of such Code,
10 as the case may be.

11 (B) *TREATMENT OF REPAYMENTS.*—Rules
12 similar to the rules of subparagraphs (B) and
13 (C) of subsection (a)(3) shall apply for purposes
14 of this subsection.

15 (2) *QUALIFIED DISTRIBUTION.*—For purposes of
16 this subsection, the term “qualified distribution”
17 means any distribution—

18 (A) described in section 401(k)(2)(B)(i)(IV),
19 403(b)(7)(A)(ii) (but only to the extent such dis-
20 tribution relates to financial hardship),
21 403(b)(11)(B), or 72(t)(2)(F), of the Internal
22 Revenue Code of 1986,

23 (B) received after March 31, 2017, and be-
24 fore January 15, 2018, and

1 (C) which was to be used to purchase or
2 construct a principal residence in the California
3 wildfire disaster area but which was not so pur-
4 chased or constructed on account of the wildfires
5 to which the declaration of such area relates.

6 (c) *LOANS FROM QUALIFIED PLANS.*—

7 (1) *INCREASE IN LIMIT ON LOANS NOT TREATED*
8 *AS DISTRIBUTIONS.*—*In the case of any loan from a*
9 *qualified employer plan (as defined under section*
10 *72(p)(4) of the Internal Revenue Code of 1986) to a*
11 *qualified individual made during the period begin-*
12 *ning on the date of the enactment of this Act and end-*
13 *ing on December 31, 2018—*

14 (A) *clause (i) of section 72(p)(2)(A) of such*
15 *Code shall be applied by substituting “\$100,000”*
16 *for “\$50,000”, and*

17 (B) *clause (ii) of such section shall be ap-*
18 *plied by substituting “the present value of the*
19 *nonforfeitable accrued benefit of the employee*
20 *under the plan” for “one-half of the present*
21 *value of the nonforfeitable accrued benefit of the*
22 *employee under the plan”.*

23 (2) *DELAY OF REPAYMENT.*—*In the case of a*
24 *qualified individual with an outstanding loan on or*
25 *after October 8, 2017, from a qualified employer plan*

1 *(as defined in section 72(p)(4) of the Internal Rev-*
2 *enue Code of 1986)—*

3 *(A) if the due date pursuant to subpara-*
4 *graph (B) or (C) of section 72(p)(2) of such Code*
5 *for any repayment with respect to such loan oc-*
6 *currs during the period beginning on October 8,*
7 *2017, and ending on December 31, 2018, such*
8 *due date shall be delayed for 1 year,*

9 *(B) any subsequent repayments with respect*
10 *to any such loan shall be appropriately adjusted*
11 *to reflect the delay in the due date under para-*
12 *graph (1) and any interest accruing during such*
13 *delay, and*

14 *(C) in determining the 5-year period and*
15 *the term of a loan under subparagraph (B) or*
16 *(C) of section 72(p)(2) of such Code, the period*
17 *described in subparagraph (A) shall be dis-*
18 *regarded.*

19 *(3) QUALIFIED INDIVIDUAL.—For purposes of*
20 *this subsection, the term “qualified individual” means*
21 *any individual whose principal place of abode during*
22 *any portion of the period from October 8, 2017, to*
23 *December 31, 2017, is located in the California wild-*
24 *fire disaster area and who has sustained an economic*

1 *loss by reason of wildfires to which the declaration of*
2 *such area relates.*

3 *(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—*

4 *(1) IN GENERAL.—If this subsection applies to*
5 *any amendment to any plan or annuity contract,*
6 *such plan or contract shall be treated as being oper-*
7 *ated in accordance with the terms of the plan during*
8 *the period described in paragraph (2)(B)(i).*

9 *(2) AMENDMENTS TO WHICH SUBSECTION AP-*
10 *PLIES.—*

11 *(A) IN GENERAL.—This subsection shall*
12 *apply to any amendment to any plan or annu-*
13 *ity contract which is made—*

14 *(i) pursuant to any provision of this*
15 *section, or pursuant to any regulation*
16 *issued by the Secretary or the Secretary of*
17 *Labor under any provision of this section,*
18 *and*

19 *(ii) on or before the last day of the first*
20 *plan year beginning on or after January 1,*
21 *2019, or such later date as the Secretary*
22 *may prescribe.*

23 *In the case of a governmental plan (as defined*
24 *in section 414(d) of the Internal Revenue Code*
25 *of 1986), clause (ii) shall be applied by sub-*

1 *stituting the date which is 2 years after the date*
 2 *otherwise applied under clause (ii).*

3 *(B) CONDITIONS.—This subsection shall not*
 4 *apply to any amendment unless—*

5 *(i) during the period—*

6 *(I) beginning on the date that this*
 7 *section or the regulation described in*
 8 *subparagraph (A)(i) takes effect (or in*
 9 *the case of a plan or contract amend-*
 10 *ment not required by this section or*
 11 *such regulation, the effective date speci-*
 12 *fied by the plan), and*

13 *(II) ending on the date described*
 14 *in subparagraph (A)(ii) (or, if earlier,*
 15 *the date the plan or contract amend-*
 16 *ment is adopted),*

17 *the plan or contract is operated as if such plan*
 18 *or contract amendment were in effect, and*

19 *(ii) such plan or contract amendment*
 20 *applies retroactively for such period.*

21 **SEC. 20103. EMPLOYEE RETENTION CREDIT FOR EMPLOY-**
 22 **ERS AFFECTED BY CALIFORNIA WILDFIRES.**

23 *(a) IN GENERAL.—For purposes of section 38 of the*
 24 *Internal Revenue Code of 1986, in the case of an eligible*
 25 *employer, the California wildfire employee retention credit*

1 *shall be treated as a credit listed in subsection (b) of such*
2 *section. For purposes of this subsection, the California wild-*
3 *fire employee retention credit for any taxable year is an*
4 *amount equal to 40 percent of the qualified wages with re-*
5 *spect to each eligible employee of such employer for such*
6 *taxable year. For purposes of the preceding sentence, the*
7 *amount of qualified wages which may be taken into account*
8 *with respect to any individual shall not exceed \$6,000.*

9 (b) *DEFINITIONS.—For purposes of this section—*

10 (1) *ELIGIBLE EMPLOYER.—The term “eligible*
11 *employer” means any employer—*

12 (A) *which conducted an active trade or*
13 *business on October 8, 2017, in the California*
14 *wildfire disaster zone, and*

15 (B) *with respect to whom the trade or busi-*
16 *ness described in subparagraph (A) is inoperable*
17 *on any day after October 8, 2017, and before*
18 *January 1, 2018, as a result of damage sus-*
19 *tained by reason of the wildfires to which such*
20 *declaration of such area relates.*

21 (2) *ELIGIBLE EMPLOYEE.—The term “eligible*
22 *employee” means with respect to an eligible employer*
23 *an employee whose principal place of employment on*
24 *October 8, 2017, with such eligible employer was in*
25 *the California wildfire disaster zone.*

1 (3) *QUALIFIED WAGES.*—*The term “qualified*
2 *wages” means wages (as defined in section 51(c)(1) of*
3 *the Internal Revenue Code of 1986, but without re-*
4 *gard to section 3306(b)(2)(B) of such Code) paid or*
5 *incurred by an eligible employer with respect to an*
6 *eligible employee on any day after October 8, 2017,*
7 *and before January 1, 2018, which occurs during the*
8 *period—*

9 (A) *beginning on the date on which the*
10 *trade or business described in paragraph (1)*
11 *first became inoperable at the principal place of*
12 *employment of the employee immediately before*
13 *the wildfires to which the declaration of the Cali-*
14 *ifornia wildfire disaster area relates, and*

15 (B) *ending on the date on which such trade*
16 *or business has resumed significant operations at*
17 *such principal place of employment.*

18 *Such term shall include wages paid without regard to*
19 *whether the employee performs no services, performs*
20 *services at a different place of employment than such*
21 *principal place of employment, or performs services*
22 *at such principal place of employment before signifi-*
23 *cant operations have resumed.*

24 (c) *CERTAIN RULES TO APPLY.*—*For purposes of this*
25 *section, rules similar to the rules of sections 51(i)(1), 52,*

1 *and 280C(a) of the Internal Revenue Code of 1986, shall*
2 *apply.*

3 (d) *EMPLOYEE NOT TAKEN INTO ACCOUNT MORE*
4 *THAN ONCE.—An employee shall not be treated as an eligi-*
5 *ble employee for purposes of this section for any period with*
6 *respect to any employer if such employer is allowed a credit*
7 *under section 51 of the Internal Revenue Code of 1986 with*
8 *respect to such employee for such period.*

9 **SEC. 20104. ADDITIONAL DISASTER-RELATED TAX RELIEF**
10 **PROVISIONS.**

11 (a) *TEMPORARY SUSPENSION OF LIMITATIONS ON*
12 *CHARITABLE CONTRIBUTIONS.—*

13 (1) *IN GENERAL.—Except as otherwise provided*
14 *in paragraph (2), subsection (b) of section 170 of the*
15 *Internal Revenue Code of 1986 shall not apply to*
16 *qualified contributions and such contributions shall*
17 *not be taken into account for purposes of applying*
18 *subsections (b) and (d) of such section to other con-*
19 *tributions.*

20 (2) *TREATMENT OF EXCESS CONTRIBUTIONS.—*
21 *For purposes of section 170 of the Internal Revenue*
22 *Code of 1986—*

23 (A) *INDIVIDUALS.—In the case of an indi-*
24 *vidual—*

1 (i) *LIMITATION.*—Any qualified con-
2 tribution shall be allowed only to the extent
3 that the aggregate of such contributions does
4 not exceed the excess of the taxpayer’s con-
5 tribution base (as defined in subparagraph
6 (H) of section 170(b)(1) of such Code) over
7 the amount of all other charitable contribu-
8 tions allowed under section 170(b)(1) of
9 such Code.

10 (ii) *CARRYOVER.*—If the aggregate
11 amount of qualified contributions made in
12 the contribution year (within the meaning
13 of section 170(d)(1) of such Code) exceeds
14 the limitation of clause (i), such excess shall
15 be added to the excess described in the por-
16 tion of subparagraph (A) of such section
17 which precedes clause (i) thereof for pur-
18 poses of applying such section.

19 (B) *CORPORATIONS.*—In the case of a cor-
20 poration—

21 (i) *LIMITATION.*—Any qualified con-
22 tribution shall be allowed only to the extent
23 that the aggregate of such contributions does
24 not exceed the excess of the taxpayer’s tax-
25 able income (as determined under para-

1 *graph (2) of section 170(b) of such Code)*
2 *over the amount of all other charitable con-*
3 *tributions allowed under such paragraph.*

4 *(ii) CARRYOVER.—Rules similar to the*
5 *rules of subparagraph (A)(i) shall apply*
6 *for purposes of this subparagraph.*

7 (3) *EXCEPTION TO OVERALL LIMITATION ON*
8 *ITEMIZED DEDUCTIONS.—So much of any deduction*
9 *allowed under section 170 of the Internal Revenue*
10 *Code of 1986 as does not exceed the qualified con-*
11 *tributions paid during the taxable year shall not be*
12 *treated as an itemized deduction for purposes of sec-*
13 *tion 68 of such Code.*

14 (4) *QUALIFIED CONTRIBUTIONS.—*

15 *(A) IN GENERAL.—For purposes of this sub-*
16 *section, the term “qualified contribution” means*
17 *any charitable contribution (as defined in sec-*
18 *tion 170(c) of the Internal Revenue Code of*
19 *1986) if—*

20 *(i) such contribution—*

21 *(I) is paid during the period be-*
22 *ginning on October 8, 2017, and end-*
23 *ing on December 31, 2018, in cash to*
24 *an organization described in section*
25 *170(b)(1)(A) of such Code, and*

1 (II) is made for relief efforts in
2 the California wildfire disaster area,

3 (ii) the taxpayer obtains from such or-
4 ganization contemporaneous written ac-
5 knowledgment (within the meaning of sec-
6 tion 170(f)(8) of such Code) that such con-
7 tribution was used (or is to be used) for re-
8 lief efforts described in clause (i)(II), and

9 (iii) the taxpayer has elected the appli-
10 cation of this subsection with respect to such
11 contribution.

12 (B) *EXCEPTION.*—Such term shall not in-
13 clude a contribution by a donor if the contribu-
14 tion is—

15 (i) to an organization described in sec-
16 tion 509(a)(3) of the Internal Revenue Code
17 of 1986, or

18 (ii) for the establishment of a new, or
19 maintenance of an existing, donor advised
20 fund (as defined in section 4966(d)(2) of
21 such Code).

22 (C) *APPLICATION OF ELECTION TO PART-*
23 *NERSHIPS AND S CORPORATIONS.*—In the case of
24 a partnership or S corporation, the election

1 under subparagraph (A)(iii) shall be made sepa-
2 rately by each partner or shareholder.

3 (b) *SPECIAL RULES FOR QUALIFIED DISASTER-RE-*
4 *LATED PERSONAL CASUALTY LOSSES.*—

5 (1) *IN GENERAL.*—*If an individual has a net*
6 *disaster loss for any taxable year—*

7 (A) *the amount determined under section*
8 *165(h)(2)(A)(ii) of the Internal Revenue Code of*
9 *1986 shall be equal to the sum of—*

10 (i) *such net disaster loss, and*

11 (ii) *so much of the excess referred to in*
12 *the matter preceding clause (i) of section*
13 *165(h)(2)(A) of such Code (reduced by the*
14 *amount in clause (i) of this subparagraph)*
15 *as exceeds 10 percent of the adjusted gross*
16 *income of the individual,*

17 (B) *section 165(h)(1) of such Code shall be*
18 *applied by substituting “\$500” for “\$500 (\$100*
19 *for taxable years beginning after December 31,*
20 *2009)”*,

21 (C) *the standard deduction determined*
22 *under section 63(c) of such Code shall be in-*
23 *creased by the net disaster loss, and*

24 (D) *section 56(b)(1)(E) of such Code shall*
25 *not apply to so much of the standard deduction*

1 *as is attributable to the increase under subpara-*
2 *graph (C) of this paragraph.*

3 (2) *NET DISASTER LOSS.—For purposes of this*
4 *subsection, the term “net disaster loss” means the ex-*
5 *cess of qualified disaster-related personal casualty*
6 *losses over personal casualty gains (as defined in sec-*
7 *tion 165(h)(3)(A) of the Internal Revenue Code of*
8 *1986).*

9 (3) *QUALIFIED DISASTER-RELATED PERSONAL*
10 *CASUALTY LOSSES.—For purposes of this subsection,*
11 *the term “qualified disaster-related personal casualty*
12 *losses” means losses described in section 165(c)(3) of*
13 *the Internal Revenue Code of 1986 which arise in the*
14 *California wildfire disaster area on or after October*
15 *8, 2017, and which are attributable to the wildfires*
16 *to which the declaration of such area relates.*

17 (c) *SPECIAL RULE FOR DETERMINING EARNED IN-*
18 *COME.—*

19 (1) *IN GENERAL.—In the case of a qualified in-*
20 *dividual, if the earned income of the taxpayer for the*
21 *taxable year which includes any portion of the period*
22 *from October 8, 2017, to December 31, 2017, is less*
23 *than the earned income of the taxpayer for the pre-*
24 *ceding taxable year, the credits allowed under sections*
25 *24(d) and 32 of the Internal Revenue Code of 1986*

1 *may, at the election of the taxpayer, be determined by*
2 *substituting—*

3 *(A) such earned income for the preceding*
4 *taxable year, for*

5 *(B) such earned income for the taxable year*
6 *which includes any portion of the period from*
7 *October 8, 2017, to December 31, 2017.*

8 *(2) QUALIFIED INDIVIDUAL.—For purposes of*
9 *this subsection, the term “qualified individual” means*
10 *any individual whose principal place of abode during*
11 *any portion of the period from October 8, 2017, to*
12 *December 31, 2017, was located—*

13 *(A) in the California wildfire disaster zone,*
14 *or*

15 *(B) in the California wildfire disaster area*
16 *(but outside the California wildfire disaster*
17 *zone) and such individual was displaced from*
18 *such principal place of abode by reason of the*
19 *wildfires to which the declaration of such area*
20 *relates.*

21 *(3) EARNED INCOME.—For purposes of this sub-*
22 *section, the term “earned income” has the meaning*
23 *given such term under section 32(c) of the Internal*
24 *Revenue Code of 1986.*

25 *(4) SPECIAL RULES.—*

1 (A) *APPLICATION TO JOINT RETURNS.*—For
2 purposes of paragraph (1), in the case of a joint
3 return for a taxable year which includes any
4 portion of the period from October 8, 2017, to
5 December 31, 2017—

6 (i) such paragraph shall apply if ei-
7 ther spouse is a qualified individual, and

8 (ii) the earned income of the taxpayer
9 for the preceding taxable year shall be the
10 sum of the earned income of each spouse for
11 such preceding taxable year.

12 (B) *UNIFORM APPLICATION OF ELECTION.*—
13 Any election made under paragraph (1) shall
14 apply with respect to both sections 24(d) and 32,
15 of the Internal Revenue Code of 1986.

16 (C) *ERRORS TREATED AS MATHEMATICAL*
17 *ERROR.*—For purposes of section 6213 of the In-
18 ternal Revenue Code of 1986, an incorrect use on
19 a return of earned income pursuant to para-
20 graph (1) shall be treated as a mathematical or
21 clerical error.

22 (D) *NO EFFECT ON DETERMINATION OF*
23 *GROSS INCOME, ETC.*—Except as otherwise pro-
24 vided in this subsection, the Internal Revenue

1 Code of 1986 shall be applied without regard to
2 any substitution under paragraph (1).

3 **TITLE II—TAX RELIEF FOR HUR-**
4 **RICANES HARVEY, IRMA, AND**
5 **MARIA**

6 **SEC. 20201. TAX RELIEF FOR HURRICANES HARVEY, IRMA,**
7 **AND MARIA.**

8 (a) *MODIFICATION OF HURRICANES HARVEY AND*
9 *IRMA DISASTER AREAS.*—Subsections (a)(2) and (b)(2) of
10 *section 501 of the Disaster Tax Relief and Airport and Air-*
11 *way Extension Act of 2017 (Public Law 115–63; 131 Stat.*
12 *1173) are both amended by striking “September 21, 2017”*
13 *and inserting “October 17, 2017”.*

14 (b) *EMPLOYEE RETENTION CREDIT.*—Subsections
15 *(a)(3), (b)(3), and (c)(3) of section 503 of the Disaster Tax*
16 *Relief and Airport and Airway Extension Act of 2017*
17 *(Public Law 115–63; 131 Stat. 1181) are each amended by*
18 *striking “sections 51(i)(1) and 52” and inserting “sections*
19 *51(i)(1), 52, and 280C(a)”.*

20 (c) *EFFECTIVE DATE.*—*The amendments made by this*
21 *section shall take effect as if included in the provisions of*
22 *title V of the Disaster Tax Relief and Airport and Airway*
23 *Extension Act of 2017 to which such amendments relate.*

1 **TITLE III—HURRICANE MARIA**
2 **RELIEF FOR PUERTO RICO**
3 **AND THE VIRGIN ISLANDS**
4 **MEDICAID PROGRAMS**

5 **SEC. 20301. HURRICANE MARIA RELIEF FOR PUERTO RICO**
6 **AND THE VIRGIN ISLANDS MEDICAID PRO-**
7 **GRAMS.**

8 *(a) INCREASED CAPS.—Section 1108(g)(5) of the So-*
9 *cial Security Act (42 U.S.C. 1308(g)(5)) is amended—*

10 *(1) in subparagraph (A), by striking “subpara-*
11 *graph (B)” and inserting “subparagraphs (B), (C),*
12 *(D), and (E)”;* and

13 *(2) by adding at the end the following new sub-*
14 *paragraphs:*

15 *“(C) Subject to subparagraphs (D) and (E), for*
16 *the period beginning January 1, 2018, and ending*
17 *September 30, 2019—*

18 *“(i) the amount of the increase otherwise*
19 *provided under subparagraphs (A) and (B) for*
20 *Puerto Rico shall be further increased by*
21 *\$3,600,000,000; and*

22 *“(ii) the amount of the increase otherwise*
23 *provided under subparagraph (A) for the Virgin*
24 *Islands shall be further increased by*
25 *\$106,931,000.*

1 “(D) For the period described in subparagraph
2 (C), the amount of the increase otherwise provided
3 under subparagraph (A)—

4 “(i) for Puerto Rico shall be further in-
5 creased by \$1,200,000,000 if the Secretary cer-
6 tifies that Puerto Rico has taken reasonable and
7 appropriate steps during such period, in accord-
8 ance with a timeline established by the Sec-
9 retary, to—

10 “(I) implement methods, satisfactory to
11 the Secretary, for the collection and report-
12 ing of reliable data to the Transformed
13 Medicaid Statistical Information System
14 (T-MSIS) (or a successor system); and

15 “(II) demonstrate progress in estab-
16 lishing a State medicaid fraud control unit
17 described in section 1903(q); and

18 “(ii) for the Virgin Islands shall be further
19 increased by \$35,644,000 if the Secretary cer-
20 tifies that the Virgin Islands has taken reason-
21 able and appropriate steps during such period,
22 in accordance with a timeline established by the
23 Secretary, to meet the conditions for certification
24 specified in subclauses (I) and (II) of clause (i).

1 “(E) Notwithstanding any other provision of
2 title XIX, during the period in which the additional
3 funds provided under subparagraphs (C) and (D) are
4 available for Puerto Rico and the Virgin Islands, re-
5 spectively, with respect to payments from such addi-
6 tional funds for amounts expended by Puerto Rico
7 and the Virgin Islands under such title, the Secretary
8 shall increase the Federal medical assistance percent-
9 age or other rate that would otherwise apply to such
10 payments to 100 percent.”.

11 (b) *DISREGARD OF CERTAIN EXPENDITURES FROM*
12 *SPENDING CAP.*—Section 1108(g)(4) of the Social Security
13 Act (42 U.S.C. 1308(g)(4)) is amended—

14 (1) by inserting “for a calendar quarter of such
15 fiscal year,” after “section 1903(a)(3)”; and

16 (2) by striking “of such fiscal year for a cal-
17 endar quarter of such fiscal year,” and inserting “of
18 such fiscal year, and with respect to fiscal years be-
19 ginning with fiscal year 2018, if the Virgin Islands
20 qualifies for a payment under section 1903(a)(6) for
21 a calendar quarter (beginning on or after January 1,
22 2018) of such fiscal year.”.

23 (c) *REPORT TO CONGRESS.*—Not later than July 1,
24 2018, the Secretary of Health and Human Services shall
25 submit a report to the Committee on Energy and Commerce

1 *of the House of Representatives and the Committee on Fi-*
2 *nance of the Senate that—*

3 (1) *describes the steps taken by Puerto Rico and*
4 *the Virgin Islands to meet the conditions for certifi-*
5 *cation specified in clauses (i) and (ii), respectively,*
6 *of section 1108(g)(5)(D) of the Social Security Act*
7 *(42 U.S.C. 1308(g)(5)(D)) (as amended by subsection*
8 *(a) of this section); and*

9 (2) *specifies timelines for each such territory to,*
10 *as a condition of eligibility for any additional in-*
11 *creases in the amounts determined for Puerto Rico or*
12 *the Virgin Islands, respectively, under subsection (g)*
13 *of section 1108 of such Act (42 U.S.C. 1308) for pur-*
14 *poses of payments under title XIX of such Act for fis-*
15 *cal year 2019, complete—*

16 (A) *implementation of methods, satisfactory*
17 *to the Secretary, for the collection and reporting*
18 *of reliable data to the Transformed Medicaid*
19 *Statistical Information System (T-MSIS) (or a*
20 *successor system); and*

21 (B) *the establishment of a State medicaid*
22 *fraud control unit described in section 1903(q) of*
23 *the Social Security Act (42 U.S.C. 1396d(q)).*

1 **TITLE IV—BUDGETARY EFFECTS**

2 **SEC. 20401. EMERGENCY DESIGNATION.**

3 *This subdivision is designated as an emergency re-*
 4 *quirement pursuant to section 4(g) of the Statutory Pay-*
 5 *As-You-Go Act of 2010 (2 U.S.C. 933(g)).*

6 **SEC. 20402. DESIGNATION IN SENATE.**

7 *In the Senate, this subdivision is designated as an*
 8 *emergency requirement pursuant to section 4112(a) of H.*
 9 *Con. Res. 71 (115th Congress), the concurrent resolution on*
 10 *the budget for fiscal year 2018.*

11 **Subdivision 3—Further Extension of**
 12 **Continuing Appropriations Act, 2018**

13 *SEC. 20101. The Continuing Appropriations Act, 2018*
 14 *(division D of Public Law 115–56) is further amended by—*

15 *(1) striking the date specified in section 106(3)*
 16 *and inserting “March 23, 2018”; and*

17 *(2) inserting after section 155 the following new*
 18 *sections:*

19 *“SEC. 156. In addition to amounts provided by section*
 20 *101, amounts are provided for ‘Department of Commerce—*
 21 *Bureau of the Census—Periodic Census and Programs’ at*
 22 *a rate for operations of \$182,000,000 for an additional*
 23 *amount for the 2020 Decennial Census Program; and such*
 24 *amounts may be apportioned up to the rate for operations*
 25 *necessary to maintain the schedule and deliver the required*

1 data according to statutory deadlines in the 2020 Decennial
2 Census Program.

3 “SEC. 157. Notwithstanding section 101, the matter
4 preceding the first proviso and the first proviso under the
5 heading ‘Power Marketing Administrations—Operation
6 and Maintenance, Southeastern Power Administration’ in
7 division D of Public Law 115–31 shall be applied by sub-
8 stituting ‘\$6,379,000’ for ‘\$1,000,000’ each place it appears.

9 “SEC. 158. As authorized by section 404 of the Bipar-
10 tisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C.
11 6239 note), the Secretary of Energy shall draw down and
12 sell not to exceed \$350,000,000 of crude oil from the Stra-
13 tegic Petroleum Reserve in fiscal year 2018: Provided, That
14 the proceeds from such drawdown and sale shall be depos-
15 ited into the ‘Energy Security and Infrastructure Mod-
16 ernization Fund’ (in this section referred to as the ‘Fund’)
17 during fiscal year 2018: Provided further, That in addition
18 to amounts otherwise made available by section 101, any
19 amounts deposited in the Fund shall be made available and
20 shall remain available until expended at a rate for oper-
21 ations of \$350,000,000, for necessary expenses in carrying
22 out the Life Extension II project for the Strategic Petroleum
23 Reserve.

24 “SEC. 159. Amounts made available by section 101 for
25 ‘The Judiciary—Courts of Appeals, District Courts, and

1 *Other Judicial Services—Fees of Jurors and Commis-*
2 *sioners’ may be apportioned up to the rate for operations*
3 *necessary to accommodate increased juror usage.*

4 “*SEC. 160. Section 144 of the Continuing Appropria-*
5 *tions Act, 2018 (division D of Public Law 115–56), as*
6 *amended by the Further Additional Continuing Appropria-*
7 *tions Act, 2018 (division A of Public Law 115–96), is*
8 *amended by (1) striking ‘\$11,761,000’ and inserting*
9 *‘\$22,247,000’, and (2) striking ‘\$1,104,000’ and inserting*
10 *‘\$1,987,000’.*

11 “*SEC. 161. Section 458(a)(4) of the Higher Education*
12 *Act of 1965 (20 U.S.C. 1087h(a)(4)) shall be applied by*
13 *substituting ‘2018’ for ‘2017’.*

14 “*SEC. 162. For the purpose of carrying out section*
15 *435(a)(2) of the Higher Education Act of 1965 (HEA) (20*
16 *U.S.C. 1085(a)(2)), during the period covered by this Act*
17 *the Secretary of Education may waive the requirement*
18 *under section 435(a)(5)(A)(ii) of the HEA (20 U.S.C.*
19 *1085(a)(5)(A)(ii)) for an institution of higher education*
20 *that offers an associate degree, is a public institution, and*
21 *is located in an economically distressed county, defined as*
22 *a county that ranks in the lowest 5 percent of all counties*
23 *in the United States based on a national index of county*
24 *economic status: Provided, That this section shall apply to*
25 *an institution of higher education that otherwise would be*

1 *ineligible to participate in a program under part A of title*
2 *IV of the HEA on or after the date of enactment of this*
3 *Act due to the application of section 435(a)(2) of the HEA.*

4 “*SEC. 163. Notwithstanding any other provision of*
5 *law, funds made available by this Act for military construc-*
6 *tion, land acquisition, and family housing projects and ac-*
7 *tivities may be obligated and expended to carry out plan-*
8 *ning and design and military construction projects author-*
9 *ized by law: Provided, That funds and authority provided*
10 *by this section may be used notwithstanding sections 102*
11 *and 104: Provided further, That such funds may be used*
12 *only for projects identified by the Department of the Air*
13 *Force in its January 29, 2018, letter sent to the Committees*
14 *on Appropriations of both Houses of Congress detailing ur-*
15 *gently needed fiscal year 2018 construction requirements.*

16 “*SEC. 164. (a) Section 116(h)(3)(D) of title 49, United*
17 *States Code, is amended—*

18 “*(1) in clause (i), by striking ‘During the 2-year*
19 *period beginning on the date of enactment of this sec-*
20 *tion, the’; inserting ‘The’; and inserting the following*
21 *after the first sentence: ‘Any such funds or limitation*
22 *of obligations or portions thereof transferred to the*
23 *Bureau may be transferred back to and merged with*
24 *the original account.’; and*

1 “(2) in clause (ii) by striking ‘During the 2-year
2 period beginning on the date of enactment of this sec-
3 tion, the’; inserting ‘The’; and inserting the following
4 after the first sentence: ‘Any such funds or limitation
5 of obligations or portions thereof transferred to the
6 Bureau may be transferred back to and merged with
7 the original account.’.

8 “(b) Section 503(l)(4) of the Railroad Revitalization
9 and Regulatory Reform Act of 1976 (45 U.S.C. 823(l)(4))
10 is amended—

11 “(1) in the heading by striking ‘Safety and oper-
12 ations account’ and inserting ‘National Surface
13 Transportation and Innovative Finance Bureau ac-
14 count’; and

15 “(2) in subparagraph (A) by striking ‘Safety
16 and Operations account of the Federal Railroad Ad-
17 ministration’ and inserting ‘National Surface Trans-
18 portation and Innovative Finance Bureau account’.

19 “SEC. 165. Section 24(o) of the United States Housing
20 Act of 1937 (42 U.S.C. 1437v) shall be applied by sub-
21 stituting the date specified in section 106(3) for ‘September
22 30, 2017’.”.

23 This subdivision may be cited as the “Further Exten-
24 sion of Continuing Appropriations Act, 2018”.

1 ***DIVISION C—BUDGETARY AND***
 2 ***OTHER MATTERS***

3 ***SEC. 30001. TABLE OF CONTENTS.***

4 *The table of contents for this division is as follows:*

DIVISION C—BUDGETARY AND OTHER MATTERS

Sec. 30001. Table of contents.

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Sec. 30101. Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.

Sec. 30102. Balances on the PAYGO Scorecards.

Sec. 30103. Authority for fiscal year 2019 budget resolution in the Senate.

Sec. 30104. Authority for fiscal year 2019 budget resolution in the House of Representatives.

Sec. 30105. Exercise of rulemaking powers.

TITLE II—OFFSETS

Sec. 30201. Customs user fees.

Sec. 30202. Aviation security service fees.

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TITLE III—TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

Sec. 30301. Temporary extension of public debt limit.

TITLE IV—JOINT SELECT COMMITTEES

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Sec. 30441. Definitions.

Sec. 30442. Establishment of Joint Select Committee.

Sec. 30443. Funding.

Sec. 30444. Consideration of joint committee bill in the Senate.

1 **TITLE I—BUDGET**
2 **ENFORCEMENT**

3 **SEC. 30101. AMENDMENTS TO THE BALANCED BUDGET AND**
4 **EMERGENCY DEFICIT CONTROL ACT OF 1985.**

5 (a) *REVISED DISCRETIONARY SPENDING LIMITS.—*

6 *Section 251(c) of the Balanced Budget and Emergency Def-*
7 *icit Control Act of 1985 (2 U.S.C. 901(c)) is amended by*
8 *striking paragraphs (5) and (6) and inserting the following:*

9 “(5) for fiscal year 2018—

10 “(A) for the revised security category,

11 \$629,000,000,000 in new budget authority; and

12 “(B) for the revised nonsecurity category

13 \$579,000,000,000 in new budget authority;

14 “(6) for fiscal year 2019—

15 “(A) for the revised security category,

16 \$647,000,000,000 in new budget authority; and

17 “(B) for the revised nonsecurity category,

18 \$597,000,000,000 in new budget authority;”.

19 (b) *DIRECT SPENDING ADJUSTMENTS FOR FISCAL*
20 *YEARS 2018 AND 2019.—Section 251A of the Balanced*
21 *Budget and Emergency Deficit Control Act of 1985 (2*
22 *U.S.C. 901a), is amended—*

23 (1) *in paragraph (5)(B), in the matter preceding*
24 *clause (i), by striking “and (11)” and inserting “,*
25 *(11), and (12)”;* and

1 (2) *by adding at the end the following:*

2 “(12) *IMPLEMENTING DIRECT SPENDING REDUC-*
3 *TIONS FOR FISCAL YEARS 2018 AND 2019.—(A) OMB*
4 *shall make the calculations necessary to implement*
5 *the direct spending reductions calculated pursuant to*
6 *paragraphs (3) and (4) without regard to the amend-*
7 *ment made to section 251(c) revising the discre-*
8 *tionary spending limits for fiscal years 2018 and*
9 *2019 by the Bipartisan Budget Act of 2018.*

10 “(B) *Paragraph (5)(B) shall not be implemented*
11 *for fiscal years 2018 and 2019.*”.

12 (c) *EXTENSION OF DIRECT SPENDING REDUCTIONS*
13 *THROUGH FISCAL YEAR 2027.—Section 251A(6) of the*
14 *Balanced Budget and Emergency Deficit Control Act of*
15 *1985 (2 U.S.C. 901a(6)) is amended—*

16 (1) *in subparagraph (B), in the matter pre-*
17 *ceding clause (i), by striking “for fiscal year 2022, for*
18 *fiscal year 2023, for fiscal year 2024, and for fiscal*
19 *year 2025” and inserting “for each of fiscal years*
20 *2022 through 2027”; and*

21 (2) *in subparagraph (C), in the matter preceding*
22 *clause (i), by striking “fiscal year 2025” and insert-*
23 *ing “fiscal year 2027”.*

1 **SEC. 30102. BALANCES ON THE PAYGO SCORECARDS.**

2 *Effective on the date of enactment of this Act, the bal-*
3 *ances on the PAYGO scorecards established pursuant to*
4 *paragraphs (4) and (5) of section 4(d) of the Statutory Pay-*
5 *As-You-Go Act of 2010 (2 U.S.C. 933(d)) shall be zero.*

6 **SEC. 30103. AUTHORITY FOR FISCAL YEAR 2019 BUDGET**

7 **RESOLUTION IN THE SENATE.**

8 *(a) FISCAL YEAR 2019.—For purposes of enforcing the*
9 *Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.)*
10 *after April 15, 2018, and enforcing budgetary points of*
11 *order in prior concurrent resolutions on the budget, the allo-*
12 *cations, aggregates, and levels provided for in subsection (b)*
13 *shall apply in the Senate in the same manner as for a con-*
14 *current resolution on the budget for fiscal year 2019 with*
15 *appropriate budgetary levels for fiscal years 2020 through*
16 *2028.*

17 *(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND*
18 *LEVELS.—After April 15, 2018, but not later than May 15,*
19 *2018, the Chairman of the Committee on the Budget of the*
20 *Senate shall file—*

21 *(1) for the Committee on Appropriations, com-*
22 *mittee allocations for fiscal year 2019 consistent with*
23 *discretionary spending limits set forth in section*
24 *251(c)(6) of the Balanced Budget and Emergency*
25 *Deficit Control Act of 1985, as amended by this Act,*

1 *for the purposes of enforcing section 302 of the Con-*
2 *gressional Budget Act of 1974 (2 U.S.C. 633);*

3 *(2) for all committees other than the Committee*
4 *on Appropriations, committee allocations for fiscal*
5 *years 2019, 2019 through 2023, and 2019 through*
6 *2028 consistent with the most recent baseline of the*
7 *Congressional Budget Office, as adjusted for the budg-*
8 *etary effects of any provision of law enacted during*
9 *the period beginning on the date such baseline is*
10 *issued and ending on the date of submission of such*
11 *statement, for the purposes of enforcing section 302 of*
12 *the Congressional Budget Act of 1974 (2 U.S.C. 633);*

13 *(3) aggregate spending levels for fiscal year 2019*
14 *in accordance with the allocations established under*
15 *paragraphs (1) and (2), for the purpose of enforcing*
16 *section 311 of the Congressional Budget Act of 1974*
17 *(2 U.S.C. 642);*

18 *(4) aggregate revenue levels for fiscal years 2019,*
19 *2019 through 2023, and 2019 through 2028 consistent*
20 *with the most recent baseline of the Congressional*
21 *Budget Office, as adjusted for the budgetary effects of*
22 *any provision of law enacted during the period begin-*
23 *ning on the date such baseline is issued and ending*
24 *on the date of submission of such statement, for the*

1 *purpose of enforcing section 311 of the Congressional*
2 *Budget Act of 1974 (2 U.S.C. 642); and*

3 *(5) levels of Social Security revenues and outlays*
4 *for fiscal years 2019, 2019 through 2023, and 2019*
5 *through 2028 consistent with the most recent baseline*
6 *of the Congressional Budget Office, as adjusted for the*
7 *budgetary effects of any provision of law enacted dur-*
8 *ing the period beginning on the date such baseline is*
9 *issued and ending on the date of submission of such*
10 *statement, for the purpose of enforcing sections 302*
11 *and 311 of the Congressional Budget Act of 1974 (2*
12 *U.S.C. 633 and 642).*

13 *(c) ADDITIONAL MATTER.—The filing referred to in*
14 *subsection (b) may also include for fiscal year 2019 the def-*
15 *icit-neutral reserve funds contained in title III of H. Con.*
16 *Res. 71 (115th Congress) updated by one fiscal year.*

17 *(d) EXPIRATION.—This section shall expire if a con-*
18 *current resolution on the budget for fiscal year 2019 is*
19 *agreed to by the Senate and the House of Representatives*
20 *pursuant to section 301 of the Congressional Budget Act*
21 *of 1974 (2 U.S.C. 632).*

1 **SEC. 30104. AUTHORITY FOR FISCAL YEAR 2019 BUDGET**
2 **RESOLUTION IN THE HOUSE OF REPRESENT-**
3 **ATIVES.**

4 (a) *FISCAL YEAR 2019.*—*If a concurrent resolution on*
5 *the budget for fiscal year 2019 has not been adopted by*
6 *April 15, 2018, for the purpose of enforcing the Congres-*
7 *sional Budget Act of 1974, the allocations, aggregates, and*
8 *levels provided for in subsection (b) shall apply in the*
9 *House of Representatives after April 15, 2018, in the same*
10 *manner as for a concurrent resolution on the budget for*
11 *fiscal year 2019 with appropriate budgetary levels for fiscal*
12 *year 2019 and for fiscal years 2020 through 2028.*

13 (b) *COMMITTEE ALLOCATIONS, AGGREGATES, AND*
14 *LEVELS.*—*In the House of Representatives, the Chair of the*
15 *Committee on the Budget shall submit a statement for pub-*
16 *lication in the Congressional Record after April 15, 2018,*
17 *but not later than May 15, 2018, containing—*

18 (1) *for the Committee on Appropriations, com-*
19 *mittee allocations for fiscal year 2019 for discre-*
20 *tionary budget authority at the total level set forth in*
21 *section 251(c)(6) of the Balanced Budget and Emer-*
22 *gency Deficit Control Act of 1985, as amended by this*
23 *Act, and the outlays flowing therefrom, and committee*
24 *allocations for fiscal year 2019 for current law man-*
25 *datory budget authority and outlays, for the purpose*

1 *of enforcing section 302 of the Congressional Budget*
2 *Act of 1974;*

3 *(2) for all committees other than the Committee*
4 *on Appropriations, committee allocations for fiscal*
5 *year 2019 and for the period of fiscal years 2019*
6 *through 2028 at the levels included in the most recent*
7 *baseline of the Congressional Budget Office, as ad-*
8 *justed for the budgetary effects of any provision of law*
9 *enacted during the period beginning on the date such*
10 *baseline is issued and ending on the date of submis-*
11 *sion of such statement, for the purpose of enforcing*
12 *section 302 of the Congressional Budget Act of 1974;*
13 *and*

14 *(3) aggregate spending levels for fiscal year 2019*
15 *and aggregate revenue levels for fiscal year 2019 and*
16 *for the period of fiscal years 2019 through 2028, at*
17 *the levels included in the most recent baseline of the*
18 *Congressional Budget Office, as adjusted for the budg-*
19 *etary effects of any provision of law enacted during*
20 *the period beginning on the date such baseline is*
21 *issued and ending on the date of submission of such*
22 *statement, for the purpose of enforcing section 311 of*
23 *the Congressional Budget Act of 1974.*

24 *(c) ADDITIONAL MATTER.—The statement referred to*
25 *in subsection (b) may also include for fiscal year 2019, the*

1 *matter contained in the provisions referred to in subsection*
2 *(f)(1).*

3 *(d) FISCAL YEAR 2019 ALLOCATION TO THE COM-*
4 *MITTEE ON APPROPRIATIONS.—If the statement referred to*
5 *in subsection (b) is not filed by May 15, 2018, then the*
6 *matter referred to in subsection (b)(1) shall be submitted*
7 *by the Chair of the Committee on the Budget for publication*
8 *in the Congressional Record on the next day that the House*
9 *of Representatives is in session.*

10 *(e) ADJUSTMENTS.—The chair of the Committee on the*
11 *Budget of the House of Representatives may adjust the levels*
12 *included in the statement referred to in subsection (b) to*
13 *reflect the budgetary effects of any legislation enacted dur-*
14 *ing the 115th Congress that reduces the deficit or as other-*
15 *wise necessary.*

16 *(f) APPLICATION.—Upon submission of the statement*
17 *referred to in subsection (b)—*

18 *(1) all references in sections 5101 through 5112,*
19 *sections 5201 through 5205, section 5301, and section*
20 *5401 of House Concurrent Resolution 71 (115th Con-*
21 *gress) to a fiscal year shall be considered for all pur-*
22 *poses in the House to be references to the succeeding*
23 *fiscal year; and*

24 *(2) all references in the provisions referred to in*
25 *paragraph (1) to allocations, aggregates, or other ap-*

1 *appropriate levels in “this concurrent resolution”, “the*
2 *most recently agreed to concurrent resolution on the*
3 *budget”, or “this resolution” shall be considered for*
4 *all purposes in the House to be references to the allo-*
5 *cations, aggregates, or other appropriate levels con-*
6 *tained in the statement referred to in subsection (b),*
7 *as adjusted.*

8 *(g) EXPIRATION.—Subsections (a) through (f) shall no*
9 *longer apply if a concurrent resolution on the budget for*
10 *fiscal year 2019 is agreed to by the Senate and House of*
11 *Representatives.*

12 **SEC. 30105. EXERCISE OF RULEMAKING POWERS.**

13 *Sections 30103 and 30104 are enacted by the Con-*
14 *gress—*

15 *(1) as an exercise of the rulemaking power of the*
16 *Senate and the House of Representatives, respectively,*
17 *and as such they shall be considered as part of the*
18 *rules of each House, respectively, or of that House to*
19 *which they specifically apply, and such rules shall su-*
20 *persede other rules only to the extent that they are in-*
21 *consistent therewith; and*

22 *(2) with full recognition of the constitutional*
23 *right of either House to change such rules (so far as*
24 *relating to such House) at any time, in the same*

1 manner, and to the same extent as in the case of any
2 other rule of such House.

3 **TITLE II—OFFSETS**

4 **SEC. 30201. CUSTOMS USER FEES.**

5 (a) *IN GENERAL.*—Section 13031(j)(3) of the Consoli-
6 dated Omnibus Budget Reconciliation Act of 1985 (19
7 U.S.C. 58c(j)(3)) is amended—

8 (1) in subparagraph (A), by striking “January
9 14, 2026” and inserting “February 24, 2027”; and

10 (2) in subparagraph (B)(i), by striking “Sep-
11 tember 30, 2025” and inserting “September 30,
12 2027”.

13 (b) *RATE FOR MERCHANDISE PROCESSING FEES.*—
14 Section 503 of the United States–Korea Free Trade Agree-
15 ment Implementation Act (Public Law 112–41; 19 U.S.C.
16 3805 note) is amended by striking “January 14, 2026” and
17 inserting “February 24, 2027”.

18 **SEC. 30202. AVIATION SECURITY SERVICE FEES.**

19 Paragraph (4) of section 44940(i) of title 49, United
20 States Code, is amended by adding at the end the following
21 new subparagraphs:

22 “(M) \$1,640,000,000 for fiscal year 2026.

23 “(N) \$1,680,000,000 for fiscal year 2027.”.

1 **SEC. 30203. EXTENSION OF CERTAIN IMMIGRATION FEES.**

2 (a) VISA WAIVER PROGRAM.—Section
3 217(h)(3)(B)(iii) of the Immigration and Nationality Act
4 (8 U.S.C. 1187(h)(3)(B)(iii)) is amended by striking “Sep-
5 tember 30, 2020” and inserting “September 30, 2027”.

6 (b) L-1 AND H-1B VISAS.—Section 411 of the Air
7 Transportation Safety and System Stabilization Act (49
8 U.S.C. 40101 note) is amended by striking “September 30,
9 2025” each place it appears and inserting “September 30,
10 2027”.

11 **SEC. 30204. STRATEGIC PETROLEUM RESERVE DRAWDOWN.**

12 (a) DRAWDOWN AND SALE.—

13 (1) IN GENERAL.—Notwithstanding section 161
14 of the Energy Policy and Conservation Act (42 U.S.C.
15 6241), except as provided in subsection (b), the Sec-
16 retary of Energy shall draw down and sell from the
17 Strategic Petroleum Reserve—

18 (A) 30,000,000 barrels of crude oil during
19 the period of fiscal years 2022 through 2025;

20 (B) 35,000,000 barrels of crude oil during
21 fiscal year 2026; and

22 (C) 35,000,000 barrels of crude oil during
23 fiscal year 2027.

24 (2) DEPOSIT OF AMOUNTS RECEIVED FROM
25 SALE.—Amounts received from a sale under para-
26 graph (1) shall be deposited in the general fund of the

1 *Treasury during the fiscal year in which the sale oc-*
2 *curs.*

3 **(b) EMERGENCY PROTECTION.**—*The Secretary of En-*
4 *ergy may not draw down and sell crude oil under this sec-*
5 *tion in quantities that would limit the authority to sell pe-*
6 *troleum products under subsection (h) of section 161 of the*
7 *Energy Policy and Conservation Act (42 U.S.C. 6241) in*
8 *the full quantity authorized by that subsection.*

9 **(c) STRATEGIC PETROLEUM DRAWDOWN CONDITIONS**
10 **AND LIMITATIONS.**—

11 **(1) CONDITIONS.**—*Section 161(h)(1) of the En-*
12 *ergy Policy and Conservation Act (42 U.S.C.*
13 *6241(h)(1)) is amended in subparagraph (B) by strik-*
14 *ing “shortage; and” and all that follows through “Sec-*
15 *retary of” in subparagraph (C) and inserting the fol-*
16 *lowing: “shortage;*

17 *“(C) the Secretary has found that action*
18 *taken under this subsection will not impair the*
19 *ability of the United States to carry out obliga-*
20 *tions of the United States under the inter-*
21 *national energy program; and*

22 *“(D) the Secretary of”.*

23 **(2) LIMITATIONS.**—*Section 161(h)(2) of the En-*
24 *ergy Policy and Conservation Act (42 U.S.C.*

1 “(1) *To improve employment outcomes of indi-*
2 *viduals that receive unemployment compensation and*
3 *to reduce the average duration of receipt of such com-*
4 *penetration through employment.*

5 “(2) *To strengthen program integrity and reduce*
6 *improper payments of unemployment compensation*
7 *by States through the detection and prevention of such*
8 *payments to individuals who are not eligible for such*
9 *compensation.*

10 “(3) *To promote alignment with the broader vi-*
11 *sion of the Workforce Innovation and Opportunity*
12 *Act (29 U.S.C. 3101 et seq.) of increased program in-*
13 *tegration and service delivery for job seekers, includ-*
14 *ing claimants for unemployment compensation.*

15 “(4) *To establish reemployment services and eli-*
16 *gibility assessments as an entry point for individuals*
17 *receiving unemployment compensation into other*
18 *workforce system partner programs.*

19 “(c) *EVIDENCE-BASED STANDARDS.—*

20 “(1) *IN GENERAL.—In carrying out a State pro-*
21 *gram of reemployment services and eligibility assess-*
22 *ments using grant funds awarded to the State under*
23 *this section, a State shall use such funds only for*
24 *interventions demonstrated to reduce the number of*
25 *weeks for which program participants receive unem-*

1 *ployment compensation by improving employment*
2 *outcomes for program participants.*

3 “(2) *EXPANDING EVIDENCE-BASED INTERVEN-*
4 *TIONS.—In addition to the requirement imposed by*
5 *paragraph (1), a State shall—*

6 “(A) *for fiscal years 2023 and 2024, use no*
7 *less than 25 percent of the grant funds awarded*
8 *to the State under this section for interventions*
9 *with a high or moderate causal evidence rating*
10 *that show a demonstrated capacity to improve*
11 *employment and earnings outcomes for program*
12 *participants;*

13 “(B) *for fiscal years 2025 and 2026, use no*
14 *less than 40 percent of such grant funds for*
15 *interventions described in subparagraph (A);*
16 *and*

17 “(C) *for fiscal years beginning after fiscal*
18 *year 2026, use no less than 50 percent of such*
19 *grant funds for interventions described in sub-*
20 *paragraph (A).*

21 “(d) *EVALUATIONS.—*

22 “(1) *REQUIRED EVALUATIONS.—Any interven-*
23 *tion without a high or moderate causal evidence rat-*
24 *ing used by a State in carrying out a State program*
25 *of reemployment services and eligibility assessments*

1 *under this section shall be under evaluation at the*
2 *time of use.*

3 “(2) *FUNDING LIMITATION.*—*A State shall use*
4 *not more than 10 percent of grant funds awarded to*
5 *the State under this section to conduct or cause to be*
6 *conducted evaluations of interventions used in car-*
7 *rying out a program under this section (including*
8 *evaluations conducted pursuant to paragraph (1)).*

9 “(e) *STATE PLAN.*—

10 “(1) *IN GENERAL.*—*As a condition of eligibility*
11 *to receive a grant under this section for a fiscal year,*
12 *a State shall submit to the Secretary, at such time*
13 *and in such manner as the Secretary may require, a*
14 *State plan that outlines how the State intends to con-*
15 *duct a program of reemployment services and eligi-*
16 *bility assessments under this section, including—*

17 “(A) *assurances that, and a description of*
18 *how, the program will provide—*

19 “(i) *proper notification to partici-*
20 *parting individuals of the program’s eligi-*
21 *bility conditions, requirements, and bene-*
22 *fits, including the issuance of warnings and*
23 *simple, clear notifications to ensure that*
24 *participating individuals are fully aware of*
25 *the consequences of failing to adhere to such*

1 *requirements, including policies related to*
2 *non-attendance or non-fulfillment of work*
3 *search requirements; and*

4 *“(ii) reasonable scheduling accom-*
5 *modations to maximize participation for el-*
6 *igible individuals;*

7 *“(B) assurances that, and a description of*
8 *how, the program will conform with the purposes*
9 *outlined in subsection (b) and satisfy the re-*
10 *quirement to use evidence-based standards under*
11 *subsection (c), including—*

12 *“(i) a description of the evidence-based*
13 *interventions the State plans to use to speed*
14 *reemployment;*

15 *“(ii) an explanation of how such inter-*
16 *ventions are appropriate to the population*
17 *served; and*

18 *“(iii) if applicable, a description of the*
19 *evaluation structure the State plans to use*
20 *for interventions without at least a mod-*
21 *erate or high causal evidence rating, which*
22 *may include national evaluations conducted*
23 *by the Department of Labor or by other en-*
24 *tities; and*

1 “(C) a description of any reemployment ac-
2 tivities and evaluations conducted in the prior
3 fiscal year, and any data collected on—

4 “(i) characteristics of program partici-
5 pants;

6 “(ii) the number of weeks for which
7 program participants receive unemployment
8 compensation; and

9 “(iii) employment and other outcomes
10 for program participants consistent with
11 State performance accountability measures
12 provided by the State unemployment com-
13 pensation program and in section 116(b) of
14 the Workforce Innovation and Opportunity
15 Act (29 U.S.C. 3141(b)).

16 “(2) APPROVAL.—The Secretary shall approve
17 any State plan, that is timely submitted to the Sec-
18 retary, in such manner as the Secretary may require,
19 that satisfies the conditions described in paragraph
20 (1).

21 “(3) DISAPPROVAL AND REVISION.—If the Sec-
22 retary determines that a State plan submitted pursu-
23 ant to this subsection fails to satisfy the conditions
24 described in paragraph (1), the Secretary shall—

25 “(A) disapprove such plan;

1 “(B) provide to the State, not later than 30
2 days after the date of receipt of the State plan,
3 a written notice of such disapproval that in-
4 cludes a description of any portion of the plan
5 that was not approved and the reason for the
6 disapproval of each such portion; and

7 “(C) provide the State with an opportunity
8 to correct any such failure and submit a revised
9 State plan.

10 “(f) *ALLOCATION OF FUNDS.*—

11 “(1) *BASE FUNDING.*—

12 “(A) *IN GENERAL.*—For each fiscal year
13 after fiscal year 2020, the Secretary shall allo-
14 cate a percentage equal to the base funding per-
15 centage for such fiscal year of the funds made
16 available for grants under this section among the
17 States awarded such a grant for such fiscal year
18 using a formula prescribed by the Secretary
19 based on the rate of insured unemployment (as
20 defined in section 203(e)(1) of the Federal-State
21 Extended Unemployment Compensation Act of
22 1970 (26 U.S.C. 3304 note)) in the State for a
23 period to be determined by the Secretary. In de-
24 veloping such formula with respect to a State,
25 the Secretary shall consider the importance of

1 *avoiding sharp reductions in grant funding to a*
2 *State over time.*

3 “(B) *BASE FUNDING PERCENTAGE.*—*For*
4 *purposes of subparagraph (A), the term ‘base*
5 *funding percentage’ means—*

6 *“(i) for fiscal years 2021 through 2026,*
7 *89 percent; and*

8 *“(ii) for fiscal years after 2026, 84*
9 *percent.*

10 “(2) *RESERVATION FOR OUTCOME PAYMENTS.*—

11 “(A) *IN GENERAL.*—*Of the amounts made*
12 *available for grants under this section for each*
13 *fiscal year after 2020, the Secretary shall reserve*
14 *a percentage equal to the outcome reservation*
15 *percentage for such fiscal year for outcome pay-*
16 *ments to increase the amount otherwise awarded*
17 *to a State under paragraph (1). Such outcome*
18 *payments shall be paid to States conducting re-*
19 *employment services and eligibility assessments*
20 *under this section that, during the previous fiscal*
21 *year, met or exceeded the outcome goals provided*
22 *in subsection (b)(1) related to reducing the aver-*
23 *age duration of receipt of unemployment com-*
24 *ensation by improving employment outcomes.*

1 “(B) *OUTCOME RESERVATION PERCENT-*
2 *AGE.—For purposes of subparagraph (A), the*
3 *term ‘outcome reservation percentage’ means—*

4 “(i) *for fiscal years 2021 through 2026,*
5 *10 percent; and*

6 “(ii) *for fiscal years after 2026, 15*
7 *percent.*

8 “(3) *RESERVATION FOR RESEARCH AND TECH-*
9 *NICAL ASSISTANCE.—Of the amounts made available*
10 *for grants under this section for each fiscal year after*
11 *2020, the Secretary may reserve not more than 1 per-*
12 *cent to conduct research and provide technical assist-*
13 *ance to States.*

14 “(4) *CONSULTATION AND PUBLIC COMMENT.—*
15 *Not later than September 30, 2019, the Secretary*
16 *shall—*

17 “(A) *consult with the States and seek public*
18 *comment in developing the allocation formula*
19 *under paragraph (1) and the criteria for car-*
20 *rying out the reservations under paragraph (2);*
21 *and*

22 “(B) *make publicly available the allocation*
23 *formula and criteria developed pursuant to sub-*
24 *clause (A).*

1 “(g) *NOTIFICATION TO CONGRESS.*—*Not later than 90*
2 *days prior to making any changes to the allocation formula*
3 *or the criteria developed pursuant to subsection (f)(5)(A),*
4 *the Secretary shall submit to Congress, including to the*
5 *Committee on Ways and Means and the Committee on Ap-*
6 *propriations of the House of Representatives and the Com-*
7 *mittee on Finance and the Committee on Appropriations*
8 *of the Senate, a notification of any such change.*

9 “(h) *SUPPLEMENT NOT SUPPLANT.*—*Funds made*
10 *available to carry out this section shall be used to supple-*
11 *ment the level of Federal, State, and local public funds that,*
12 *in the absence of such availability, would be expended to*
13 *provide reemployment services and eligibility assessments*
14 *to individuals receiving unemployment compensation, and*
15 *in no case to supplant such Federal, State, or local public*
16 *funds.*

17 “(i) *DEFINITIONS.*—*In this section:*

18 “(1) *CAUSAL EVIDENCE RATING.*—*The terms*
19 *‘high causal evidence rating’ and ‘moderate causal*
20 *evidence rating’ shall have the meaning given such*
21 *terms by the Secretary of Labor.*

22 “(2) *ELIGIBLE STATE.*—*The term ‘eligible State’*
23 *means a State that has in effect a State plan ap-*
24 *proved by the Secretary in accordance with subsection*
25 *(e).*

1 “(3) *INTERVENTION.*—*The term ‘intervention’*
 2 *means a service delivery strategy for the provision of*
 3 *State reemployment services and eligibility assess-*
 4 *ment activities under this section.*

5 “(4) *STATE.*—*The term ‘State’ has the meaning*
 6 *given the term in section 205 of the Federal-State Ex-*
 7 *tended Unemployment Compensation Act of 1970 (26*
 8 *U.S.C. 3304 note).*

9 “(5) *UNEMPLOYMENT COMPENSATION.*—*The term*
 10 *unemployment compensation means ‘regular com-*
 11 *ensation’, ‘extended compensation’, and ‘additional*
 12 *compensation’ (as such terms are defined by section*
 13 *205 of the Federal-State Extended Unemployment*
 14 *Compensation Act of 1970 (26 U.S.C. 3304 note)).”.*

15 **(b) *REPORT.***—*Not later than 3 years after the date*
 16 *of enactment of this Act, the Secretary of Labor shall submit*
 17 *to Congress a report to describe promising interventions*
 18 *used by States to provide reemployment assistance.*

19 **(c) *ADJUSTMENT TO DISCRETIONARY SPENDING LIM-***
 20 ***ITS.***—*Section 251(b)(2) of the Balanced Budget and Emer-*
 21 *gency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is*
 22 *amended by adding at the end the following:*

23 **“(E) *REEMPLOYMENT SERVICES AND ELIGI-***
 24 ***BILITY ASSESSMENTS.***—

1 “(i) *IN GENERAL.*—If a bill or joint
2 *resolution making appropriations for a fis-*
3 *cal year is enacted that specifies an amount*
4 *for grants to States under section 306 of the*
5 *Social Security Act, then the adjustment for*
6 *that fiscal year shall be the additional new*
7 *budget authority provided in that Act for*
8 *such grants for that fiscal year, but shall*
9 *not exceed—*

10 “(I) *for fiscal year 2018, \$0;*

11 “(II) *for fiscal year 2019,*
12 *\$33,000,000;*

13 “(III) *for fiscal year 2020,*
14 *\$58,000,000; and*

15 “(IV) *for fiscal year 2021,*
16 *\$83,000,000.*

17 “(ii) *DEFINITION.*—*As used in this*
18 *subparagraph, the term ‘additional new*
19 *budget authority’ means the amount pro-*
20 *vided for a fiscal year, in excess of*
21 *\$117,000,000, in an appropriation Act and*
22 *specified to pay for grants to States under*
23 *section 306 of the Social Security Act.”.*

1 (d) *OTHER BUDGETARY ADJUSTMENTS.*—Section 314
2 *of the Congressional Budget Act of 1974 (2 U.S.C. 645) is*
3 *amended by adding at the end the following:*

4 “(g) *ADJUSTMENT FOR REEMPLOYMENT SERVICES*
5 *AND ELIGIBILITY ASSESSMENTS.*—

6 “(1) *IN GENERAL.*—

7 “(A) *ADJUSTMENTS.*—*If the Committee on*
8 *Appropriations of either House reports an ap-*
9 *propriation measure for any of fiscal years 2022*
10 *through 2027 that provides budget authority for*
11 *grants under section 306 of the Social Security*
12 *Act, or if a conference committee submits a con-*
13 *ference report thereon, the chairman of the Com-*
14 *mittee on the Budget of the House of Representa-*
15 *tives or the Senate shall make the adjustments*
16 *referred to in subparagraph (B) to reflect the ad-*
17 *ditional new budget authority provided for such*
18 *grants in that measure or conference report and*
19 *the outlays resulting therefrom, consistent with*
20 *subparagraph (D).*

21 “(B) *TYPES OF ADJUSTMENTS.*—*The adjust-*
22 *ments referred to in this subparagraph consist of*
23 *adjustments to—*

24 “(i) *the discretionary spending limits*
25 *for that fiscal year as set forth in the most*

1 *recently adopted concurrent resolution on*
2 *the budget;*

3 “(ii) *the allocations to the Committees*
4 *on Appropriations of the Senate and the*
5 *House of Representatives for that fiscal year*
6 *under section 302(a); and*

7 “(iii) *the appropriate budget aggre-*
8 *gates for that fiscal year in the most re-*
9 *cently adopted concurrent resolution on the*
10 *budget.*

11 “(C) *ENFORCEMENT.—The adjusted discre-*
12 *tionary spending limits, allocations, and aggre-*
13 *gates under this paragraph shall be considered*
14 *the appropriate limits, allocations, and aggre-*
15 *gates for purposes of congressional enforcement of*
16 *this Act and concurrent budget resolutions under*
17 *this Act.*

18 “(D) *LIMITATION.—No adjustment may be*
19 *made under this subsection in excess of—*

20 “(i) *for fiscal year 2022, \$133,000,000;*

21 “(ii) *for fiscal year 2023,*
22 *\$258,000,000;*

23 “(iii) *for fiscal year 2024,*
24 *\$433,000,000;*

1 “(iv) for fiscal year 2025,
2 \$533,000,000;

3 “(v) for fiscal year 2026, \$608,000,000;
4 and

5 “(vi) for fiscal year 2027,
6 \$633,000,000.

7 “(E) DEFINITION.—As used in this subsection,
8 the term ‘additional new budget authority’ means the
9 amount provided for a fiscal year, in excess of
10 \$117,000,000, in an appropriation measure or con-
11 ference report (as the case may be) and specified to
12 pay for grants to States under section 306 of the So-
13 cial Security Act.

14 “(2) REPORT ON 302(B) LEVEL.—Following any
15 adjustment made under paragraph (1), the Commit-
16 tees on Appropriations of the Senate and the House
17 of Representatives may report appropriately revised
18 suballocations pursuant to section 302(b) to carry out
19 this subsection.”.

20 **TITLE III—TEMPORARY EXTEN-**
21 **SION OF PUBLIC DEBT LIMIT**

22 **SEC. 30301. TEMPORARY EXTENSION OF PUBLIC DEBT**
23 **LIMIT.**

24 (a) IN GENERAL.—Section 3101(b) of title 31, United
25 States Code, shall not apply for the period beginning on

1 *the date of the enactment of this Act and ending on March*
2 *1, 2019.*

3 (b) *SPECIAL RULE RELATING TO OBLIGATIONS*
4 *ISSUED DURING EXTENSION PERIOD.—Effective on March*
5 *2, 2019, the limitation in effect under section 3101(b) of*
6 *title 31, United States Code, shall be increased to the extent*
7 *that—*

8 (1) *the face amount of obligations issued under*
9 *chapter 31 of such title and the face amount of obliga-*
10 *tions whose principal and interest are guaranteed by*
11 *the United States Government (except guaranteed ob-*
12 *ligations held by the Secretary of the Treasury) out-*
13 *standing on March 2, 2019, exceeds*

14 (2) *the face amount of such obligations out-*
15 *standing on the date of the enactment of this Act.*

16 (c) *RESTORING CONGRESSIONAL AUTHORITY OVER*
17 *THE NATIONAL DEBT.—*

18 (1) *EXTENSION LIMITED TO NECESSARY OBLIGA-*
19 *TIONS.—An obligation shall not be taken into account*
20 *under subsection (b)(1) unless the issuance of such ob-*
21 *ligation was necessary to fund a commitment in-*
22 *curred pursuant to law by the Federal Government*
23 *that required payment before March 2, 2019.*

24 (2) *PROHIBITION ON CREATION OF CASH RE-*
25 *SERVE DURING EXTENSION PERIOD.—The Secretary*

1 of the Treasury shall not issue obligations during the
 2 period specified in subsection (a) for the purpose of
 3 increasing the cash balance above normal operating
 4 balances in anticipation of the expiration of such pe-
 5 riod.

6 **TITLE IV—JOINT SELECT**
 7 **COMMITTEES**

8 **Subtitle A—Joint Select Committee**
 9 **on Solvency of Multiemployer**
 10 **Pension Plans**

11 **SEC. 30421. DEFINITIONS.**

12 *In this subtitle—*

13 (1) *the term “joint committee” means the Joint*
 14 *Select Committee on Solvency of Multiemployer Pen-*
 15 *sion Plans established under section 30422(a); and*

16 (2) *the term “joint committee bill” means a bill*
 17 *consisting of the proposed legislative language of the*
 18 *joint committee recommended in accordance with sec-*
 19 *tion 30422(b)(2)(B)(ii) and introduced under section*
 20 *30424(a).*

21 **SEC. 30422. ESTABLISHMENT OF JOINT SELECT COM-**
 22 **MITTEE.**

23 (a) *ESTABLISHMENT OF JOINT SELECT COM-*
 24 *MITTEE.—There is established a joint select committee of*

1 Congress to be known as the “Joint Select Committee on
2 Solvency of Multiemployer Pension Plans”.

3 (b) IMPLEMENTATION.—

4 (1) GOAL.—The goal of the joint committee is to
5 improve the solvency of multiemployer pension plans
6 and the Pension Benefit Guaranty Corporation.

7 (2) DUTIES.—

8 (A) IN GENERAL.—The joint committee
9 shall provide recommendations and legislative
10 language that will significantly improve the sol-
11 vency of multiemployer pension plans and the
12 Pension Benefit Guaranty Corporation.

13 (B) REPORT, RECOMMENDATIONS, AND LEG-
14 ISLATIVE LANGUAGE.—

15 (i) IN GENERAL.—Not later than No-
16 vember 30, 2018, the joint committee shall
17 vote on—

18 (I) a report that contains a de-
19 tailed statement of the findings, conclu-
20 sions, and recommendations of the
21 joint committee; and

22 (II) proposed legislative language
23 to carry out the recommendations de-
24 scribed in subclause (I).

1 (ii) APPROVAL OF REPORT AND LEGIS-
2 LATIVE LANGUAGE.—

3 (I) IN GENERAL.—*The report of*
4 *the joint committee and the proposed*
5 *legislative language described in clause*
6 *(i) shall only be approved upon receiv-*
7 *ing the votes of—*

8 (aa) *a majority of joint com-*
9 *mittee members appointed by the*
10 *Speaker of the House of Rep-*
11 *resentatives and the Majority*
12 *Leader of the Senate; and*

13 (bb) *a majority of joint com-*
14 *mittee members appointed by the*
15 *Minority Leader of the House of*
16 *Representatives and the Minority*
17 *Leader of the Senate.*

18 (II) AVAILABILITY.—*The text of*
19 *any report and proposed legislative*
20 *language shall be publicly available in*
21 *electronic form at least 24 hours prior*
22 *to its consideration.*

23 (iii) ADDITIONAL VIEWS.—*A member*
24 *of the joint committee who gives notice of an*
25 *intention to file supplemental, minority, or*

1 *additional views at the time of the final*
2 *joint committee vote on the approval of the*
3 *report and legislative language under clause*
4 *(ii) shall be entitled to 2 calendar days*
5 *after the day of such notice in which to file*
6 *such views in writing with the co-chairs.*
7 *Such views shall then be included in the*
8 *joint committee report and printed in the*
9 *same volume, or part thereof, and their in-*
10 *clusion shall be noted on the cover of the re-*
11 *port. In the absence of timely notice, the*
12 *joint committee report may be printed and*
13 *transmitted immediately without such*
14 *views.*

15 *(iv) TRANSMISSION OF REPORT AND*
16 *LEGISLATIVE LANGUAGE.—If the report and*
17 *legislative language are approved by the*
18 *joint committee pursuant to clause (ii), the*
19 *joint committee shall submit the joint com-*
20 *mittee report and legislative language de-*
21 *scribed in clause (i) to the President, the*
22 *Vice President, the Speaker of the House of*
23 *Representatives, and the majority and mi-*
24 *nority leaders of each House of Congress not*

1 *later than 15 calendar days after such ap-*
2 *proval.*

3 (v) *REPORT AND LEGISLATIVE LAN-*
4 *GUAGE TO BE MADE PUBLIC.*—*Upon the ap-*
5 *proval of the joint committee report and leg-*
6 *islative language pursuant to clause (ii), the*
7 *joint committee shall promptly make the*
8 *full report and legislative language, and a*
9 *record of any vote, available to the public.*

10 (3) *MEMBERSHIP.*—

11 (A) *IN GENERAL.*—*The joint committee*
12 *shall be composed of 16 members appointed pur-*
13 *suant to subparagraph (B).*

14 (B) *APPOINTMENT.*—*Members of the joint*
15 *committee shall be appointed as follows:*

16 (i) *The Speaker of the House of Rep-*
17 *resentatives shall appoint 4 members from*
18 *among Members of the House of Representa-*
19 *tives.*

20 (ii) *The Minority Leader of the House*
21 *of Representatives shall appoint 4 members*
22 *from among Members of the House of Rep-*
23 *resentatives.*

1 (iii) *The Majority Leader of the Senate*
2 *shall appoint 4 members from among Mem-*
3 *bers of the Senate.*

4 (iv) *The Minority Leader of the Senate*
5 *shall appoint 4 members from among Mem-*
6 *bers of the Senate.*

7 (C) *CO-CHAIRS.—Two of the appointed*
8 *members of the joint committee will serve as co-*
9 *chairs. The Speaker of the House of Representa-*
10 *tives and the Majority Leader of the Senate shall*
11 *jointly appoint one co-chair, and the Minority*
12 *Leader of the House of Representatives and the*
13 *Minority Leader of the Senate shall jointly ap-*
14 *point the second co-chair. The co-chairs shall be*
15 *appointed not later than 14 calendar days after*
16 *the date of enactment of this Act.*

17 (D) *DATE.—Members of the joint committee*
18 *shall be appointed not later than 14 calendar*
19 *days after the date of enactment of this Act.*

20 (E) *PERIOD OF APPOINTMENT.—Members*
21 *shall be appointed for the life of the joint com-*
22 *mittee. Any vacancy in the joint committee shall*
23 *not affect its powers, but shall be filled not later*
24 *than 14 calendar days after the date on which*
25 *the vacancy occurs, in the same manner as the*

1 *original appointment was made. If a member of*
2 *the joint committee ceases to be a Member of the*
3 *House of Representatives or the Senate, as the*
4 *case may be, the member is no longer a member*
5 *of the joint committee and a vacancy shall exist.*

6 (4) *ADMINISTRATION.—*

7 (A) *IN GENERAL.—To enable the joint com-*
8 *mittee to exercise its powers, functions, and du-*
9 *ties under this subtitle, there are authorized to be*
10 *disbursed by the Senate the actual and necessary*
11 *expenses of the joint committee approved by the*
12 *co-chairs, subject to the rules and regulations of*
13 *the Senate.*

14 (B) *EXPENSES.—To enable the joint com-*
15 *mittee to exercise its powers, functions, and du-*
16 *ties under this subtitle, there are authorized to be*
17 *appropriated for each fiscal year such sums as*
18 *may be necessary, to be disbursed by the Sec-*
19 *retary of the Senate on vouchers signed by the*
20 *co-chairs.*

21 (C) *QUORUM.—Nine members of the joint*
22 *committee shall constitute a quorum for purposes*
23 *of voting and meeting, and 5 members of the*
24 *joint committee shall constitute a quorum for*
25 *holding hearings.*

1 (D) *VOTING.*—*No proxy voting shall be al-*
2 *lowed on behalf of the members of the joint com-*
3 *mittee.*

4 (E) *MEETINGS.*—

5 (i) *INITIAL MEETING.*—*Not later than*
6 *30 calendar days after the date of enact-*
7 *ment of this Act, the joint committee shall*
8 *hold its first meeting.*

9 (ii) *AGENDA.*—*The co-chairs of the*
10 *joint committee shall provide an agenda to*
11 *the joint committee members not less than*
12 *48 hours in advance of any meeting.*

13 (F) *HEARINGS.*—

14 (i) *IN GENERAL.*—*The joint committee*
15 *may, for the purpose of carrying out this*
16 *section, hold such hearings, sit and act at*
17 *such times and places, require attendance of*
18 *witnesses and production of books, papers,*
19 *and documents, take such testimony, receive*
20 *such evidence, and administer such oaths as*
21 *the joint committee considers advisable.*

22 (ii) *HEARING PROCEDURES AND RE-*
23 *SPONSIBILITIES OF CO-CHAIRS.*—

24 (I) *ANNOUNCEMENT.*—*The co-*
25 *chairs of the joint committee shall*

1 *make a public announcement of the*
2 *date, place, time, and subject matter of*
3 *any hearing to be conducted, not less*
4 *than 7 days in advance of such hear-*
5 *ing, unless the co-chairs determine that*
6 *there is good cause to begin such hear-*
7 *ing at an earlier date.*

8 (II) *EQUAL REPRESENTATION OF*
9 *WITNESSES.—Each co-chair shall be*
10 *entitled to select an equal number of*
11 *witnesses for each hearing held by the*
12 *joint committee.*

13 (III) *WRITTEN STATEMENT.—A*
14 *witness appearing before the joint com-*
15 *mittee shall file a written statement of*
16 *proposed testimony at least 2 calendar*
17 *days before the appearance of the wit-*
18 *ness, unless the requirement is waived*
19 *by the co-chairs, following their deter-*
20 *mination that there is good cause for*
21 *failure to comply with such require-*
22 *ment.*

23 (G) *MINIMUM NUMBER OF PUBLIC MEET-*
24 *INGS AND HEARINGS.—The joint committee shall*
25 *hold—*

1 (i) not less than a total of 5 public
2 meetings or public hearings; and

3 (ii) not less than 3 public hearings,
4 which may include field hearings.

5 (H) *TECHNICAL ASSISTANCE.*—Upon writ-
6 ten request of the co-chairs, a Federal agency, in-
7 cluding legislative branch agencies, shall provide
8 technical assistance to the joint committee in
9 order for the joint committee to carry out its du-
10 ties.

11 (I) *STAFFING.*—

12 (i) *DETAILS.*—Employees of the legis-
13 lative branch may be detailed to the joint
14 committee on a nonreimbursable basis.

15 (ii) *STAFF DIRECTOR.*—The co-chairs,
16 acting jointly, may designate one such em-
17 ployee as staff director of the joint com-
18 mittee.

19 (c) *ETHICAL STANDARDS.*—Members on the joint com-
20 mittee who serve in the House of Representatives shall be
21 governed by the ethics rules and requirements of the House.
22 Members of the Senate who serve on the joint committee
23 shall comply with the ethics rules of the Senate.

24 (d) *TERMINATION.*—The joint committee shall termi-
25 nate on December 31, 2018 or 30 days after submission of

1 *its report and legislative recommendations pursuant to this*
 2 *section whichever occurs first.*

3 **SEC. 30423. FUNDING.**

4 *To enable the joint committee to exercise its powers,*
 5 *functions, and duties under this subtitle, there are author-*
 6 *ized to be paid not more than \$500,000 from the appropri-*
 7 *tions account for “Expenses of Inquiries and Investiga-*
 8 *tions” of the Senate, such sums to be disbursed by the Sec-*
 9 *retary of the Senate, in accordance with Senate rules and*
 10 *procedures, upon vouchers signed by the co-chairs. The*
 11 *funds authorized under this section shall be available dur-*
 12 *ing the period beginning on the date of enactment of this*
 13 *Act and ending on January 2, 2019.*

14 **SEC. 30424. CONSIDERATION OF JOINT COMMITTEE BILL IN**
 15 **THE SENATE.**

16 (a) *INTRODUCTION.*—*Upon receipt of proposed legisla-*
 17 *tive language approved in accordance with section*
 18 *30422(b)(2)(B)(i), the language shall be introduced in the*
 19 *Senate (by request) on the next day on which the Senate*
 20 *is in session by the Majority Leader of the Senate or by*
 21 *a Member of the Senate designated by the Majority Leader*
 22 *of the Senate.*

23 (b) *COMMITTEE CONSIDERATION.*—*A joint committee*
 24 *bill introduced in the Senate under subsection (a) shall be*
 25 *jointly referred to the Committee on Finance and the Com-*

1 *mittee on Health, Education, Labor, and Pensions, which*
2 *committees shall report the bill without any revision and*
3 *with a favorable recommendation, an unfavorable rec-*
4 *ommendation, or without recommendation, no later than*
5 *7 session days after introduction of the bill. If either com-*
6 *mittee fails to report the bill within that period, that com-*
7 *mittee shall be automatically discharged from consideration*
8 *of the bill, and the bill shall be placed on the appropriate*
9 *calendar.*

10 *(c) MOTION TO PROCEED TO CONSIDERATION.—*

11 *(1) IN GENERAL.—Notwithstanding rule XXII of*
12 *the Standing Rules of the Senate, it is in order, not*
13 *later than 2 days of session after the date on which*
14 *a joint committee bill is reported or discharged from*
15 *the Committee on Finance and the Committee on*
16 *Health, Education, Labor, and Pensions, for the Ma-*
17 *jority Leader of the Senate or the Majority Leader's*
18 *designee to move to proceed to the consideration of the*
19 *joint committee bill. It shall also be in order for any*
20 *Member of the Senate to move to proceed to the con-*
21 *sideration of the joint committee bill at any time*
22 *after the conclusion of such 2-day period.*

23 *(2) CONSIDERATION OF MOTION.—Consideration*
24 *of the motion to proceed to the consideration of the*
25 *joint committee bill and all debatable motions and*

1 *appeals in connection therewith shall not exceed 10*
2 *hours, which shall be divided equally between the Ma-*
3 *jority and Minority Leaders or their designees. A mo-*
4 *tion to further limit debate is in order, shall require*
5 *an affirmative vote of three-fifths of Members duly*
6 *chosen and sworn, and is not debatable.*

7 (3) *VOTE THRESHOLD.—The motion to proceed*
8 *to the consideration of the joint committee bill shall*
9 *only be agreed to upon an affirmative vote of three-*
10 *fifths of Members duly chosen and sworn.*

11 (4) *LIMITATIONS.—The motion is not subject to*
12 *a motion to postpone. All points of order against the*
13 *motion to proceed to the joint committee bill are*
14 *waived. A motion to reconsider the vote by which the*
15 *motion is agreed to or disagreed to shall not be in*
16 *order.*

17 (5) *DEADLINE.—Not later than the last day of*
18 *the 115th Congress, the Senate shall vote on a motion*
19 *to proceed to the joint committee bill.*

20 (6) *COMPANION MEASURES.—For purposes of*
21 *this subsection, the term “joint committee bill” in-*
22 *cludes a bill of the House of Representatives that is*
23 *a companion measure to the joint committee bill in-*
24 *troduced in the Senate.*

1 (d) *RULES OF SENATE.*—*This section is enacted by*
2 *Congress—*

3 (1) *as an exercise of the rulemaking power of the*
4 *Senate, and as such is deemed a part of the rules of*
5 *the Senate, but applicable only with respect to the*
6 *procedure to be followed in the Senate in the case of*
7 *a joint committee bill, and supersede other rules only*
8 *to the extent that they are inconsistent with such*
9 *rules; and*

10 (2) *with full recognition of the constitutional*
11 *right of the Senate to change the rules (so far as relat-*
12 *ing to the procedure of the Senate) at any time, in*
13 *the same manner, and to the same extent as in the*
14 *case of any other rule of the Senate.*

15 ***Subtitle B—Joint Select Committee***
16 ***on Budget and Appropriations***
17 ***Process Reform***

18 ***SEC. 30441. DEFINITIONS.***

19 *In this subtitle—*

20 (1) *the term “joint committee” means the Joint*
21 *Select Committee on Budget and Appropriations*
22 *Process Reform established under section 30442(a);*
23 *and*

24 (2) *the term “joint committee bill” means a bill*
25 *consisting of the proposed legislative language of the*

1 *joint committee recommended in accordance with sec-*
2 *tion 30442(b)(2)(B)(ii) and introduced under section*
3 *30444(a).*

4 **SEC. 30442. ESTABLISHMENT OF JOINT SELECT COM-**
5 **MITTEE.**

6 *(a) ESTABLISHMENT OF JOINT SELECT COM-*
7 *MITTEE.—There is established a joint select committee of*
8 *Congress to be known as the “Joint Select Committee on*
9 *Budget and Appropriations Process Reform”.*

10 *(b) IMPLEMENTATION.—*

11 *(1) GOAL.—The goal of the joint committee is to*
12 *reform the budget and appropriations process.*

13 *(2) DUTIES.—*

14 *(A) IN GENERAL.—The joint committee*
15 *shall provide recommendations and legislative*
16 *language that will significantly reform the budg-*
17 *et and appropriations process.*

18 *(B) REPORT, RECOMMENDATIONS, AND LEG-*
19 *ISLATIVE LANGUAGE.—*

20 *(i) IN GENERAL.—Not later than No-*
21 *vember 30, 2018, the joint committee shall*
22 *vote on—*

23 *(I) a report that contains a de-*
24 *tailed statement of the findings, conclu-*

1 *sions, and recommendations of the*
2 *joint committee; and*

3 *(II) proposed legislative language*
4 *to carry out the recommendations de-*
5 *scribed in subclause (I).*

6 *(ii) APPROVAL OF REPORT AND LEGIS-*
7 *LATIVE LANGUAGE.—*

8 *(I) IN GENERAL.—The report of*
9 *the joint committee and the proposed*
10 *legislative language described in clause*
11 *(i) shall only be approved upon receiv-*
12 *ing the votes of—*

13 *(aa) a majority of joint com-*
14 *mittee members appointed by the*
15 *Speaker of the House of Rep-*
16 *resentatives and the Majority*
17 *Leader of the Senate; and*

18 *(bb) a majority of joint com-*
19 *mittee members appointed by the*
20 *Minority Leader of the House of*
21 *Representatives and the Minority*
22 *Leader of the Senate.*

23 *(II) AVAILABILITY.—The text of*
24 *any report and proposed legislative*
25 *language shall be publicly available in*

1 *electronic form at least 24 hours prior*
2 *to its consideration.*

3 *(iii) ADDITIONAL VIEWS.—A member*
4 *of the joint committee who gives notice of an*
5 *intention to file supplemental, minority, or*
6 *additional views at the time of the final*
7 *joint committee vote on the approval of the*
8 *report and legislative language under clause*
9 *(ii) shall be entitled to 2 calendar days*
10 *after the day of such notice in which to file*
11 *such views in writing with the co-chairs.*
12 *Such views shall then be included in the*
13 *joint committee report and printed in the*
14 *same volume, or part thereof, and their in-*
15 *clusion shall be noted on the cover of the re-*
16 *port. In the absence of timely notice, the*
17 *joint committee report may be printed and*
18 *transmitted immediately without such*
19 *views.*

20 *(iv) TRANSMISSION OF REPORT AND*
21 *LEGISLATIVE LANGUAGE.—If the report and*
22 *legislative language are approved by the*
23 *joint committee pursuant to clause (ii), the*
24 *joint committee shall submit the joint com-*
25 *mittee report and legislative language de-*

1 *scribed in clause (i) to the President, the*
2 *Vice President, the Speaker of the House of*
3 *Representatives, and the majority and mi-*
4 *nority leaders of each House of Congress not*
5 *later than 15 calendar days after such ap-*
6 *proval.*

7 *(v) REPORT AND LEGISLATIVE LAN-*
8 *GUAGE TO BE MADE PUBLIC.—Upon the ap-*
9 *proval of the joint committee report and leg-*
10 *islative language pursuant to clause (ii), the*
11 *joint committee shall promptly make the*
12 *full report and legislative language, and a*
13 *record of any vote, available to the public.*

14 *(3) MEMBERSHIP.—*

15 *(A) IN GENERAL.—The joint committee*
16 *shall be composed of 16 members appointed pur-*
17 *suant to subparagraph (B).*

18 *(B) APPOINTMENT.—Members of the joint*
19 *committee shall be appointed as follows:*

20 *(i) The Speaker of the House of Rep-*
21 *resentatives shall appoint 4 members from*
22 *among Members of the House of Representa-*
23 *tives.*

24 *(ii) The Minority Leader of the House*
25 *of Representatives shall appoint 4 members*

1 *from among Members of the House of Rep-*
2 *resentatives.*

3 *(iii) The Majority Leader of the Senate*
4 *shall appoint 4 members from among Mem-*
5 *bers of the Senate.*

6 *(iv) The Minority Leader of the Senate*
7 *shall appoint 4 members from among Mem-*
8 *bers of the Senate.*

9 (C) *CO-CHAIRS.—Two of the appointed*
10 *members of the joint committee will serve as co-*
11 *chairs. The Speaker of the House of Representa-*
12 *tives and the Majority Leader of the Senate shall*
13 *jointly appoint one co-chair, and the Minority*
14 *Leader of the House of Representatives and the*
15 *Minority Leader of the Senate shall jointly ap-*
16 *point the second co-chair. The co-chairs shall be*
17 *appointed not later than 14 calendar days after*
18 *the date of enactment of this Act.*

19 (D) *DATE.—Members of the joint committee*
20 *shall be appointed not later than 14 calendar*
21 *days after the date of enactment of this Act.*

22 (E) *PERIOD OF APPOINTMENT.—Members*
23 *shall be appointed for the life of the joint com-*
24 *mittee. Any vacancy in the joint committee shall*
25 *not affect its powers, but shall be filled not later*

1 *than 14 calendar days after the date on which*
2 *the vacancy occurs, in the same manner as the*
3 *original appointment was made. If a member of*
4 *the joint committee ceases to be a Member of the*
5 *House of Representatives or the Senate, as the*
6 *case may be, the member is no longer a member*
7 *of the joint committee and a vacancy shall exist.*

8 (4) *ADMINISTRATION.*—

9 (A) *IN GENERAL.*—*To enable the joint com-*
10 *mittee to exercise its powers, functions, and du-*
11 *ties under this subtitle, there are authorized to be*
12 *disbursed by the Senate the actual and necessary*
13 *expenses of the joint committee approved by the*
14 *co-chairs, subject to the rules and regulations of*
15 *the Senate.*

16 (B) *EXPENSES.*—*To enable the joint com-*
17 *mittee to exercise its powers, functions, and du-*
18 *ties under this subtitle, there are authorized to be*
19 *appropriated for each fiscal year such sums as*
20 *may be necessary, to be disbursed by the Sec-*
21 *retary of the Senate on vouchers signed by the*
22 *co-chairs.*

23 (C) *QUORUM.*—*Nine members of the joint*
24 *committee shall constitute a quorum for purposes*
25 *of voting and meeting, and 5 members of the*

1 *joint committee shall constitute a quorum for*
2 *holding hearings.*

3 (D) *VOTING.*—*No proxy voting shall be al-*
4 *lowed on behalf of the members of the joint com-*
5 *mittee.*

6 (E) *MEETINGS.*—

7 (i) *INITIAL MEETING.*—*Not later than*
8 *30 calendar days after the date of enact-*
9 *ment of this Act, the joint committee shall*
10 *hold its first meeting.*

11 (ii) *AGENDA.*—*The co-chairs of the*
12 *joint committee shall provide an agenda to*
13 *the joint committee members not less than*
14 *48 hours in advance of any meeting.*

15 (F) *HEARINGS.*—

16 (i) *IN GENERAL.*—*The joint committee*
17 *may, for the purpose of carrying out this*
18 *section, hold such hearings, sit and act at*
19 *such times and places, require attendance of*
20 *witnesses and production of books, papers,*
21 *and documents, take such testimony, receive*
22 *such evidence, and administer such oaths as*
23 *the joint committee considers advisable.*

24 (ii) *HEARING PROCEDURES AND RE-*
25 *SPONSIBILITIES OF CO-CHAIRS.*—

1 (I) *ANNOUNCEMENT.*—*The co-*
2 *chairs of the joint committee shall*
3 *make a public announcement of the*
4 *date, place, time, and subject matter of*
5 *any hearing to be conducted, not less*
6 *than 7 days in advance of such hear-*
7 *ing, unless the co-chairs determine that*
8 *there is good cause to begin such hear-*
9 *ing at an earlier date.*

10 (II) *EQUAL REPRESENTATION OF*
11 *WITNESSES.*—*Each co-chair shall be*
12 *entitled to select an equal number of*
13 *witnesses for each hearing held by the*
14 *joint committee.*

15 (III) *WRITTEN STATEMENT.*—*A*
16 *witness appearing before the joint com-*
17 *mittee shall file a written statement of*
18 *proposed testimony at least 2 calendar*
19 *days before the appearance of the wit-*
20 *ness, unless the requirement is waived*
21 *by the co-chairs, following their deter-*
22 *mination that there is good cause for*
23 *failure to comply with such require-*
24 *ment.*

1 (G) *MINIMUM NUMBER OF PUBLIC MEET-*
2 *INGS AND HEARINGS.*—*The joint committee shall*
3 *hold—*

4 (i) *not less than a total of 5 public*
5 *meetings or public hearings; and*

6 (ii) *not less than 3 public hearings,*
7 *which may include field hearings.*

8 (H) *TECHNICAL ASSISTANCE.*—*Upon writ-*
9 *ten request of the co-chairs, a Federal agency, in-*
10 *cluding legislative branch agencies, shall provide*
11 *technical assistance to the joint committee in*
12 *order for the joint committee to carry out its du-*
13 *ties.*

14 (I) *STAFFING.*—

15 (i) *DETAILS.*—*Employees of the legis-*
16 *lative branch may be detailed to the joint*
17 *committee on a nonreimbursable basis.*

18 (ii) *STAFF DIRECTOR.*—*The co-chairs,*
19 *acting jointly, may designate one such em-*
20 *ployee as staff director of the joint com-*
21 *mittee.*

22 (c) *ETHICAL STANDARDS.*—*Members on the joint com-*
23 *mittee who serve in the House of Representatives shall be*
24 *governed by the ethics rules and requirements of the House.*

1 *Members of the Senate who serve on the joint committee*
2 *shall comply with the ethics rules of the Senate.*

3 (d) *TERMINATION.*—*The joint committee shall termi-*
4 *nate on December 31, 2018 or 30 days after submission of*
5 *its report and legislative recommendations pursuant to this*
6 *section whichever occurs first.*

7 **SEC. 30443. FUNDING.**

8 *To enable the joint committee to exercise its powers,*
9 *functions, and duties under this subtitle, there are author-*
10 *ized to be paid not more than \$500,000 from the appropria-*
11 *tions account for “Expenses of Inquiries and Investiga-*
12 *tions” of the Senate, such sums to be disbursed by the Sec-*
13 *retary of the Senate, in accordance with Senate rules and*
14 *procedures, upon vouchers signed by the co-chairs. The*
15 *funds authorized under this section shall be available dur-*
16 *ing the period beginning on the date of enactment of this*
17 *Act and ending on January 2, 2019.*

18 **SEC. 30444. CONSIDERATION OF JOINT COMMITTEE BILL IN**

19 **THE SENATE.**

20 (a) *INTRODUCTION.*—*Upon receipt of proposed legisla-*
21 *tive language approved in accordance with section*
22 *30442(b)(2)(B)(ii), the language shall be introduced in the*
23 *Senate (by request) on the next day on which the Senate*
24 *is in session by the Majority Leader of the Senate or by*

1 *a Member of the Senate designated by the Majority Leader*
2 *of the Senate.*

3 **(b) COMMITTEE CONSIDERATION.**—*A joint committee*
4 *bill introduced in the Senate under subsection (a) shall be*
5 *referred to the Committee on the Budget, which shall report*
6 *the bill without any revision and with a favorable rec-*
7 *ommendation, an unfavorable recommendation, or without*
8 *recommendation, no later than 7 session days after intro-*
9 *duction of the bill. If the Committee on the Budget fails*
10 *to report the bill within that period, the committee shall*
11 *be automatically discharged from consideration of the bill,*
12 *and the bill shall be placed on the appropriate calendar.*

13 **(c) MOTION TO PROCEED TO CONSIDERATION.**—

14 **(1) IN GENERAL.**—*Notwithstanding rule XXII of*
15 *the Standing Rules of the Senate, it is in order, not*
16 *later than 2 days of session after the date on which*
17 *a joint committee bill is reported or discharged from*
18 *the Committee on the Budget, for the Majority Leader*
19 *of the Senate or the Majority Leader's designee to*
20 *move to proceed to the consideration of the joint com-*
21 *mittee bill. It shall also be in order for any Member*
22 *of the Senate to move to proceed to the consideration*
23 *of the joint committee bill at any time after the con-*
24 *clusion of such 2-day period.*

1 (2) *CONSIDERATION OF MOTION.*—*Consideration*
2 *of the motion to proceed to the consideration of the*
3 *joint committee bill and all debatable motions and*
4 *appeals in connection therewith shall not exceed 10*
5 *hours, which shall be divided equally between the Ma-*
6 *jority and Minority Leaders or their designees. A mo-*
7 *tion to further limit debate is in order, shall require*
8 *an affirmative vote of three-fifths of Members duly*
9 *chosen and sworn, and is not debatable.*

10 (3) *VOTE THRESHOLD.*—*The motion to proceed*
11 *to the consideration of the joint committee bill shall*
12 *only be agreed to upon an affirmative vote of three-*
13 *fifths of Members duly chosen and sworn.*

14 (4) *LIMITATIONS.*—*The motion is not subject to*
15 *a motion to postpone. All points of order against the*
16 *motion to proceed to the joint committee bill are*
17 *waived. A motion to reconsider the vote by which the*
18 *motion is agreed to or disagreed to shall not be in*
19 *order.*

20 (5) *DEADLINE.*—*Not later than the last day of*
21 *the 115th Congress, the Senate shall vote on a motion*
22 *to proceed to the joint committee bill.*

23 (d) *RULES OF SENATE.*—*This section is enacted by*
24 *Congress—*

1 (1) *as an exercise of the rulemaking power of the*
 2 *Senate, and as such is deemed a part of the rules of*
 3 *the Senate, but applicable only with respect to the*
 4 *procedure to be followed in the Senate in the case of*
 5 *a joint committee bill, and supersede other rules only*
 6 *to the extent that they are inconsistent with such*
 7 *rules; and*

8 (2) *with full recognition of the constitutional*
 9 *right of the Senate to change the rules (so far as relat-*
 10 *ing to the procedure of the Senate) at any time, in*
 11 *the same manner, and to the same extent as in the*
 12 *case of any other rule of the Senate.*

13 ***DIVISION D—REVENUE***
 14 ***MEASURES***

15 ***SEC. 40001. TABLE OF CONTENTS.***

16 *The table of contents for this division is as follows:*

DIVISION D—REVENUE MEASURES

Sec. 40001. Table of contents.

TITLE I—EXTENSION OF EXPIRING PROVISIONS

Sec. 40101. Amendment of Internal Revenue Code of 1986.

Subtitle A—Tax Relief for Families and Individuals

Sec. 40201. Extension of exclusion from gross income of discharge of qualified principal residence indebtedness.

Sec. 40202. Extension of mortgage insurance premiums treated as qualified residence interest.

Sec. 40203. Extension of above-the-line deduction for qualified tuition and related expenses.

Subtitle B—Incentives for Growth, Jobs, Investment, and Innovation

Sec. 40301. Extension of Indian employment tax credit.

Sec. 40302. Extension of railroad track maintenance credit.

Sec. 40303. Extension of mine rescue team training credit.

- Sec. 40304. Extension of classification of certain race horses as 3-year property.*
- Sec. 40305. Extension of 7-year recovery period for motorsports entertainment complexes.*
- Sec. 40306. Extension of accelerated depreciation for business property on an Indian reservation.*
- Sec. 40307. Extension of election to expense mine safety equipment.*
- Sec. 40308. Extension of special expensing rules for certain productions.*
- Sec. 40309. Extension of deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.*
- Sec. 40310. Extension of special rule relating to qualified timber gain.*
- Sec. 40311. Extension of empowerment zone tax incentives.*
- Sec. 40312. Extension of American Samoa economic development credit.*

Subtitle C—Incentives for Energy Production and Conservation

- Sec. 40401. Extension of credit for nonbusiness energy property.*
- Sec. 40402. Extension and modification of credit for residential energy property.*
- Sec. 40403. Extension of credit for new qualified fuel cell motor vehicles.*
- Sec. 40404. Extension of credit for alternative fuel vehicle refueling property.*
- Sec. 40405. Extension of credit for 2-wheeled plug-in electric vehicles.*
- Sec. 40406. Extension of second generation biofuel producer credit.*
- Sec. 40407. Extension of biodiesel and renewable diesel incentives.*
- Sec. 40408. Extension of production credit for Indian coal facilities.*
- Sec. 40409. Extension of credits with respect to facilities producing energy from certain renewable resources.*
- Sec. 40410. Extension of credit for energy-efficient new homes.*
- Sec. 40411. Extension and phaseout of energy credit.*
- Sec. 40412. Extension of special allowance for second generation biofuel plant property.*
- Sec. 40413. Extension of energy efficient commercial buildings deduction.*
- Sec. 40414. Extension of special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.*
- Sec. 40415. Extension of excise tax credits relating to alternative fuels.*
- Sec. 40416. Extension of Oil Spill Liability Trust Fund financing rate.*

Subtitle D—Modifications of Energy Incentives

- Sec. 40501. Modifications of credit for production from advanced nuclear power facilities.*

TITLE II—MISCELLANEOUS PROVISIONS

- Sec. 41101. Amendment of Internal Revenue Code of 1986.*
- Sec. 41102. Modifications to rum cover over.*
- Sec. 41103. Extension of waiver of limitations with respect to excluding from gross income amounts received by wrongfully incarcerated individuals.*
- Sec. 41104. Individuals held harmless on improper levy on retirement plans.*
- Sec. 41105. Modification of user fee requirements for installment agreements.*
- Sec. 41106. Form 1040SR for seniors.*
- Sec. 41107. Attorneys fees relating to awards to whistleblowers.*
- Sec. 41108. Clarification of whistleblower awards.*
- Sec. 41109. Clarification regarding excise tax based on investment income of private colleges and universities.*

- Sec. 41110. *Exception from private foundation excess business holding tax for independently-operated philanthropic business holdings.*
- Sec. 41111. *Rule of construction for Craft Beverage Modernization and Tax Reform.*
- Sec. 41112. *Simplification of rules regarding records, statements, and returns.*
- Sec. 41113. *Modification of rules governing hardship distributions.*
- Sec. 41114. *Modification of rules relating to hardship withdrawals from cash or deferred arrangements.*
- Sec. 41115. *Opportunity Zones rule for Puerto Rico.*
- Sec. 41116. *Tax home of certain citizens or residents of the United States living abroad.*
- Sec. 41117. *Treatment of foreign persons for returns relating to payments made in settlement of payment card and third party network transactions.*
- Sec. 41118. *Repeal of shift in time of payment of corporate estimated taxes.*
- Sec. 41119. *Enhancement of carbon dioxide sequestration credit.*

1 **TITLE I—EXTENSION OF**
 2 **EXPIRING PROVISIONS**

3 **SEC. 40101. AMENDMENT OF INTERNAL REVENUE CODE OF**
 4 **1986.**

5 *Except as otherwise expressly provided, whenever in*
 6 *this title an amendment or repeal is expressed in terms of*
 7 *an amendment to, or repeal of, a section or other provision,*
 8 *the reference shall be considered to be made to a section or*
 9 *other provision of the Internal Revenue Code of 1986.*

10 **Subtitle A—Tax Relief for Families**
 11 **and Individuals**

12 **SEC. 40201. EXTENSION OF EXCLUSION FROM GROSS IN-**
 13 **COME OF DISCHARGE OF QUALIFIED PRIN-**
 14 **CIPAL RESIDENCE INDEBTEDNESS.**

15 *(a) IN GENERAL.—Section 108(a)(1)(E) is amended*
 16 *by striking “January 1, 2017” each place it appears and*
 17 *inserting “January 1, 2018”.*

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to discharges of indebtedness after De-*
3 *cember 31, 2016.*

4 **SEC. 40202. EXTENSION OF MORTGAGE INSURANCE PRE-**
5 **MIUMS TREATED AS QUALIFIED RESIDENCE**
6 **INTEREST.**

7 (a) *IN GENERAL.*—*Subclause (I) of section*
8 *163(h)(3)(E)(iv) is amended by striking “December 31,*
9 *2016” and inserting “December 31, 2017”.*

10 (b) *EFFECTIVE DATE.*—*The amendment made by this*
11 *section shall apply to amounts paid or accrued after Decem-*
12 *ber 31, 2016.*

13 **SEC. 40203. EXTENSION OF ABOVE-THE-LINE DEDUCTION**
14 **FOR QUALIFIED TUITION AND RELATED EX-**
15 **PENSES.**

16 (a) *IN GENERAL.*—*Section 222(e) is amended by strik-*
17 *ing “December 31, 2016” and inserting “December 31,*
18 *2017”.*

19 (b) *EFFECTIVE DATE.*—*The amendment made by this*
20 *section shall apply to taxable years beginning after Decem-*
21 *ber 31, 2016.*

1 ***Subtitle B—Incentives for Growth,***
2 ***Jobs, Investment, and Innovation***

3 **SEC. 40301. EXTENSION OF INDIAN EMPLOYMENT TAX**
4 **CREDIT.**

5 (a) *IN GENERAL.*—Section 45A(f) is amended by strik-
6 ing “December 31, 2016” and inserting “December 31,
7 2017”.

8 (b) *EFFECTIVE DATE.*—The amendment made by this
9 section shall apply to taxable years beginning after Decem-
10 ber 31, 2016.

11 **SEC. 40302. EXTENSION OF RAILROAD TRACK MAINTENANCE**
12 **CREDIT.**

13 (a) *IN GENERAL.*—Section 45G(f) is amended by strik-
14 ing “January 1, 2017” and inserting “January 1, 2018”.

15 (b) *EFFECTIVE DATE.*—

16 (1) *IN GENERAL.*—The amendment made by this
17 section shall apply to expenditures paid or incurred
18 in taxable years beginning after December 31, 2016.

19 (2) *SAFE HARBOR ASSIGNMENTS.*—Assignments,
20 including related expenditures paid or incurred,
21 under paragraph (2) of section 45G(b) of the Internal
22 Revenue Code of 1986 for taxable years ending after
23 January 1, 2017, and before January 1, 2018, shall
24 be treated as effective as of the close of such taxable
25 year if made pursuant to a written agreement entered

1 *into no later than 90 days following the date of the*
2 *enactment of this Act.*

3 **SEC. 40303. EXTENSION OF MINE RESCUE TEAM TRAINING**

4 **CREDIT.**

5 *(a) IN GENERAL.—Section 45N(e) is amended by*
6 *striking “December 31, 2016” and inserting “December 31,*
7 *2017”.*

8 *(b) EFFECTIVE DATE.—The amendment made by this*
9 *section shall apply to taxable years beginning after Decem-*
10 *ber 31, 2016.*

11 **SEC. 40304. EXTENSION OF CLASSIFICATION OF CERTAIN**

12 **RACE HORSES AS 3-YEAR PROPERTY.**

13 *(a) IN GENERAL.—Section 168(e)(3)(A)(i) is amend-*
14 *ed—*

15 *(1) by striking “January 1, 2017” in subclause*
16 *(I) and inserting “January 1, 2018”, and*

17 *(2) by striking “December 31, 2016” in sub-*
18 *clause (II) and inserting “December 31, 2017”.*

19 *(b) EFFECTIVE DATE.—The amendments made by this*
20 *section shall apply to property placed in service after De-*
21 *cember 31, 2016.*

1 **SEC. 40305. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR**
2 **MOTORSPORTS ENTERTAINMENT COM-**
3 **PLEXES.**

4 (a) *IN GENERAL.*—Section 168(i)(15)(D) is amended
5 by striking “December 31, 2016” and inserting “December
6 31, 2017”.

7 (b) *EFFECTIVE DATE.*—The amendment made by this
8 section shall apply to property placed in service after De-
9 cember 31, 2016.

10 **SEC. 40306. EXTENSION OF ACCELERATED DEPRECIATION**
11 **FOR BUSINESS PROPERTY ON AN INDIAN**
12 **RESERVATION.**

13 (a) *IN GENERAL.*—Section 168(j)(9) is amended by
14 striking “December 31, 2016” and inserting “December 31,
15 2017”.

16 (b) *EFFECTIVE DATE.*—The amendment made by this
17 section shall apply to property placed in service after De-
18 cember 31, 2016.

19 **SEC. 40307. EXTENSION OF ELECTION TO EXPENSE MINE**
20 **SAFETY EQUIPMENT.**

21 (a) *IN GENERAL.*—Section 179E(g) is amended by
22 striking “December 31, 2016” and inserting “December 31,
23 2017”.

24 (b) *EFFECTIVE DATE.*—The amendment made by this
25 section shall apply to property placed in service after De-
26 cember 31, 2016.

1 **SEC. 40308. EXTENSION OF SPECIAL EXPENSING RULES FOR**
2 **CERTAIN PRODUCTIONS.**

3 (a) *IN GENERAL.*—Section 181(g) is amended by strik-
4 ing “December 31, 2016” and inserting “December 31,
5 2017”.

6 (b) *EFFECTIVE DATE.*—The amendment made by this
7 section shall apply to productions commencing after Decem-
8 ber 31, 2016.

9 **SEC. 40309. EXTENSION OF DEDUCTION ALLOWABLE WITH**
10 **RESPECT TO INCOME ATTRIBUTABLE TO DO-**
11 **MESTIC PRODUCTION ACTIVITIES IN PUERTO**
12 **RICO.**

13 *For purposes of applying section 199(d)(8)(C) of the*
14 *Internal Revenue Code of 1986 with respect to taxable years*
15 *beginning during 2017, such section shall be applied—*

16 (1) *by substituting “first 12 taxable years” for*
17 *“first 11 taxable years”, and*

18 (2) *by substituting “January 1, 2018” for “Jan-*
19 *uary 1, 2017”.*

20 **SEC. 40310. EXTENSION OF SPECIAL RULE RELATING TO**
21 **QUALIFIED TIMBER GAIN.**

22 *For purposes of applying section 1201(b) of the Inter-*
23 *nal Revenue Code of 1986 with respect to taxable years be-*
24 *ginning during 2017, such section shall be applied by sub-*
25 *stituting “2016 or 2017” for “2016”.*

1 **SEC. 40311. EXTENSION OF EMPOWERMENT ZONE TAX IN-**
2 **CENTIVES.**

3 (a) *IN GENERAL.*—

4 (1) *EXTENSION.*—*Section 1391(d)(1)(A)(i) is*
5 *amended by striking “December 31, 2016” and insert-*
6 *ing “December 31, 2017”.*

7 (2) *TREATMENT OF CERTAIN TERMINATION*
8 *DATES SPECIFIED IN NOMINATIONS.*—*In the case of a*
9 *designation of an empowerment zone the nomination*
10 *for which included a termination date which is con-*
11 *temporaneous with the date specified in subparagraph*
12 *(A)(i) of section 1391(d)(1) of the Internal Revenue*
13 *Code of 1986 (as in effect before the enactment of this*
14 *Act), subparagraph (B) of such section shall not*
15 *apply with respect to such designation if, after the*
16 *date of the enactment of this section, the entity which*
17 *made such nomination amends the nomination to*
18 *provide for a new termination date in such manner*
19 *as the Secretary of the Treasury (or the Secretary’s*
20 *designee) may provide.*

21 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
22 *section (a)(1) shall apply to taxable years beginning after*
23 *December 31, 2016.*

1 **SEC. 40312. EXTENSION OF AMERICAN SAMOA ECONOMIC**
2 **DEVELOPMENT CREDIT.**

3 (a) *IN GENERAL.*—Section 119 of division A of the
4 *Tax Relief and Health Care Act of 2006* is amended—

5 (1) *in subsection (d)*—

6 (A) *by striking “January 1, 2017” each*
7 *place it appears and inserting “January 1,*
8 *2018”,*

9 (B) *by striking “first 11 taxable years” in*
10 *paragraph (1) and inserting “first 12 taxable*
11 *years”, and*

12 (C) *by striking “first 5 taxable years” in*
13 *paragraph (2) and inserting “first 6 taxable*
14 *years”, and*

15 (2) *in subsection (e), by adding at the end the*
16 *following: “References in this subsection to section 199*
17 *of the Internal Revenue Code of 1986 shall be treated*
18 *as references to such section as in effect before its re-*
19 *peal.”.*

20 (b) *EFFECTIVE DATE.*—*The amendments made by this*
21 *section shall apply to taxable years beginning after Decem-*
22 *ber 31, 2016.*

1 ***Subtitle C—Incentives for Energy***
2 ***Production and Conservation***

3 ***SEC. 40401. EXTENSION OF CREDIT FOR NONBUSINESS EN-***
4 ***ERGY PROPERTY.***

5 (a) *IN GENERAL.*—Section 25C(g)(2) is amended by
6 striking “December 31, 2016” and inserting “December 31,
7 2017”.

8 (b) *EFFECTIVE DATE.*—The amendment made by this
9 section shall apply to property placed in service after De-
10 cember 31, 2016.

11 ***SEC. 40402. EXTENSION AND MODIFICATION OF CREDIT***
12 ***FOR RESIDENTIAL ENERGY PROPERTY.***

13 (a) *IN GENERAL.*—Section 25D(h) is amended by
14 striking “December 31, 2016” and all that follows and in-
15 serting “December 31, 2021.”.

16 (b) *PHASEOUT.*—

17 (1) *IN GENERAL.*—Section 25D(a) is amended by
18 striking “the sum of—” and all that follows and in-
19 serting “the sum of the applicable percentages of—

20 “(1) the qualified solar electric property expendi-
21 tures,

22 “(2) the qualified solar water heating property
23 expenditures,

24 “(3) the qualified fuel cell property expenditures,

1 “(4) the qualified small wind energy property
2 expenditures, and

3 “(5) the qualified geothermal heat pump prop-
4 erty expenditures,
5 made by the taxpayer during such year.”.

6 (2) *CONFORMING AMENDMENT.*—Section 25D(g)
7 is amended by striking “paragraphs (1) and (2) of”.

8 (c) *EFFECTIVE DATE.*—The amendment made by this
9 section shall apply to property placed in service after De-
10 cember 31, 2016.

11 **SEC. 40403. EXTENSION OF CREDIT FOR NEW QUALIFIED**
12 **FUEL CELL MOTOR VEHICLES.**

13 (a) *IN GENERAL.*—Section 30B(k)(1) is amended by
14 striking “December 31, 2016” and inserting “December 31,
15 2017”.

16 (b) *EFFECTIVE DATE.*—The amendment made by this
17 section shall apply to property purchased after December
18 31, 2016.

19 **SEC. 40404. EXTENSION OF CREDIT FOR ALTERNATIVE**
20 **FUEL VEHICLE REFUELING PROPERTY.**

21 (a) *IN GENERAL.*—Section 30C(g) is amended by
22 striking “December 31, 2016” and inserting “December 31,
23 2017”.

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall apply to property placed in service after De-*
3 *cember 31, 2016.*

4 **SEC. 40405. EXTENSION OF CREDIT FOR 2-WHEELED PLUG-**
5 **IN ELECTRIC VEHICLES.**

6 (a) *IN GENERAL.*—*Section 30D(g)(3)(E)(ii) is amend-*
7 *ed by striking “January 1, 2017” and inserting “January*
8 *1, 2018”.*

9 (b) *EFFECTIVE DATE.*—*The amendment made by this*
10 *section shall apply to vehicles acquired after December 31,*
11 *2016.*

12 **SEC. 40406. EXTENSION OF SECOND GENERATION BIOFUEL**
13 **PRODUCER CREDIT.**

14 (a) *IN GENERAL.*—*Section 40(b)(6)(J)(i) is amended*
15 *by striking “January 1, 2017” and inserting “January 1,*
16 *2018”.*

17 (b) *EFFECTIVE DATE.*—*The amendment made by this*
18 *section shall apply to qualified second generation biofuel*
19 *production after December 31, 2016.*

20 **SEC. 40407. EXTENSION OF BIODIESEL AND RENEWABLE**
21 **DIESEL INCENTIVES.**

22 (a) *INCOME TAX CREDIT.*—

23 (1) *IN GENERAL.*—*Subsection (g) of section 40A*
24 *is amended by striking “December 31, 2016” and in-*
25 *serting “December 31, 2017”.*

1 (2) *EFFECTIVE DATE.*—*The amendment made by*
2 *this subsection shall apply to fuel sold or used after*
3 *December 31, 2016.*

4 (b) *EXCISE TAX INCENTIVES.*—

5 (1) *IN GENERAL.*—*Section 6426(c)(6) is amend-*
6 *ed by striking “December 31, 2016” and inserting*
7 *“December 31, 2017”.*

8 (2) *PAYMENTS.*—*Section 6427(e)(6)(B) is*
9 *amended by striking “December 31, 2016” and insert-*
10 *ing “December 31, 2017”.*

11 (3) *EFFECTIVE DATE.*—*The amendments made*
12 *by this subsection shall apply to fuel sold or used*
13 *after December 31, 2016.*

14 (4) *SPECIAL RULE FOR 2017.*—*Notwithstanding*
15 *any other provision of law, in the case of any bio-*
16 *diesel mixture credit properly determined under sec-*
17 *tion 6426(c) of the Internal Revenue Code of 1986 for*
18 *the period beginning on January 1, 2017, and ending*
19 *on December 31, 2017, such credit shall be allowed,*
20 *and any refund or payment attributable to such cred-*
21 *it (including any payment under section 6427(e) of*
22 *such Code) shall be made, only in such manner as the*
23 *Secretary of the Treasury (or the Secretary’s delegate)*
24 *shall provide. Such Secretary shall issue guidance*
25 *within 30 days after the date of the enactment of this*

1 *Act providing for a one-time submission of claims*
2 *covering periods described in the preceding sentence.*
3 *Such guidance shall provide for a 180-day period for*
4 *the submission of such claims (in such manner as*
5 *prescribed by such Secretary) to begin not later than*
6 *30 days after such guidance is issued. Such claims*
7 *shall be paid by such Secretary not later than 60*
8 *days after receipt. If such Secretary has not paid*
9 *pursuant to a claim filed under this subsection within*
10 *60 days after the date of the filing of such claim, the*
11 *claim shall be paid with interest from such date de-*
12 *termined by using the overpayment rate and method*
13 *under section 6621 of such Code.*

14 **SEC. 40408. EXTENSION OF PRODUCTION CREDIT FOR IN-**
15 **DIAN COAL FACILITIES.**

16 (a) *IN GENERAL.*—Section 45(e)(10)(A) is amended by
17 striking “11-year period” each place it appears and insert-
18 ing “12-year period”.

19 (b) *EFFECTIVE DATE.*—The amendment made by this
20 section shall apply to coal produced after December 31,
21 2016.

1 **SEC. 40409. EXTENSION OF CREDITS WITH RESPECT TO FA-**
2 **CILITIES PRODUCING ENERGY FROM CER-**
3 **TAIN RENEWABLE RESOURCES.**

4 (a) *IN GENERAL.*—*The following provisions of section*
5 *45(d) are each amended by striking “January 1, 2017”*
6 *each place it appears and inserting “January 1, 2018”:*

7 (1) *Paragraph (2)(A).*

8 (2) *Paragraph (3)(A).*

9 (3) *Paragraph (4)(B).*

10 (4) *Paragraph (6).*

11 (5) *Paragraph (7).*

12 (6) *Paragraph (9).*

13 (7) *Paragraph (11)(B).*

14 (b) *EXTENSION OF ELECTION TO TREAT QUALIFIED*
15 *FACILITIES AS ENERGY PROPERTY.*—*Section*
16 *48(a)(5)(C)(ii) is amended by striking “January 1, 2017”*
17 *and inserting “January 1, 2018”.*

18 (c) *EFFECTIVE DATE.*—*The amendments made by this*
19 *section shall take effect on January 1, 2017.*

20 **SEC. 40410. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT**
21 **NEW HOMES.**

22 (a) *IN GENERAL.*—*Section 45L(g) is amended by*
23 *striking “December 31, 2016” and inserting “December 31,*
24 *2017”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
 2 *section shall apply to homes acquired after December 31,*
 3 *2016.*

4 **SEC. 40411. EXTENSION AND PHASEOUT OF ENERGY CRED-**

5 **IT.**

6 (a) *EXTENSION OF SOLAR AND THERMAL ENERGY*
 7 *PROPERTY.*—*Section 48(a)(3)(A) is amended—*

8 (1) *by striking “periods ending before January*
 9 *1, 2017” in clause (ii) and inserting “property the*
 10 *construction of which begins before January 1, 2022”,*
 11 *and*

12 (2) *by striking “periods ending before January*
 13 *1, 2017” in clause (vii) and inserting “property the*
 14 *construction of which begins before January 1, 2022”.*

15 (b) *PHASEOUT OF 30-PERCENT CREDIT RATE FOR*
 16 *FIBER-OPTIC SOLAR, QUALIFIED FUEL CELL, AND QUALI-*
 17 *FIED SMALL WIND ENERGY PROPERTY.*—

18 (1) *IN GENERAL.*—*Section 48(a) is amended by*
 19 *adding at the end the following new paragraph:*

20 “*(7) PHASEOUT FOR FIBER-OPTIC SOLAR, QUALI-*
 21 *FIED FUEL CELL, AND QUALIFIED SMALL WIND EN-*
 22 *ERGY PROPERTY.*—

23 “*(A) IN GENERAL.*—*Subject to subpara-*
 24 *graph (B), in the case of any qualified fuel cell*
 25 *property, qualified small wind property, or en-*

1 energy property described in paragraph (3)(A)(ii),
2 the energy percentage determined under para-
3 graph (2) shall be equal to—

4 “(i) in the case of any property the
5 construction of which begins after December
6 31, 2019, and before January 1, 2021, 26
7 percent, and

8 “(ii) in the case of any property the
9 construction of which begins after December
10 31, 2020, and before January 1, 2022, 22
11 percent.

12 “(B) *PLACED IN SERVICE DEADLINE.*—*In*
13 *the case of any energy property described in sub-*
14 *paragraph (A) which is not placed in service be-*
15 *fore January 1, 2024, the energy percentage de-*
16 *termined under paragraph (2) shall be equal to*
17 *0 percent.”.*

18 (2) *CONFORMING AMENDMENT.*—*Section*
19 *48(a)(2)(A) is amended by striking “paragraph (6)”*
20 *and inserting “paragraphs (6) and (7)”.*

21 (3) *CLARIFICATION RELATING TO PHASEOUT FOR*
22 *WIND FACILITIES.*—*Section 48(a)(5)(E) is amended*
23 *by inserting “which is treated as energy property by*
24 *reason of this paragraph” after “using wind to*
25 *produce electricity”.*

1 (c) *EXTENSION OF QUALIFIED FUEL CELL PROP-*
2 *ERTY.*—Section 48(c)(1)(D) is amended by striking “for
3 any period after December 31, 2016” and inserting “the
4 construction of which does not begin before January 1,
5 2022”.

6 (d) *EXTENSION OF QUALIFIED MICROTURBINE PROP-*
7 *ERTY.*—Section 48(c)(2)(D) is amended by striking “for
8 any period after December 31, 2016” and inserting “the
9 construction of which does not begin before January 1,
10 2022”.

11 (e) *EXTENSION OF COMBINED HEAT AND POWER SYS-*
12 *TEM PROPERTY.*—Section 48(c)(3)(A)(iv) is amended by
13 striking “which is placed in service before January 1, 2017”
14 and inserting “the construction of which begins before Jan-
15 uary 1, 2022”.

16 (f) *EXTENSION OF QUALIFIED SMALL WIND ENERGY*
17 *PROPERTY.*—Section 48(c)(4)(C) is amended by striking
18 “for any period after December 31, 2016” and inserting
19 “the construction of which does not begin before January
20 1, 2022”.

21 (g) *EFFECTIVE DATE.*—

22 (1) *IN GENERAL.*—Except as otherwise provided
23 in this subsection, the amendments made by this sec-
24 tion shall apply to periods after December 31, 2016,
25 under rules similar to the rules of section 48(m) of the

1 *Internal Revenue Code of 1986 (as in effect on the*
2 *day before the date of the enactment of the Revenue*
3 *Reconciliation Act of 1990).*

4 (2) *EXTENSION OF COMBINED HEAT AND POWER*
5 *SYSTEM PROPERTY.—The amendment made by sub-*
6 *section (e) shall apply to property placed in service*
7 *after December 31, 2016.*

8 (3) *PHASEOUTS AND TERMINATIONS.—The*
9 *amendments made by subsection (b) shall take effect*
10 *on the date of the enactment of this Act.*

11 **SEC. 40412. EXTENSION OF SPECIAL ALLOWANCE FOR SEC-**
12 **OND GENERATION BIOFUEL PLANT PROP-**
13 **ERTY.**

14 (a) *IN GENERAL.—Section 168(l)(2)(D) is amended by*
15 *striking “January 1, 2017” and inserting “January 1,*
16 *2018”.*

17 (b) *EFFECTIVE DATE.—The amendment made by this*
18 *section shall apply to property placed in service after De-*
19 *cember 31, 2016.*

20 **SEC. 40413. EXTENSION OF ENERGY EFFICIENT COMMER-**
21 **CIAL BUILDINGS DEDUCTION.**

22 (a) *IN GENERAL.—Section 179D(h) is amended by*
23 *striking “December 31, 2016” and inserting “December 31,*
24 *2017”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall apply to property placed in service after De-*
3 *cember 31, 2016.*

4 **SEC. 40414. EXTENSION OF SPECIAL RULE FOR SALES OR**
5 **DISPOSITIONS TO IMPLEMENT FERC OR**
6 **STATE ELECTRIC RESTRUCTURING POLICY**
7 **FOR QUALIFIED ELECTRIC UTILITIES.**

8 (a) *IN GENERAL.*—*Section 451(k)(3), as amended by*
9 *section 13221 of Public Law 115–97, is amended by strik-*
10 *ing “January 1, 2017” and inserting “January 1, 2018”.*

11 (b) *EFFECTIVE DATE.*—*The amendment made by this*
12 *section shall apply to dispositions after December 31, 2016.*

13 **SEC. 40415. EXTENSION OF EXCISE TAX CREDITS RELATING**
14 **TO ALTERNATIVE FUELS.**

15 (a) *EXTENSION OF ALTERNATIVE FUELS EXCISE TAX*
16 *CREDITS.*—

17 (1) *IN GENERAL.*—*Sections 6426(d)(5) and*
18 *6426(e)(3) are each amended by striking “December*
19 *31, 2016” and inserting “December 31, 2017”.*

20 (2) *OUTLAY PAYMENTS FOR ALTERNATIVE*
21 *FUELS.*—*Section 6427(e)(6)(C) is amended by strik-*
22 *ing “December 31, 2016” and inserting “December*
23 *31, 2017”.*

1 (3) *EFFECTIVE DATE.*—*The amendments made*
2 *by this subsection shall apply to fuel sold or used*
3 *after December 31, 2016.*

4 (b) *SPECIAL RULE FOR 2017.*—*Notwithstanding any*
5 *other provision of law, in the case of any alternative fuel*
6 *credit properly determined under section 6426(d) of the In-*
7 *ternal Revenue Code of 1986 for the period beginning on*
8 *January 1, 2017, and ending on December 31, 2017, such*
9 *credit shall be allowed, and any refund or payment attrib-*
10 *utable to such credit (including any payment under section*
11 *6427(e) of such Code) shall be made, only in such manner*
12 *as the Secretary of the Treasury (or the Secretary's dele-*
13 *gate) shall provide. Such Secretary shall issue guidance*
14 *within 30 days after the date of the enactment of this Act*
15 *providing for a one-time submission of claims covering pe-*
16 *riods described in the preceding sentence. Such guidance*
17 *shall provide for a 180-day period for the submission of*
18 *such claims (in such manner as prescribed by such Sec-*
19 *retary) to begin not later than 30 days after such guidance*
20 *is issued. Such claims shall be paid by such Secretary not*
21 *later than 60 days after receipt. If such Secretary has not*
22 *paid pursuant to a claim filed under this subsection within*
23 *60 days after the date of the filing of such claim, the claim*
24 *shall be paid with interest from such date determined by*

1 *using the overpayment rate and method under section 6621*
 2 *of such Code.*

3 **SEC. 40416. EXTENSION OF OIL SPILL LIABILITY TRUST**
 4 **FUND FINANCING RATE.**

5 (a) *IN GENERAL.*—Section 4611(f)(2) is amended by
 6 striking “December 31, 2017” and inserting “December 31,
 7 2018”.

8 (b) *EFFECTIVE DATE.*—The amendment made by this
 9 section shall apply on and after the first day of the first
 10 calendar month beginning after the date of the enactment
 11 of this Act.

12 **Subtitle D—Modifications of Energy**
 13 **Incentives**

14 **SEC. 40501. MODIFICATIONS OF CREDIT FOR PRODUCTION**
 15 **FROM ADVANCED NUCLEAR POWER FACILI-**
 16 **TIES.**

17 (a) *TREATMENT OF UNUTILIZED LIMITATION*
 18 *AMOUNTS.*—Section 45J(b) is amended—

19 (1) *by inserting “or any amendment to” after*
 20 *“enactment of” in paragraph (4), and*

21 (2) *by adding at the end the following new para-*
 22 *graph:*

23 “(5) *ALLOCATION OF UNUTILIZED LIMITATION.*—

24 “(A) *IN GENERAL.*—Any unutilized na-
 25 tional megawatt capacity limitation shall be al-

1 *located by the Secretary under paragraph (3) as*
2 *rapidly as is practicable after December 31,*
3 *2020—*

4 *“(i) first to facilities placed in service*
5 *on or before such date to the extent that*
6 *such facilities did not receive an allocation*
7 *equal to their full nameplate capacity, and*

8 *“(ii) then to facilities placed in service*
9 *after such date in the order in which such*
10 *facilities are placed in service.*

11 *“(B) UNUTILIZED NATIONAL MEGAWATT CA-*
12 *PACITY LIMITATION.—The term ‘unutilized na-*
13 *tional megawatt capacity limitation’ means the*
14 *excess (if any) of—*

15 *“(i) 6,000 megawatts, over*

16 *“(ii) the aggregate amount of national*
17 *megawatt capacity limitation allocated by*
18 *the Secretary before January 1, 2021, re-*
19 *duced by any amount of such limitation*
20 *which was allocated to a facility which was*
21 *not placed in service before such date.*

22 *“(C) COORDINATION WITH OTHER PROVI-*
23 *SIONS.—In the case of any unutilized national*
24 *megawatt capacity limitation allocated by the*
25 *Secretary pursuant to this paragraph—*

1 “(i) such allocation shall be treated for
2 purposes of this section in the same manner
3 as an allocation of national megawatt ca-
4 pacity limitation, and

5 “(ii) subsection (d)(1)(B) shall not
6 apply to any facility which receives such al-
7 location.”.

8 (b) *TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTI-*
9 *TIES.—*

10 (1) *IN GENERAL.—*Section 45J is amended—

11 (A) by redesignating subsection (e) as sub-
12 section (f), and

13 (B) by inserting after subsection (d) the fol-
14 lowing new subsection:

15 “(e) *TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTI-*
16 *TIES.—*

17 “(1) *IN GENERAL.—*If, with respect to a credit
18 under subsection (a) for any taxable year—

19 “(A) a qualified public entity would be the
20 taxpayer (but for this paragraph), and

21 “(B) such entity elects the application of
22 this paragraph for such taxable year with respect
23 to all (or any portion specified in such election)
24 of such credit,

1 *the eligible project partner specified in such election,*
2 *and not the qualified public entity, shall be treated as*
3 *the taxpayer for purposes of this title with respect to*
4 *such credit (or such portion thereof).*

5 “(2) *DEFINITIONS.—For purposes of this sub-*
6 *section—*

7 “(A) *QUALIFIED PUBLIC ENTITY.—The term*
8 *‘qualified public entity’ means—*

9 “(i) *a Federal, State, or local govern-*
10 *ment entity, or any political subdivision,*
11 *agency, or instrumentality thereof,*

12 “(ii) *a mutual or cooperative electric*
13 *company described in section 501(c)(12) or*
14 *1381(a)(2), or*

15 “(iii) *a not-for-profit electric utility*
16 *which had or has received a loan or loan*
17 *guarantee under the Rural Electrification*
18 *Act of 1936.*

19 “(B) *ELIGIBLE PROJECT PARTNER.—The*
20 *term ‘eligible project partner’ means any person*
21 *who—*

22 “(i) *is responsible for, or participates*
23 *in, the design or construction of the ad-*
24 *vanced nuclear power facility to which the*
25 *credit under subsection (a) relates,*

1 “(ii) participates in the provision of
2 the nuclear steam supply system to such fa-
3 cility,

4 “(iii) participates in the provision of
5 nuclear fuel to such facility,

6 “(iv) is a financial institution pro-
7 viding financing for the construction or op-
8 eration of such facility, or

9 “(v) has an ownership interest in such
10 facility.

11 “(3) SPECIAL RULES.—

12 “(A) APPLICATION TO PARTNERSHIPS.—In
13 the case of a credit under subsection (a) which
14 is determined at the partnership level—

15 “(i) for purposes of paragraph (1)(A),
16 a qualified public entity shall be treated as
17 the taxpayer with respect to such entity’s
18 distributive share of such credit, and

19 “(ii) the term ‘eligible project partner’
20 shall include any partner of the partner-
21 ship.

22 “(B) TAXABLE YEAR IN WHICH CREDIT
23 TAKEN INTO ACCOUNT.—In the case of any credit
24 (or portion thereof) with respect to which an
25 election is made under paragraph (1), such cred-

1 it shall be taken into account in the first taxable
2 year of the eligible project partner ending with,
3 or after, the qualified public entity's taxable year
4 with respect to which the credit was determined.

5 “(C) *TREATMENT OF TRANSFER UNDER PRI-*
6 *VATE USE RULES.*—For purposes of section
7 141(b)(1), any benefit derived by an eligible
8 project partner in connection with an election
9 under this subsection shall not be taken into ac-
10 count as a private business use.”.

11 (2) *SPECIAL RULE FOR PROCEEDS OF TRANS-*
12 *FERS FOR MUTUAL OR COOPERATIVE ELECTRIC COM-*
13 *PANIES.*—Section 501(c)(12) is amended by adding at
14 the end the following new subparagraph:

15 “(I) *In the case of a mutual or cooperative*
16 *electric company described in this paragraph or*
17 *an organization described in section 1381(a)(2),*
18 *income received or accrued in connection with*
19 *an election under section 45J(e)(1) shall be treat-*
20 *ed as an amount collected from members for the*
21 *sole purpose of meeting losses and expenses.*”.

22 (c) *EFFECTIVE DATES.*—

23 (1) *TREATMENT OF UNUTILIZED LIMITATION*
24 *AMOUNTS.*—The amendment made by subsection (a)

1 *shall take effect on the date of the enactment of this*
2 *Act.*

3 (2) *TRANSFER OF CREDIT BY CERTAIN PUBLIC*
4 *ENTITIES.—The amendments made by subsection (b)*
5 *shall apply to taxable years beginning after the date*
6 *of the enactment of this Act.*

7 **TITLE II—MISCELLANEOUS**
8 **PROVISIONS**

9 **SEC. 41101. AMENDMENT OF INTERNAL REVENUE CODE OF**
10 **1986.**

11 *Except as otherwise expressly provided, whenever in*
12 *this title an amendment or repeal is expressed in terms of*
13 *an amendment to, or repeal of, a section or other provision,*
14 *the reference shall be considered to be made to a section or*
15 *other provision of the Internal Revenue Code of 1986.*

16 **SEC. 41102. MODIFICATIONS TO RUM COVER OVER.**

17 (a) *EXTENSION.—*

18 (1) *IN GENERAL.—Section 7652(f)(1) is amended*
19 *by striking “January 1, 2017” and inserting “Janu-*
20 *ary 1, 2022”.*

21 (2) *EFFECTIVE DATE.—The amendment made by*
22 *this subsection shall apply to distilled spirits brought*
23 *into the United States after December 31, 2016.*

24 (b) *DETERMINATION OF TAXES ON RUM.—*

1 (1) *IN GENERAL.*—Section 7652(e) is amended
2 by adding at the end the following new paragraph:

3 “(5) *DETERMINATION OF AMOUNT OF TAXES*
4 *COLLECTED.*—For purposes of this subsection, the
5 amount of taxes collected under section 5001(a)(1)
6 shall be determined without regard to section
7 5001(c).”.

8 (2) *EFFECTIVE DATE.*—The amendment made by
9 this subsection shall apply to distilled spirits brought
10 into the United States after December 31, 2017.

11 **SEC. 41103. EXTENSION OF WAIVER OF LIMITATIONS WITH**
12 **RESPECT TO EXCLUDING FROM GROSS IN-**
13 **COME AMOUNTS RECEIVED BY WRONGFULLY**
14 **INCARCERATED INDIVIDUALS.**

15 (a) *IN GENERAL.*—Section 304(d) of the *Protecting*
16 *Americans from Tax Hikes Act of 2015* (26 U.S.C. 139F
17 note) is amended by striking “1-year” and inserting “3-
18 year”.

19 (b) *EFFECTIVE DATE.*—The amendment made by this
20 section shall take effect on the date of the enactment of this
21 Act.

22 **SEC. 41104. INDIVIDUALS HELD HARMLESS ON IMPROPER**
23 **LEVY ON RETIREMENT PLANS.**

24 (a) *IN GENERAL.*—Section 6343 is amended by adding
25 at the end the following new subsection:

1 “(f) *INDIVIDUALS HELD HARMLESS ON WRONGFUL*
2 *LEVY, ETC. ON RETIREMENT PLAN.*—

3 “(1) *IN GENERAL.*—*If the Secretary determines*
4 *that an individual’s account or benefit under an eli-*
5 *gible retirement plan (as defined in section*
6 *402(c)(8)(B)) has been levied upon in a case to which*
7 *subsection (b) or (d)(2)(A) applies and property or an*
8 *amount of money is returned to the individual—*

9 “(A) *the individual may contribute such*
10 *property or an amount equal to the sum of—*

11 “(i) *the amount of money so returned*
12 *by the Secretary, and*

13 “(ii) *interest paid under subsection (c)*
14 *on such amount of money,*

15 *into such eligible retirement plan if such con-*
16 *tribution is permitted by the plan, or into an in-*
17 *dividual retirement plan (other than an endow-*
18 *ment contract) to which a rollover contribution*
19 *of a distribution from such eligible retirement*
20 *plan is permitted, but only if such contribution*
21 *is made not later than the due date (not includ-*
22 *ing extensions) for filing the return of tax for the*
23 *taxable year in which such property or amount*
24 *of money is returned, and*

1 “(B) the Secretary shall, at the time such
2 property or amount of money is returned, notify
3 such individual that a contribution described in
4 subparagraph (A) may be made.

5 “(2) *TREATMENT AS ROLLOVER.*—The distribu-
6 tion on account of the levy and any contribution
7 under paragraph (1) with respect to the return of
8 such distribution shall be treated for purposes of this
9 title as if such distribution and contribution were de-
10 scribed in section 402(c), 402A(c)(3), 403(a)(4),
11 403(b)(8), 408(d)(3), 408A(d)(3), or 457(e)(16),
12 whichever is applicable; except that—

13 “(A) the contribution shall be treated as
14 having been made for the taxable year in which
15 the distribution on account of the levy occurred,
16 and the interest paid under subsection (c) shall
17 be treated as earnings within the plan after the
18 contribution and shall not be included in gross
19 income, and

20 “(B) such contribution shall not be taken
21 into account under section 408(d)(3)(B).

22 “(3) *REFUND, ETC., OF INCOME TAX ON LEVY.*—

23 “(A) *IN GENERAL.*—If any amount is in-
24 cludible in gross income for a taxable year by
25 reason of a distribution on account of a levy re-

1 *ferred to in paragraph (1) and any portion of*
2 *such amount is treated as a rollover contribution*
3 *under paragraph (2), any tax imposed by chap-*
4 *ter 1 on such portion shall not be assessed, and*
5 *if assessed shall be abated, and if collected shall*
6 *be credited or refunded as an overpayment made*
7 *on the due date for filing the return of tax for*
8 *such taxable year.*

9 *“(B) EXCEPTION.—Subparagraph (A) shall*
10 *not apply to a rollover contribution under this*
11 *subsection which is made from an eligible retire-*
12 *ment plan which is not a Roth IRA or a des-*
13 *ignated Roth account (within the meaning of*
14 *section 402A) to a Roth IRA or a designated*
15 *Roth account under an eligible retirement plan.*

16 *“(4) INTEREST.—Notwithstanding subsection*
17 *(d), interest shall be allowed under subsection (c) in*
18 *a case in which the Secretary makes a determination*
19 *described in subsection (d)(2)(A) with respect to a*
20 *levy upon an individual retirement plan.*

21 *“(5) TREATMENT OF INHERITED ACCOUNTS.—*
22 *For purposes of paragraph (1)(A), section*
23 *408(d)(3)(C) shall be disregarded in determining*
24 *whether an individual retirement plan is a plan to*

1 *which a rollover contribution of a distribution from*
2 *the plan levied upon is permitted.”.*

3 **(b) EFFECTIVE DATE.**—*The amendment made by this*
4 *section shall apply to amounts paid under subsections (b),*
5 *(c), and (d)(2)(A) of section 6343 of the Internal Revenue*
6 *Code of 1986 in taxable years beginning after December 31,*
7 *2017.*

8 **SEC. 41105. MODIFICATION OF USER FEE REQUIREMENTS**
9 **FOR INSTALLMENT AGREEMENTS.**

10 **(a) IN GENERAL.**—*Section 6159 is amended by redes-*
11 *ignating subsection (f) as subsection (g) and by inserting*
12 *after subsection (e) the following new subsection:*

13 **“(f) INSTALLMENT AGREEMENT FEES.**—

14 **“(1) LIMITATION ON FEE AMOUNT.**—*The amount*
15 *of any fee imposed on an installment agreement*
16 *under this section may not exceed the amount of such*
17 *fee as in effect on the date of the enactment of this*
18 *subsection.*

19 **“(2) WAIVER OR REIMBURSEMENT.**—*In the case*
20 *of any taxpayer with an adjusted gross income, as de-*
21 *termined for the most recent year for which such in-*
22 *formation is available, which does not exceed 250 per-*
23 *cent of the applicable poverty level (as determined by*
24 *the Secretary)—*

1 “(A) if the taxpayer has agreed to make
2 payments under the installment agreement by
3 electronic payment through a debit instrument,
4 no fee shall be imposed on an installment agree-
5 ment under this section, and

6 “(B) if the taxpayer is unable to make pay-
7 ments under the installment agreement by elec-
8 tronic payment through a debit instrument, the
9 Secretary shall, upon completion of the install-
10 ment agreement, pay the taxpayer an amount
11 equal to any such fees imposed.”.

12 (b) *EFFECTIVE DATE.*—The amendments made by this
13 section shall apply to agreements entered into on or after
14 the date which is 60 days after the date of the enactment
15 of this Act.

16 **SEC. 41106. FORM 1040SR FOR SENIORS.**

17 (a) *IN GENERAL.*—The Secretary of the Treasury (or
18 the Secretary’s delegate) shall make available a form, to be
19 known as “Form 1040SR”, for use by individuals to file
20 the return of tax imposed by chapter 1 of the Internal Rev-
21 enue Code of 1986. Such form shall be as similar as prac-
22 ticable to Form 1040EZ, except that—

23 (1) the form shall be available only to individ-
24 uals who have attained age 65 as of the close of the
25 taxable year,

1 (2) *the form may be used even if income for the*
2 *taxable year includes—*

3 (A) *social security benefits (as defined in*
4 *section 86(d) of the Internal Revenue Code of*
5 *1986),*

6 (B) *distributions from qualified retirement*
7 *plans (as defined in section 4974(c) of such*
8 *Code), annuities or other such deferred payment*
9 *arrangements,*

10 (C) *interest and dividends, or*

11 (D) *capital gains and losses taken into ac-*
12 *count in determining adjusted net capital gain*
13 *(as defined in section 1(h)(3) of such Code), and*

14 (3) *the form shall be available without regard to*
15 *the amount of any item of taxable income or the total*
16 *amount of taxable income for the taxable year.*

17 (b) *EFFECTIVE DATE.*—*The form required by sub-*
18 *section (a) shall be made available for taxable years begin-*
19 *ning after the date of the enactment of this Act.*

20 **SEC. 41107. ATTORNEYS FEES RELATING TO AWARDS TO**
21 **WHISTLEBLOWERS.**

22 (a) *IN GENERAL.*—*Paragraph (21) of section 62(a) is*
23 *amended to read as follows:*

24 “(21) *ATTORNEYS’ FEES RELATING TO AWARDS*
25 *TO WHISTLEBLOWERS.*—

1 “(A) *IN GENERAL.*—Any deduction allow-
2 able under this chapter for attorney fees and
3 court costs paid by, or on behalf of, the taxpayer
4 in connection with any award under—

5 “(i) section 7623(b), or

6 “(ii) in the case of taxable years begin-
7 ning after December 31, 2017, any action
8 brought under—

9 “(I) section 21F of the Securities
10 Exchange Act of 1934 (15 U.S.C. 78u-
11 6),

12 “(II) a State law relating to false
13 or fraudulent claims that meets the re-
14 quirements described in section 1909(b)
15 of the Social Security Act (42 U.S.C.
16 1396h(b)), or

17 “(III) section 23 of the Com-
18 modity Exchange Act (7 U.S.C. 26).

19 “(B) *MAY NOT EXCEED AWARD.*—Subpara-
20 graph (A) shall not apply to any deduction in
21 excess of the amount includible in the taxpayer’s
22 gross income for the taxable year on account of
23 such award.”.

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall apply to taxable years beginning after Decem-*
3 *ber 31, 2017.*

4 **SEC. 41108. CLARIFICATION OF WHISTLEBLOWER AWARDS.**

5 (a) *DEFINITION OF PROCEEDS.*—

6 (1) *IN GENERAL.*—*Section 7623 is amended by*
7 *adding at the end the following new subsection:*

8 “(c) *PROCEEDS.*—*For purposes of this section, the*
9 *term ‘proceeds’ includes—*

10 “(1) *penalties, interest, additions to tax, and ad-*
11 *ditional amounts provided under the internal revenue*
12 *laws, and*

13 “(2) *any proceeds arising from laws for which*
14 *the Internal Revenue Service is authorized to admin-*
15 *ister, enforce, or investigate, including—*

16 “(A) *criminal fines and civil forfeitures,*
17 *and*

18 “(B) *violations of reporting requirements.*”.

19 (2) *CONFORMING AMENDMENTS.*—*Paragraphs*
20 *(1) and (2)(A) of section 7623(b) are each amended*
21 *by striking “collected proceeds (including penalties,*
22 *interest, additions to tax, and additional amounts)*
23 *resulting from the action” and inserting “proceeds*
24 *collected as a result of the action”.*

1 (b) *AMOUNT OF PROCEEDS DETERMINED WITHOUT*
2 *REGARD TO AVAILABILITY.*—Paragraphs (1) and (2)(A) of
3 section 7623(b) are each amended by inserting “(determined
4 without regard to whether such proceeds are available to
5 the Secretary)” after “in response to such action”.

6 (c) *DISPUTED AMOUNT THRESHOLD.*—Section
7 7623(b)(5)(B) is amended by striking “tax, penalties, inter-
8 est, additions to tax, and additional amounts” and insert-
9 ing “proceeds”.

10 (d) *EFFECTIVE DATE.*—The amendments made by this
11 section shall apply to information provided before, on, or
12 after the date of the enactment of this Act with respect to
13 which a final determination for an award has not been
14 made before such date of enactment.

15 **SEC. 41109. CLARIFICATION REGARDING EXCISE TAX BASED**
16 **ON INVESTMENT INCOME OF PRIVATE COL-**
17 **LEGES AND UNIVERSITIES.**

18 (a) *IN GENERAL.*—Subsection (b)(1) of section 4968,
19 as added by section 13701(a) of Public Law 115–97, is
20 amended—

21 (1) by inserting “tuition-paying” after “500” in
22 subparagraph (A), and

23 (2) by inserting “tuition-paying” after “50 per-
24 cent of the” in subparagraph (B).

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall apply to taxable years beginning after Decem-*
 3 *ber 31, 2017.*

4 **SEC. 41110. EXCEPTION FROM PRIVATE FOUNDATION EX-**
 5 **CESS BUSINESS HOLDING TAX FOR INDE-**
 6 **PENDENTLY-OPERATED PHILANTHROPIC**
 7 **BUSINESS HOLDINGS.**

8 (a) *IN GENERAL.*—*Section 4943 is amended by adding*
 9 *at the end the following new subsection:*

10 “(g) *EXCEPTION FOR CERTAIN HOLDINGS LIMITED TO*
 11 *INDEPENDENTLY-OPERATED PHILANTHROPIC BUSINESS.*—

12 “(1) *IN GENERAL.*—*Subsection (a) shall not*
 13 *apply with respect to the holdings of a private founda-*
 14 *tion in any business enterprise which meets the re-*
 15 *quirements of paragraphs (2), (3), and (4) for the*
 16 *taxable year.*

17 “(2) *OWNERSHIP.*—*The requirements of this*
 18 *paragraph are met if—*

19 “(A) *100 percent of the voting stock in the*
 20 *business enterprise is held by the private founda-*
 21 *tion at all times during the taxable year, and*

22 “(B) *all the private foundation’s ownership*
 23 *interests in the business enterprise were acquired*
 24 *by means other than by purchase.*

25 “(3) *ALL PROFITS TO CHARITY.*—

1 “(A) *IN GENERAL.*—*The requirements of*
2 *this paragraph are met if the business enterprise,*
3 *not later than 120 days after the close of the tax-*
4 *able year, distributes an amount equal to its net*
5 *operating income for such taxable year to the*
6 *private foundation.*

7 “(B) *NET OPERATING INCOME.*—*For pur-*
8 *poses of this paragraph, the net operating in-*
9 *come of any business enterprise for any taxable*
10 *year is an amount equal to the gross income of*
11 *the business enterprise for the taxable year, re-*
12 *duced by the sum of—*

13 “(i) *the deductions allowed by chapter*
14 *1 for the taxable year which are directly*
15 *connected with the production of such in-*
16 *come,*

17 “(ii) *the tax imposed by chapter 1 on*
18 *the business enterprise for the taxable year,*
19 *and*

20 “(iii) *an amount for a reasonable re-*
21 *serve for working capital and other business*
22 *needs of the business enterprise.*

23 “(4) *INDEPENDENT OPERATION.*—*The require-*
24 *ments of this paragraph are met if, at all times dur-*
25 *ing the taxable year—*

1 “(A) no substantial contributor (as defined
2 in section 4958(c)(3)(C)) to the private founda-
3 tion or family member (as determined under sec-
4 tion 4958(f)(4)) of such a contributor is a direc-
5 tor, officer, trustee, manager, employee, or con-
6 tractor of the business enterprise (or an indi-
7 vidual having powers or responsibilities similar
8 to any of the foregoing),

9 “(B) at least a majority of the board of di-
10 rectors of the private foundation are persons who
11 are not—

12 “(i) directors or officers of the business
13 enterprise, or

14 “(ii) family members (as so deter-
15 mined) of a substantial contributor (as so
16 defined) to the private foundation, and

17 “(C) there is no loan outstanding from the
18 business enterprise to a substantial contributor
19 (as so defined) to the private foundation or to
20 any family member of such a contributor (as so
21 determined).

22 “(5) CERTAIN DEEMED PRIVATE FOUNDATIONS
23 EXCLUDED.—This subsection shall not apply to—

1 “(A) any fund or organization treated as a
2 private foundation for purposes of this section by
3 reason of subsection (e) or (f),

4 “(B) any trust described in section
5 4947(a)(1) (relating to charitable trusts), and

6 “(C) any trust described in section
7 4947(a)(2) (relating to split-interest trusts).”.

8 (b) *EFFECTIVE DATE.*—The amendment made by this
9 section shall apply to taxable years beginning after Decem-
10 ber 31, 2017.

11 **SEC. 41111. RULE OF CONSTRUCTION FOR CRAFT BEV-**
12 **ERAGE MODERNIZATION AND TAX REFORM.**

13 (a) *IN GENERAL.*—Subpart A of part IX of subtitle
14 C of title I of Public Law 115–97 is amended by adding
15 at the end the following new section:

16 **“SEC. 13809. RULE OF CONSTRUCTION.**

17 “Nothing in this subpart, the amendments made by
18 this subpart, or any regulation promulgated under this sub-
19 part or the amendments made by this subpart, shall be con-
20 strued to preempt, supersede, or otherwise limit or restrict
21 any State, local, or tribal law that prohibits or regulates
22 the production or sale of distilled spirits, wine, or malt bev-
23 erages.”.

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall take effect as if included in Public Law 115–*
3 *97.*

4 **SEC. 41112. SIMPLIFICATION OF RULES REGARDING**
5 **RECORDS, STATEMENTS, AND RETURNS.**

6 (a) *IN GENERAL.*—*Subsection (a) of section 5555 is*
7 *amended by adding at the end the following: “For calendar*
8 *quarters beginning after the date of the enactment of this*
9 *sentence, and before January 1, 2020, the Secretary shall*
10 *permit a person to employ a unified system for any records,*
11 *statements, and returns required to be kept, rendered, or*
12 *made under this section for any beer produced in the brew-*
13 *ery for which the tax imposed by section 5051 has been de-*
14 *termined, including any beer which has been removed for*
15 *consumption on the premises of the brewery.”.*

16 (b) *EFFECTIVE DATE.*—*The amendment made by this*
17 *section shall apply to calendar quarters beginning after the*
18 *date of the enactment of this Act.*

19 **SEC. 41113. MODIFICATION OF RULES GOVERNING HARD-**
20 **SHIP DISTRIBUTIONS.**

21 (a) *IN GENERAL.*—*Not later than 1 year after the date*
22 *of the enactment of this Act, the Secretary of the Treasury*
23 *shall modify Treasury Regulation section 1.401(k)–*
24 *1(d)(3)(iv)(E) to—*

1 (1) delete the 6-month prohibition on contribu-
2 tions imposed by paragraph (2) thereof, and

3 (2) make any other modifications necessary to
4 carry out the purposes of section 401(k)(2)(B)(i)(IV)
5 of the Internal Revenue Code of 1986.

6 (b) *EFFECTIVE DATE.*—The revised regulations under
7 this section shall apply to plan years beginning after De-
8 cember 31, 2018.

9 **SEC. 41114. MODIFICATION OF RULES RELATING TO HARD-**
10 **SHIP WITHDRAWALS FROM CASH OR DE-**
11 **FERRED ARRANGEMENTS.**

12 (a) *IN GENERAL.*—Section 401(k) is amended by add-
13 ing at the end the following:

14 “(14) *SPECIAL RULES RELATING TO HARDSHIP*
15 *WITHDRAWALS.*—For purposes of paragraph
16 (2)(B)(i)(IV)—

17 “(A) *AMOUNTS WHICH MAY BE WITH-*
18 *DRAWN.*—The following amounts may be distrib-
19 uted upon hardship of the employee:

20 “(i) *Contributions to a profit-sharing*
21 *or stock bonus plan to which section*
22 *402(e)(3) applies.*

23 “(ii) *Qualified nonelective contribu-*
24 *tions (as defined in subsection (m)(4)(C)).*

1 “(iii) *Qualified matching contributions*
2 *described in paragraph (3)(D)(ii)(I).*

3 “(iv) *Earnings on any contributions*
4 *described in clause (i), (ii), or (iii).*

5 “(B) *NO REQUIREMENT TO TAKE AVAIL-*
6 *ABLE LOAN.—A distribution shall not be treated*
7 *as failing to be made upon the hardship of an*
8 *employee solely because the employee does not*
9 *take any available loan under the plan.”.*

10 (b) *CONFORMING AMENDMENT.—Section*
11 *401(k)(2)(B)(i)(IV) is amended to read as follows:*

12 “(IV) *subject to the provisions of*
13 *paragraph (14), upon hardship of the*
14 *employee, or”.*

15 (c) *EFFECTIVE DATE.—The amendments made by this*
16 *section shall apply to plan years beginning after December*
17 *31, 2018.*

18 **SEC. 41115. OPPORTUNITY ZONES RULE FOR PUERTO RICO.**

19 (a) *IN GENERAL.—Subsection (b) of section 1400Z-*
20 *1 is amended by adding at the end the following new para-*
21 *graph:*

22 “(3) *SPECIAL RULE FOR PUERTO RICO.—Each*
23 *population census tract in Puerto Rico that is a low-*
24 *income community shall be deemed to be certified and*

1 *designated as a qualified opportunity zone, effective*
2 *on the date of the enactment of Public Law 115–97.”.*

3 **(b) CONFORMING AMENDMENT.**—Section 1400Z–
4 1(d)(1) is amended by inserting “and subsection (b)(3)”
5 after “paragraph (2)”.

6 **SEC. 41116. TAX HOME OF CERTAIN CITIZENS OR RESI-**
7 **DENTS OF THE UNITED STATES LIVING**
8 **ABROAD.**

9 **(a) IN GENERAL.**—Paragraph (3) of section 911(d) is
10 amended by inserting before the period at the end of the
11 second sentence the following: “, unless such individual is
12 serving in an area designated by the President of the United
13 States by Executive order as a combat zone for purposes
14 of section 112 in support of the Armed Forces of the United
15 States”.

16 **(b) EFFECTIVE DATE.**—The amendment made by this
17 section shall apply to taxable years beginning after Decem-
18 ber 31, 2017.

19 **SEC. 41117. TREATMENT OF FOREIGN PERSONS FOR RE-**
20 **TURNS RELATING TO PAYMENTS MADE IN**
21 **SETTLEMENT OF PAYMENT CARD AND THIRD**
22 **PARTY NETWORK TRANSACTIONS.**

23 **(a) IN GENERAL.**—Section 6050W(d)(1)(B) is amend-
24 ed by adding at the end the following: “Notwithstanding
25 the preceding sentence, a person with only a foreign address

1 *shall not be treated as a participating payee with respect*
2 *to any payment settlement entity solely because such person*
3 *receives payments from such payment settlement entity in*
4 *dollars.”.*

5 (b) *EFFECTIVE DATE.*—*The amendment made by this*
6 *section shall apply to returns for calendar years beginning*
7 *after December 31, 2017.*

8 **SEC. 41118. REPEAL OF SHIFT IN TIME OF PAYMENT OF**
9 **CORPORATE ESTIMATED TAXES.**

10 *The Trade Preferences Extension Act of 2015 is*
11 *amended by striking section 803 (relating to time for pay-*
12 *ment of corporate estimated taxes).*

13 **SEC. 41119. ENHANCEMENT OF CARBON DIOXIDE SEQUES-**
14 **TRATION CREDIT.**

15 (a) *IN GENERAL.*—*Section 45Q is amended to read as*
16 *follows:*

17 **“SEC. 45Q. CREDIT FOR CARBON OXIDE SEQUESTRATION.**

18 *“(a) GENERAL RULE.*—*For purposes of section 38, the*
19 *carbon oxide sequestration credit for any taxable year is*
20 *an amount equal to the sum of—*

21 *“(1) \$20 per metric ton of qualified carbon oxide*
22 *which is—*

23 *“(A) captured by the taxpayer using carbon*
24 *capture equipment which is originally placed in*
25 *service at a qualified facility before the date of*

1 *the enactment of the Bipartisan Budget Act of*
2 *2018, and*

3 *“(B) disposed of by the taxpayer in secure*
4 *geological storage and not used by the taxpayer*
5 *as described in paragraph (2)(B),*

6 *“(2) \$10 per metric ton of qualified carbon oxide*
7 *which is—*

8 *“(A) captured by the taxpayer using carbon*
9 *capture equipment which is originally placed in*
10 *service at a qualified facility before the date of*
11 *the enactment of the Bipartisan Budget Act of*
12 *2018, and*

13 *“(B)(i) used by the taxpayer as a tertiary*
14 *injectant in a qualified enhanced oil or natural*
15 *gas recovery project and disposed of by the tax-*
16 *payer in secure geological storage, or*

17 *“(i) utilized by the taxpayer in a manner*
18 *described in subsection (f)(5),*

19 *“(3) the applicable dollar amount (as determined*
20 *under subsection (b)(1)) per metric ton of qualified*
21 *carbon oxide which is—*

22 *“(A) captured by the taxpayer using carbon*
23 *capture equipment which is originally placed in*
24 *service at a qualified facility on or after the date*
25 *of the enactment of the Bipartisan Budget Act of*

1 2018, during the 12-year period beginning on the
2 date the equipment was originally placed in
3 service, and

4 “(B) disposed of by the taxpayer in secure
5 geological storage and not used by the taxpayer
6 as described in paragraph (4)(B), and

7 “(4) the applicable dollar amount (as determined
8 under subsection (b)(1)) per metric ton of qualified
9 carbon oxide which is—

10 “(A) captured by the taxpayer using carbon
11 capture equipment which is originally placed in
12 service at a qualified facility on or after the date
13 of the enactment of the Bipartisan Budget Act of
14 2018, during the 12-year period beginning on the
15 date the equipment was originally placed in
16 service, and

17 “(B)(i) used by the taxpayer as a tertiary
18 injectant in a qualified enhanced oil or natural
19 gas recovery project and disposed of by the tax-
20 payer in secure geological storage, or

21 “(ii) utilized by the taxpayer in a manner
22 described in subsection (f)(5).

23 “(b) *APPLICABLE DOLLAR AMOUNT; ADDITIONAL*
24 *EQUIPMENT; ELECTION.*—

25 “(1) *APPLICABLE DOLLAR AMOUNT.*—

1 “(A) *IN GENERAL.*—*The applicable dollar*
2 *amount shall be an amount equal to—*

3 “(i) *for any taxable year beginning in*
4 *a calendar year after 2016 and before*
5 *2027—*

6 “(I) *for purposes of paragraph (3)*
7 *of subsection (a), the dollar amount es-*
8 *tablished by linear interpolation be-*
9 *tween \$22.66 and \$50 for each cal-*
10 *endar year during such period, and*

11 “(II) *for purposes of paragraph*
12 *(4) of such subsection, the dollar*
13 *amount established by linear interpola-*
14 *tion between \$12.83 and \$35 for each*
15 *calendar year during such period, and*

16 “(ii) *for any taxable year beginning in*
17 *a calendar year after 2026—*

18 “(I) *for purposes of paragraph (3)*
19 *of subsection (a), an amount equal to*
20 *the product of \$50 and the inflation*
21 *adjustment factor for such calendar*
22 *year determined under section*
23 *43(b)(3)(B) for such calendar year, de-*
24 *termined by substituting ‘2025’ for*
25 *‘1990’, and*

1 “(II) for purposes of paragraph
2 (4) of such subsection, an amount
3 equal to the product of \$35 and the in-
4 flation adjustment factor for such cal-
5 endar year determined under section
6 43(b)(3)(B) for such calendar year, de-
7 termined by substituting ‘2025’ for
8 ‘1990’.

9 “(B) ROUNDING.—The applicable dollar
10 amount determined under subparagraph (A)
11 shall be rounded to the nearest cent.

12 “(2) INSTALLATION OF ADDITIONAL CARBON CAP-
13 TURE EQUIPMENT ON EXISTING QUALIFIED FACIL-
14 ITY.—In the case of a qualified facility placed in
15 service before the date of the enactment of the Bipar-
16 tisan Budget Act of 2018, for which additional carbon
17 capture equipment is placed in service on or after the
18 date of the enactment of such Act, the amount of
19 qualified carbon oxide which is captured by the tax-
20 payer shall be equal to—

21 “(A) for purposes of paragraphs (1)(A) and
22 (2)(A) of subsection (a), the lesser of—

23 “(i) the total amount of qualified car-
24 bon oxide captured at such facility for the
25 taxable year, or

1 “(i) the total amount of the carbon di-
2 oxide capture capacity of the carbon cap-
3 ture equipment in service at such facility on
4 the day before the date of the enactment of
5 the Bipartisan Budget Act of 2018, and

6 “(B) for purposes of paragraphs (3)(A) and
7 (4)(A) of such subsection, an amount (not less
8 than zero) equal to the excess of—

9 “(i) the amount described in clause (i)
10 of subparagraph (A), over

11 “(ii) the amount described in clause
12 (ii) of such subparagraph.

13 “(3) *ELECTION.*—For purposes of determining
14 the carbon oxide sequestration credit under this sec-
15 tion, a taxpayer may elect to have the dollar amounts
16 applicable under paragraph (1) or (2) of subsection
17 (a) apply in lieu of the dollar amounts applicable
18 under paragraph (3) or (4) of such subsection for each
19 metric ton of qualified carbon oxide which is captured
20 by the taxpayer using carbon capture equipment
21 which is originally placed in service at a qualified fa-
22 cility on or after the date of the enactment of the Bi-
23 partisan Budget Act of 2018.

24 “(c) *QUALIFIED CARBON OXIDE.*—For purposes of this
25 section—

1 “(1) *IN GENERAL.*—*The term ‘qualified carbon*
2 *oxide’ means—*

3 “(A) *any carbon dioxide which—*

4 “(i) *is captured from an industrial*
5 *source by carbon capture equipment which*
6 *is originally placed in service before the*
7 *date of the enactment of the Bipartisan*
8 *Budget Act of 2018,*

9 “(ii) *would otherwise be released into*
10 *the atmosphere as industrial emission of*
11 *greenhouse gas or lead to such release, and*

12 “(iii) *is measured at the source of cap-*
13 *ture and verified at the point of disposal,*
14 *injection, or utilization,*

15 “(B) *any carbon dioxide or other carbon*
16 *oxide which—*

17 “(i) *is captured from an industrial*
18 *source by carbon capture equipment which*
19 *is originally placed in service on or after*
20 *the date of the enactment of the Bipartisan*
21 *Budget Act of 2018,*

22 “(ii) *would otherwise be released into*
23 *the atmosphere as industrial emission of*
24 *greenhouse gas or lead to such release, and*

1 “(iii) is measured at the source of cap-
2 ture and verified at the point of disposal,
3 injection, or utilization, or

4 “(C) in the case of a direct air capture fa-
5 cility, any carbon dioxide which—

6 “(i) is captured directly from the am-
7 bient air, and

8 “(ii) is measured at the source of cap-
9 ture and verified at the point of disposal,
10 injection, or utilization.

11 “(2) *RECYCLED CARBON OXIDE*.—The term
12 ‘qualified carbon oxide’ includes the initial deposit of
13 captured carbon oxide used as a tertiary injectant.
14 Such term does not include carbon oxide that is re-
15 captured, recycled, and re-injected as part of the en-
16 hanced oil and natural gas recovery process.

17 “(d) *QUALIFIED FACILITY*.—For purposes of this sec-
18 tion, the term ‘qualified facility’ means any industrial fa-
19 cility or direct air capture facility—

20 “(1) the construction of which begins before Jan-
21 uary 1, 2024, and—

22 “(A) construction of carbon capture equip-
23 ment begins before such date, or

1 “(B) the original planning and design for
2 such facility includes installation of carbon cap-
3 ture equipment, and

4 “(2) which captures—

5 “(A) in the case of a facility which emits
6 not more than 500,000 metric tons of carbon
7 oxide into the atmosphere during the taxable
8 year, not less than 25,000 metric tons of quali-
9 fied carbon oxide during the taxable year which
10 is utilized in a manner described in subsection
11 (f)(5),

12 “(B) in the case of an electricity generating
13 facility which is not described in subparagraph
14 (A), not less than 500,000 metric tons of quali-
15 fied carbon oxide during the taxable year, or

16 “(C) in the case of a direct air capture fa-
17 cility or any facility not described in subpara-
18 graph (A) or (B), not less than 100,000 metric
19 tons of qualified carbon oxide during the taxable
20 year.

21 “(e) DEFINITIONS.—For purposes of this section—

22 “(1) DIRECT AIR CAPTURE FACILITY.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B), the term ‘direct air capture facility’
25 means any facility which uses carbon capture

1 *equipment to capture carbon dioxide directly*
2 *from the ambient air.*

3 “(B) *EXCEPTION.*—*The term ‘direct air*
4 *capture facility’ shall not include any facility*
5 *which captures carbon dioxide—*

6 *“(i) which is deliberately released from*
7 *naturally occurring subsurface springs, or*

8 *“(ii) using natural photosynthesis.*

9 “(2) *QUALIFIED ENHANCED OIL OR NATURAL*
10 *GAS RECOVERY PROJECT.*—*The term ‘qualified en-*
11 *hanced oil or natural gas recovery project’ has the*
12 *meaning given the term ‘qualified enhanced oil recov-*
13 *ery project’ by section 43(c)(2), by substituting ‘crude*
14 *oil or natural gas’ for ‘crude oil’ in subparagraph*
15 *(A)(i) thereof.*

16 “(3) *TERTIARY INJECTANT.*—*The term ‘tertiary*
17 *injectant’ has the same meaning as when used within*
18 *section 193(b)(1).*

19 “(f) *SPECIAL RULES.*—

20 “(1) *ONLY QUALIFIED CARBON OXIDE CAPTURED*
21 *AND DISPOSED OF OR USED WITHIN THE UNITED*
22 *STATES TAKEN INTO ACCOUNT.*—*The credit under this*
23 *section shall apply only with respect to qualified car-*
24 *bon oxide the capture and disposal, use, or utilization*
25 *of which is within—*

1 “(A) *the United States (within the meaning*
2 *of section 638(1)), or*

3 “(B) *a possession of the United States*
4 *(within the meaning of section 638(2)).*

5 “(2) *SECURE GEOLOGICAL STORAGE.—The Sec-*
6 *retary, in consultation with the Administrator of the*
7 *Environmental Protection Agency, the Secretary of*
8 *Energy, and the Secretary of the Interior, shall estab-*
9 *lish regulations for determining adequate security*
10 *measures for the geological storage of qualified carbon*
11 *oxide under subsection (a) such that the qualified car-*
12 *bon oxide does not escape into the atmosphere. Such*
13 *term shall include storage at deep saline formations,*
14 *oil and gas reservoirs, and unminable coal seams*
15 *under such conditions as the Secretary may deter-*
16 *mine under such regulations.*

17 “(3) *CREDIT ATTRIBUTABLE TO TAXPAYER.—*

18 “(A) *IN GENERAL.—Except as provided in*
19 *subparagraph (B) or in any regulations pre-*
20 *scribed by the Secretary, any credit under this*
21 *section shall be attributable to—*

22 “(i) *in the case of qualified carbon*
23 *oxide captured using carbon capture equip-*
24 *ment which is originally placed in service*
25 *at a qualified facility before the date of the*

1 *enactment of the Bipartisan Budget Act of*
2 *2018, the person that captures and phys-*
3 *ically or contractually ensures the disposal,*
4 *utilization, or use as a tertiary injectant of*
5 *such qualified carbon oxide, and*

6 “(ii) *in the case of qualified carbon*
7 *oxide captured using carbon capture equip-*
8 *ment which is originally placed in service*
9 *at a qualified facility on or after the date*
10 *of the enactment of the Bipartisan Budget*
11 *Act of 2018, the person that owns the car-*
12 *bon capture equipment and physically or*
13 *contractually ensures the capture and dis-*
14 *posal, utilization, or use as a tertiary*
15 *injectant of such qualified carbon oxide.*

16 “(B) *ELECTION.—If the person described in*
17 *subparagraph (A) makes an election under this*
18 *subparagraph in such time and manner as the*
19 *Secretary may prescribe by regulations, the cred-*
20 *it under this section—*

21 “(i) *shall be allowable to the person*
22 *that disposes of the qualified carbon oxide,*
23 *utilizes the qualified carbon oxide, or uses*
24 *the qualified carbon oxide as a tertiary*
25 *injectant, and*

1 “(ii) shall not be allowable to the per-
2 son described in subparagraph (A).

3 “(4) *RECAPTURE.*—The Secretary shall, by regu-
4 lations, provide for recapturing the benefit of any
5 credit allowable under subsection (a) with respect to
6 any qualified carbon oxide which ceases to be cap-
7 tured, disposed of, or used as a tertiary injectant in
8 a manner consistent with the requirements of this sec-
9 tion.

10 “(5) *UTILIZATION OF QUALIFIED CARBON*
11 *OXIDE.*—

12 “(A) *IN GENERAL.*—For purposes of this
13 section, utilization of qualified carbon oxide
14 means—

15 “(i) the fixation of such qualified car-
16 bon oxide through photosynthesis or
17 chemosynthesis, such as through the growing
18 of algae or bacteria,

19 “(ii) the chemical conversion of such
20 qualified carbon oxide to a material or
21 chemical compound in which such qualified
22 carbon oxide is securely stored, or

23 “(iii) the use of such qualified carbon
24 oxide for any other purpose for which a
25 commercial market exists (with the excep-

1 *tion of use as a tertiary injectant in a*
2 *qualified enhanced oil or natural gas recov-*
3 *ery project), as determined by the Secretary.*

4 *“(B) MEASUREMENT.—*

5 *“(i) IN GENERAL.—For purposes of de-*
6 *termining the amount of qualified carbon*
7 *oxide utilized by the taxpayer under para-*
8 *graph (2)(B)(ii) or (4)(B)(ii) of subsection*
9 *(a), such amount shall be equal to the met-*
10 *ric tons of qualified carbon oxide which the*
11 *taxpayer demonstrates, based upon an anal-*
12 *ysis of lifecycle greenhouse gas emissions*
13 *and subject to such requirements as the Sec-*
14 *retary, in consultation with the Secretary of*
15 *Energy and the Administrator of the Envi-*
16 *ronmental Protection Agency, determines*
17 *appropriate, were—*

18 *“(I) captured and permanently*
19 *isolated from the atmosphere, or*

20 *“(II) displaced from being emitted*
21 *into the atmosphere,*
22 *through use of a process described in sub-*
23 *paragraph (A).*

24 *“(ii) LIFECYCLE GREENHOUSE GAS*
25 *EMISSIONS.—For purposes of clause (i), the*

1 term ‘lifecycle greenhouse gas emissions’ has
2 the same meaning given such term under
3 subparagraph (H) of section 211(o)(1) of
4 the Clean Air Act (42 U.S.C. 7545(o)(1)),
5 as in effect on the date of the enactment of
6 the Bipartisan Budget Act of 2018, except
7 that ‘product’ shall be substituted for ‘fuel’
8 each place it appears in such subparagraph.

9 “(6) *ELECTION FOR APPLICABLE FACILITIES.*—

10 “(A) *IN GENERAL.*—For purposes of this
11 section, in the case of an applicable facility, for
12 any taxable year in which such facility captures
13 not less than 500,000 metric tons of qualified
14 carbon oxide during the taxable year, the person
15 described in paragraph (3)(A)(i) may elect to
16 have such facility, and any carbon capture
17 equipment placed in service at such facility,
18 deemed as having been placed in service on the
19 date of the enactment of the Bipartisan Budget
20 Act of 2018.

21 “(B) *APPLICABLE FACILITY.*—For purposes
22 of this paragraph, the term ‘applicable facility’
23 means a qualified facility—

1 “(i) which was placed in service before
2 the date of the enactment of the Bipartisan
3 Budget Act of 2018, and

4 “(ii) for which no taxpayer claimed a
5 credit under this section in regards to such
6 facility for any taxable year ending before
7 the date of the enactment of such Act.

8 “(7) *INFLATION ADJUSTMENT.*—In the case of
9 any taxable year beginning in a calendar year after
10 2009, there shall be substituted for each dollar amount
11 contained in paragraphs (1) and (2) of subsection (a)
12 an amount equal to the product of—

13 “(A) such dollar amount, multiplied by

14 “(B) the inflation adjustment factor for
15 such calendar year determined under section
16 43(b)(3)(B) for such calendar year, determined
17 by substituting ‘2008’ for ‘1990’.

18 “(g) *APPLICATION OF SECTION FOR CERTAIN CARBON*
19 *CAPTURE EQUIPMENT.*—In the case of any carbon capture
20 equipment placed in service before the date of the enactment
21 of the Bipartisan Budget Act of 2018, the credit under this
22 section shall apply with respect to qualified carbon oxide
23 captured using such equipment before the end of the cal-
24 endar year in which the Secretary, in consultation with the
25 Administrator of the Environmental Protection Agency,

1 certifies that, during the period beginning after October 3,
2 2008, a total of 75,000,000 metric tons of qualified carbon
3 oxide have been taken into account in accordance with—

4 “(1) subsection (a) of this section, as in effect on
5 the day before the date of the enactment of the Bipar-
6 tisan Budget Act of 2018, and

7 “(2) paragraphs (1) and (2) of subsection (a) of
8 this section.

9 “(h) REGULATIONS.—The Secretary may prescribe
10 such regulations and other guidance as may be necessary
11 or appropriate to carry out this section, including regula-
12 tions or other guidance to—

13 “(1) ensure proper allocation under subsection
14 (a) for qualified carbon oxide captured by a taxpayer
15 during the taxable year ending after the date of the
16 enactment of the Bipartisan Budget Act of 2018, and

17 “(2) determine whether a facility satisfies the re-
18 quirements under subsection (d)(1) during such tax-
19 able year.”.

20 (b) EFFECTIVE DATE.—The amendment made by this
21 section shall apply to taxable years beginning after Decem-
22 ber 31, 2017.

1 ***DIVISION E—HEALTH AND***
 2 ***HUMAN SERVICES EXTENDERS***

3 ***SEC. 50100. SHORT TITLE; TABLE OF CONTENTS.***

4 (a) *SHORT TITLE.*—*This division may be cited as the*
 5 *“Advancing Chronic Care, Extenders, and Social Services*
 6 *(ACCESS) Act”*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this division is as follows:*

DIVISION E—HEALTH AND HUMAN SERVICES EXTENDERS

Sec. 50100. Short title; table of contents.

TITLE I—CHIP

Sec. 50101. Funding extension of the Children’s Health Insurance Program through fiscal year 2027.

Sec. 50102. Extension of pediatric quality measures program.

Sec. 50103. Extension of outreach and enrollment program.

TITLE II—MEDICARE EXTENDERS

Sec. 50201. Extension of work GPCI floor.

Sec. 50202. Repeal of Medicare payment cap for therapy services; limitation to ensure appropriate therapy.

Sec. 50203. Medicare ambulance services.

Sec. 50204. Extension of increased inpatient hospital payment adjustment for certain low-volume hospitals.

Sec. 50205. Extension of the Medicare-dependent hospital (MDH) program.

Sec. 50206. Extension of funding for quality measure endorsement, input, and selection; reporting requirements.

Sec. 50207. Extension of funding outreach and assistance for low-income programs; State health insurance assistance program reporting requirements.

Sec. 50208. Extension of home health rural add-on.

TITLE III—CREATING HIGH-QUALITY RESULTS AND OUTCOMES NECESSARY TO IMPROVE CHRONIC (CHRONIC) CARE

Subtitle A—Receiving High Quality Care in the Home

Sec. 50301. Extending the Independence at Home Demonstration Program.

Sec. 50302. Expanding access to home dialysis therapy.

Subtitle B—Advancing Team-Based Care

Sec. 50311. Providing continued access to Medicare Advantage special needs plans for vulnerable populations.

Subtitle C—Expanding Innovation and Technology

- Sec. 50321. Adapting benefits to meet the needs of chronically ill Medicare Advantage enrollees.*
- Sec. 50322. Expanding supplemental benefits to meet the needs of chronically ill Medicare Advantage enrollees.*
- Sec. 50323. Increasing convenience for Medicare Advantage enrollees through telehealth.*
- Sec. 50324. Providing accountable care organizations the ability to expand the use of telehealth.*
- Sec. 50325. Expanding the use of telehealth for individuals with stroke.*

Subtitle D—Identifying the Chronically Ill Population

- Sec. 50331. Providing flexibility for beneficiaries to be part of an accountable care organization.*

Subtitle E—Empowering Individuals and Caregivers in Care Delivery

- Sec. 50341. Eliminating barriers to care coordination under accountable care organizations.*
- Sec. 50342. GAO study and report on longitudinal comprehensive care planning services under Medicare part B.*

Subtitle F—Other Policies to Improve Care for the Chronically Ill

- Sec. 50351. GAO study and report on improving medication synchronization.*
- Sec. 50352. GAO study and report on impact of obesity drugs on patient health and spending.*
- Sec. 50353. HHS study and report on long-term risk factors for chronic conditions among Medicare beneficiaries.*
- Sec. 50354. Providing prescription drug plans with parts A and B claims data to promote the appropriate use of medications and improve health outcomes.*

TITLE IV—PART B IMPROVEMENT ACT AND OTHER PART B ENHANCEMENTS*Subtitle A—Medicare Part B Improvement Act*

- Sec. 50401. Home infusion therapy services temporary transitional payment.*
- Sec. 50402. Orthotist's and prosthetist's clinical notes as part of the patient's medical record.*
- Sec. 50403. Independent accreditation for dialysis facilities and assurance of high quality surveys.*
- Sec. 50404. Modernizing the application of the Stark rule under Medicare.*

Subtitle B—Additional Medicare Provisions

- Sec. 50411. Making permanent the removal of the rental cap for durable medical equipment under Medicare with respect to speech generating devices.*
- Sec. 50412. Increased civil and criminal penalties and increased sentences for Federal health care program fraud and abuse.*
- Sec. 50413. Reducing the volume of future EHR-related significant hardship requests.*
- Sec. 50414. Strengthening rules in case of competition for diabetic testing strips.*

TITLE V—OTHER HEALTH EXTENDERS

Sec. 50501. Extension for family-to-family health information centers.

Sec. 50502. Extension for sexual risk avoidance education.

Sec. 50503. Extension for personal responsibility education.

TITLE VI—CHILD AND FAMILY SERVICES AND SUPPORTS
EXTENDERS

*Subtitle A—Continuing the Maternal, Infant, and Early Childhood Home
Visiting Program*

Sec. 50601. Continuing evidence-based home visiting program.

Sec. 50602. Continuing to demonstrate results to help families.

Sec. 50603. Reviewing statewide needs to target resources.

Sec. 50604. Improving the likelihood of success in high-risk communities.

*Sec. 50605. Option to fund evidence-based home visiting on a pay for outcome
basis.*

Sec. 50606. Data exchange standards for improved interoperability.

Sec. 50607. Allocation of funds.

Subtitle B—Extension of Health Professions Workforce Demonstration Projects

*Sec. 50611. Extension of health workforce demonstration projects for low-income
individuals.*

TITLE VII—FAMILY FIRST PREVENTION SERVICES ACT

Subtitle A—Investing in Prevention and Supporting Families

Sec. 50701. Short title.

Sec. 50702. Purpose.

PART I—PREVENTION ACTIVITIES UNDER TITLE IV–E

Sec. 50711. Foster care prevention services and programs.

*Sec. 50712. Foster care maintenance payments for children with parents in a li-
censed residential family-based treatment facility for substance
abuse.*

Sec. 50713. Title IV–E payments for evidence-based kinship navigator programs.

PART II—ENHANCED SUPPORT UNDER TITLE IV–B

*Sec. 50721. Elimination of time limit for family reunification services while in
foster care and permitting time-limited family reunification
services when a child returns home from foster care.*

*Sec. 50722. Reducing bureaucracy and unnecessary delays when placing children
in homes across State lines.*

*Sec. 50723. Enhancements to grants to improve well-being of families affected by
substance abuse.*

PART III—MISCELLANEOUS

*Sec. 50731. Reviewing and improving licensing standards for placement in a rel-
ative foster family home.*

*Sec. 50732. Development of a statewide plan to prevent child abuse and neglect
fatalities.*

Sec. 50733. Modernizing the title and purpose of title IV–E.

Sec. 50734. Effective dates.

PART IV—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

- Sec. 50741. Limitation on Federal financial participation for placements that are not in foster family homes.*
- Sec. 50742. Assessment and documentation of the need for placement in a qualified residential treatment program.*
- Sec. 50743. Protocols to prevent inappropriate diagnoses.*
- Sec. 50744. Additional data and reports regarding children placed in a setting that is not a foster family home.*
- Sec. 50745. Criminal records checks and checks of child abuse and neglect registries for adults working in child-care institutions and other group care settings.*
- Sec. 50746. Effective dates; application to waivers.*

PART V—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES

- Sec. 50751. Supporting and retaining foster families for children.*
- Sec. 50752. Extension of child and family services programs.*
- Sec. 50753. Improvements to the John H. Chafee foster care independence program and related provisions.*

PART VI—CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP

- Sec. 50761. Reauthorizing adoption and legal guardianship incentive programs.*

PART VII—TECHNICAL CORRECTIONS

- Sec. 50771. Technical corrections to data exchange standards to improve program coordination.*
- Sec. 50772. Technical corrections to State requirement to address the developmental needs of young children.*

PART VIII—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE

- Sec. 50781. Delay of adoption assistance phase-in.*
- Sec. 50782. GAO study and report on State reinvestment of savings resulting from increase in adoption assistance.*

TITLE VIII—SUPPORTING SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS

- Sec. 50801. Short title.*
- Sec. 50802. Social impact partnerships to pay for results.*

TITLE IX—PUBLIC HEALTH PROGRAMS

- Sec. 50901. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.*
- Sec. 50902. Extension for special diabetes programs.*

TITLE X—MISCELLANEOUS HEALTH CARE POLICIES

- Sec. 51001. Home health payment reform.*
- Sec. 51002. Information to satisfy documentation of Medicare eligibility for home health services.*
- Sec. 51003. Technical amendments to Public Law 114–10.*

- Sec. 51004. Expanded access to Medicare intensive cardiac rehabilitation programs.*
- Sec. 51005. Extension of blended site neutral payment rate for certain long-term care hospital discharges; temporary adjustment to site neutral payment rates.*
- Sec. 51006. Recognition of attending physician assistants as attending physicians to serve hospice patients.*
- Sec. 51007. Extension of enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2017.*
- Sec. 51008. Allowing physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.*
- Sec. 51009. Transitional payment rules for certain radiation therapy services under the physician fee schedule.*

TITLE XI—PROTECTING SENIORS’ ACCESS TO MEDICARE ACT

- Sec. 52001. Repeal of the Independent Payment Advisory Board.*

TITLE XII—OFFSETS

- Sec. 53101. Modifying reductions in Medicaid DSH allotments.*
- Sec. 53102. Third party liability in Medicaid and CHIP.*
- Sec. 53103. Treatment of lottery winnings and other lump-sum income for purposes of income eligibility under Medicaid.*
- Sec. 53104. Rebate obligation with respect to line extension drugs.*
- Sec. 53105. Medicaid Improvement Fund.*
- Sec. 53106. Physician fee schedule update.*
- Sec. 53107. Payment for outpatient physical therapy services and outpatient occupational therapy services furnished by a therapy assistant.*
- Sec. 53108. Reduction for non-emergency ESRD ambulance transports.*
- Sec. 53109. Hospital transfer policy for early discharges to hospice care.*
- Sec. 53110. Medicare payment update for home health services.*
- Sec. 53111. Medicare payment update for skilled nursing facilities.*
- Sec. 53112. Preventing the artificial inflation of star ratings after the consolidation of Medicare Advantage plans offered by the same organization.*
- Sec. 53113. Sunsetting exclusion of biosimilars from Medicare part D coverage gap discount program.*
- Sec. 53114. Adjustments to Medicare part B and part D premium subsidies for higher income individuals.*
- Sec. 53115. Medicare Improvement Fund.*
- Sec. 53116. Closing the Donut Hole for Seniors.*
- Sec. 53117. Modernizing child support enforcement fees.*
- Sec. 53118. Increasing efficiency of prison data reporting.*
- Sec. 53119. Prevention and Public Health Fund.*

TITLE I—CHIP

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**SEC. 50101. FUNDING EXTENSION OF THE CHILDREN'S
HEALTH INSURANCE PROGRAM THROUGH
FISCAL YEAR 2027.**

(a) IN GENERAL.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)), as amended by section 3002(a) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in paragraph (25), by striking “; and” and inserting a semicolon;

(2) in paragraph (26), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(27) for each of fiscal years 2024 through 2026, such sums as are necessary to fund allotments to States under subsections (c) and (m); and

“(28) for fiscal year 2027, for purposes of making two semi-annual allotments—

“(A) \$7,650,000,000 for the period beginning on October 1, 2026, and ending on March 31, 2027; and

“(B) \$7,650,000,000 for the period beginning on April 1, 2027, and ending on September 30, 2027.”.

1 **(b) ALLOTMENTS.—**

2 **(1) IN GENERAL.—***Section 2104(m) of the Social*
3 *Security Act (42 U.S.C. 1397dd(m)), as amended by*
4 *section 3002(b) of the HEALTHY KIDS Act (division*
5 *C of Public Law 115–120), is amended—*

6 **(A) in paragraph (2)(B)—**

7 *(i) in the matter preceding clause (i),*
8 *by striking “(25)” and inserting “(27)”;*

9 *(ii) in clause (i), by striking “and*
10 *2023” and inserting “, 2023, and 2027”;*
11 *and*

12 *(iii) in clause (ii)(I), by striking “(or,*
13 *in the case of fiscal year 2018, under para-*
14 *graph (4))” and inserting “(or, in the case*
15 *of fiscal year 2018 or 2024, under para-*
16 *graph (4) or (10), respectively)”;*

17 **(B) in paragraph (5)—**

18 *(i) by striking “or (10)” and inserting*
19 *“(10), or (11)”;* *and*

20 *(ii) by striking “or 2023,” and insert-*
21 *ing “2023, or 2027,”;*

22 **(C) in paragraph (7)—**

23 *(i) in subparagraph (A), by striking*
24 *“2023” and inserting “2027,”; and*

1 (ii) in the matter following subpara-
2 graph (B), by striking “or fiscal year 2022”
3 and inserting “fiscal year 2022, fiscal year
4 2024, or fiscal year 2026”;

5 (D) in paragraph (9)—

6 (i) by striking “or (10)” and inserting
7 “(10), or (11)”; and

8 (ii) by striking “or 2023,” and insert-
9 ing “2023, or 2027,”; and

10 (E) by adding at the end the following:

11 “(11) FOR FISCAL YEAR 2027.—

12 “(A) FIRST HALF.—Subject to paragraphs
13 (5) and (7), from the amount made available
14 under subparagraph (A) of paragraph (28) of
15 subsection (a) for the semi-annual period de-
16 scribed in such subparagraph, increased by the
17 amount of the appropriation for such period
18 under section 50101(b)(2) of the Advancing
19 Chronic Care, Extenders, and Social Services
20 Act, the Secretary shall compute a State allot-
21 ment for each State (including the District of
22 Columbia and each commonwealth and territory)
23 for such semi-annual period in an amount equal
24 to the first half ratio (described in subparagraph

1 (D)) of the amount described in subparagraph
2 (C).

3 “(B) *SECOND HALF.*—Subject to para-
4 graphs (5) and (7), from the amount made
5 available under subparagraph (B) of paragraph
6 (28) of subsection (a) for the semi-annual period
7 described in such subparagraph, the Secretary
8 shall compute a State allotment for each State
9 (including the District of Columbia and each
10 commonwealth and territory) for such semi-an-
11 nual period in an amount equal to the amount
12 made available under such subparagraph, multi-
13 plied by the ratio of—

14 “(i) the amount of the allotment to
15 such State under subparagraph (A); to

16 “(ii) the total of the amount of all of
17 the allotments made available under such
18 subparagraph.

19 “(C) *FULL YEAR AMOUNT BASED ON*
20 *REBASED AMOUNT.*—The amount described in
21 this subparagraph for a State is equal to the
22 Federal payments to the State that are attrib-
23 utable to (and countable towards) the total
24 amount of allotments available under this section
25 to the State in fiscal year 2026 (including pay-

1 *ments made to the State under subsection (n) for*
2 *fiscal year 2026 as well as amounts redistributed*
3 *to the State in fiscal year 2026), multiplied by*
4 *the allotment increase factor under paragraph*
5 *(6) for fiscal year 2027.*

6 “(D) *FIRST HALF RATIO.*—*The first half*
7 *ratio described in this subparagraph is the ratio*
8 *of—*

9 “(i) *the sum of—*

10 “(I) *the amount made available*
11 *under subsection (a)(28)(A); and*

12 “(II) *the amount of the appro-*
13 *priation for such period under section*
14 *50101(b)(2) of the Advancing Chronic*
15 *Care, Extenders, and Social Services*
16 *Act; to*

17 “(ii) *the sum of—*

18 “(I) *the amount described in*
19 *clause (i); and*

20 “(II) *the amount made available*
21 *under subsection (a)(28)(B).”.*

22 (2) *ONE-TIME APPROPRIATION FOR FISCAL YEAR*
23 *2027.*—*There is appropriated to the Secretary of*
24 *Health and Human Services, out of any money in the*
25 *Treasury not otherwise appropriated, such sums as*

1 are necessary to fund allotments to States under sub-
2 sections (c) and (m) of section 2104 of the Social Se-
3 curity Act (42 U.S.C. 1397dd) for fiscal year 2027,
4 taking into account the full year amounts calculated
5 for States under paragraph (11)(C) of subsection (m)
6 of such section (as added by paragraph (1)) and the
7 amounts appropriated under subparagraphs (A) and
8 (B) of subsection (a)(28) of such section (as added by
9 subsection (a)). Such amount shall accompany the al-
10 lotment made for the period beginning on October 1,
11 2026, and ending on March 31, 2027, under para-
12 graph (28)(A) of section 2104(a) of such Act (42
13 U.S.C. 1397dd(a)), to remain available until ex-
14 pended. Such amount shall be used to provide allot-
15 ments to States under paragraph (11) of section
16 2104(m) of such Act for the first 6 months of fiscal
17 year 2027 in the same manner as allotments are pro-
18 vided under subsection (a)(28)(A) of such section
19 2104 and subject to the same terms and conditions as
20 apply to the allotments provided from such subsection
21 (a)(28)(A).

22 (c) *EXTENSION OF THE CHILD ENROLLMENT CONTIN-*
23 *GENCY FUND.*—Section 2104(n) of the Social Security Act
24 (42 U.S.C. 1397dd(n)), as amended by section 3002(c) of

1 *the HEALTHY KIDS Act (division C of Public Law 115–*
2 *120), is amended—*

3 *(1) in paragraph (2)—*

4 *(A) in subparagraph (A)(ii)—*

5 *(i) by striking “and 2018 through*
6 *2022” and inserting “2018 through 2022,*
7 *and 2024 through 2026”; and*

8 *(ii) by striking “and 2023” and insert-*
9 *ing “2023, and 2027”; and*

10 *(B) in subparagraph (B)—*

11 *(i) by striking “and 2018 through*
12 *2022” and inserting “2018 through 2022,*
13 *and 2024 through 2026”; and*

14 *(ii) by striking “and 2023” and insert-*
15 *ing “2023, and 2027”; and*

16 *(2) in paragraph (3)(A), in the matter preceding*
17 *clause (i)—*

18 *(A) by striking “or in any of fiscal years*
19 *2018 through 2022” and inserting “fiscal years*
20 *2018 through 2022, or fiscal years 2024 through*
21 *2026”; and*

22 *(B) by striking “or 2023” and inserting*
23 *“2023, or 2027”.*

24 *(d) EXTENSION OF QUALIFYING STATES OPTION.—*

25 *Section 2105(g)(4) of the Social Security Act (42 U.S.C.*

1 1397ee(g)(4)), as amended by section 3002(d) of the
2 *HEALTHY KIDS Act* (division C of Public Law 115–120),
3 is amended—

4 (1) in the paragraph heading, by striking
5 “THROUGH 2023” and inserting “THROUGH 2027”;
6 and

7 (2) in subparagraph (A), by striking “2023” and
8 inserting “2027”.

9 (e) *EXTENSION OF EXPRESS LANE ELIGIBILITY OP-*
10 *TION.*—Section 1902(e)(13)(I) of the *Social Security Act*
11 (42 U.S.C. 1396a(e)(13)(I)), as amended by section 3002(e)
12 of the *HEALTHY KIDS Act* (division C of Public Law
13 115–120), is amended by striking “2023” and inserting
14 “2027”.

15 (f) *ASSURANCE OF ELIGIBILITY STANDARD FOR CHIL-*
16 *DREN AND FAMILIES.*—

17 (1) *IN GENERAL.*—Section 2105(d)(3) of the *So-*
18 *cial Security Act* (42 U.S.C. 1397ee(d)(3)), as amend-
19 *ed* by section 3002(f)(1) of the *HEALTHY KIDS Act*
20 (division C of Public Law 115–120), is amended—

21 (A) in the paragraph heading, by striking
22 “THROUGH SEPTEMBER 30, 2023” and inserting
23 “THROUGH SEPTEMBER 30, 2027”; and

1 (B) in subparagraph (A), in the matter pre-
2 ceding clause (i), by striking “2023” each place
3 it appears and inserting “2027”.

4 (2) CONFORMING AMENDMENTS.—Section
5 1902(gg)(2) of the Social Security Act (42 U.S.C.
6 1396a(gg)(2)), as amended by section 3002(f)(2) of
7 the HEALTHY KIDS Act (division C of Public Law
8 115–120), is amended—

9 (A) in the paragraph heading, by striking
10 “THROUGH SEPTEMBER 30, 2023” and inserting
11 “THROUGH SEPTEMBER 30, 2027”; and

12 (B) by striking “2023,” each place it ap-
13 pears and inserting “2027”.

14 **SEC. 50102. EXTENSION OF PEDIATRIC QUALITY MEASURES**
15 **PROGRAM.**

16 (a) IN GENERAL.—Section 1139A(i)(1) of the Social
17 Security Act (42 U.S.C. 1320b–9a(i)(1)), as amended by
18 section 3003(b) of the HEALTHY KIDS Act (division C
19 of Public Law 115–120), is amended—

20 (1) in subparagraph (B), by striking “; and”
21 and inserting a semicolon;

22 (2) in subparagraph (C), by striking the period
23 at the end and inserting “; and”; and

24 (3) by adding at the end the following new sub-
25 paragraph:

1 “(D) for the period of fiscal years 2024
2 through 2027, \$60,000,000 for the purpose of
3 carrying out this section (other than subsections
4 (e), (f), and (g)).”.

5 (b) *MAKING REPORTING MANDATORY*.—Section 1139A
6 of the Social Security Act (42 U.S.C. 1320b–9a) is amend-
7 ed—

8 (1) in subsection (a)—

9 (A) in the heading for paragraph (4), by
10 inserting “AND MANDATORY REPORTING” after
11 “REPORTING”;

12 (B) in paragraph (4)—

13 (i) by striking “Not later than” and
14 inserting the following:

15 “(A) *VOLUNTARY REPORTING*.—Not later
16 than”; and

17 (ii) by adding at the end the following:

18 “(B) *MANDATORY REPORTING*.—Beginning
19 with the annual State report on fiscal year 2024
20 required under subsection (c)(1), the Secretary
21 shall require States to use the initial core meas-
22 urement set and any updates or changes to that
23 set to report information regarding the quality of
24 pediatric health care under titles XIX and XXI
25 using the standardized format for reporting in-

1 *formation and procedures developed under sub-*
2 *paragraph (A).”;* and

3 (C) in paragraph (6)(B), by inserting “and,
4 *beginning with the report required on January*
5 *1, 2025, and for each annual report thereafter,*
6 *the status of mandatory reporting by States*
7 *under titles XIX and XXI, utilizing the initial*
8 *core quality measurement set and any updates*
9 *or changes to that set” before the semicolon; and*

10 (2) in subsection (c)(1)(A), by inserting “and,
11 *beginning with the annual report on fiscal year 2024,*
12 *all of the core measures described in subsection (a)*
13 *and any updates or changes to those measures” before*
14 *the semicolon.*

15 **SEC. 50103. EXTENSION OF OUTREACH AND ENROLLMENT**
16 **PROGRAM.**

17 (a) *IN GENERAL.*—Section 2113 of the Social Security
18 Act (42 U.S.C. 1397mm), as amended by section 3004(a)
19 of the *HEALTHY KIDS Act* (division C of Public Law
20 115–120), is amended—

21 (1) in subsection (a)(1), by striking “2023” and
22 inserting “2027”; and

23 (2) in subsection (g)—

24 (A) by striking “and \$120,000,000” and in-
25 serting “, \$120,000,000”; and

1 (B) by inserting “, and \$48,000,000 for the
2 period of fiscal years 2024 through 2027” after
3 “2023”.

4 (b) *ADDITIONAL RESERVED FUNDS.—Section 2113(a)*
5 *of the Social Security Act (42 U.S.C. 1397mm(a)) is*
6 *amended—*

7 (1) in paragraph (1), by striking “paragraph
8 (2)” and inserting “paragraphs (2) and (3)”; and

9 (2) by adding at the end the following new para-
10 graph:

11 “(3) *TEN PERCENT SET ASIDE FOR EVALUATING*
12 *AND PROVIDING TECHNICAL ASSISTANCE TO GRANT-*
13 *EES.—For the period of fiscal years 2024 through*
14 *2027, an amount equal to 10 percent of such amounts*
15 *shall be used by the Secretary for the purpose of eval-*
16 *uating and providing technical assistance to eligible*
17 *entities awarded grants under this section.”.*

18 (c) *USE OF RESERVED FUNDS FOR NATIONAL EN-*
19 *ROLLMENT AND RETENTION STRATEGIES.—Section 2113(h)*
20 *of the Social Security Act (42 U.S.C. 1397mm(h)) is*
21 *amended—*

22 (1) in paragraph (5), by striking “; and” and
23 inserting a semicolon;

24 (2) by redesignating paragraph (6) as para-
25 graph (7); and

1 (3) by inserting after paragraph (5) the fol-
2 lowing new paragraph:

3 “(6) the development of materials and toolkits
4 and the provision of technical assistance to States re-
5 garding enrollment and retention strategies for eligi-
6 ble children under this title and title XIX; and”.

7 **TITLE II—MEDICARE**
8 **EXTENDERS**

9 **SEC. 50201. EXTENSION OF WORK GPCI FLOOR.**

10 Section 1848(e)(1)(E) of the Social Security Act (42
11 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “Janu-
12 ary 1, 2018” and inserting “January 1, 2020”.

13 **SEC. 50202. REPEAL OF MEDICARE PAYMENT CAP FOR**
14 **THERAPY SERVICES; LIMITATION TO ENSURE**
15 **APPROPRIATE THERAPY.**

16 Section 1833(g) of the Social Security Act (42 U.S.C.
17 1395l(g)) is amended—

18 (1) in paragraph (1)—

19 (A) by striking “Subject to paragraphs (4)
20 and (5)” and inserting “(A) Subject to para-
21 graphs (4) and (5)”;

22 (B) in the subparagraph (A), as inserted
23 and designated by subparagraph (A) of this
24 paragraph, by adding at the end the following
25 new sentence: “The preceding sentence shall not

1 *apply to expenses incurred with respect to serv-*
2 *ices furnished after December 31, 2017.”; and*

3 (C) *by adding at the end the following new*
4 *subparagraph:*

5 “(B) *With respect to services furnished during 2018*
6 *or a subsequent year, in the case of physical therapy serv-*
7 *ices of the type described in section 1861(p), speech-lan-*
8 *guage pathology services of the type described in such sec-*
9 *tion through the application of section 1861(ll)(2), and*
10 *physical therapy services and speech-language pathology*
11 *services of such type which are furnished by a physician*
12 *or as incident to physicians’ services, with respect to ex-*
13 *penses incurred in any calendar year, any amount that is*
14 *more than the amount specified in paragraph (2) for the*
15 *year shall not be considered as incurred expenses for pur-*
16 *poses of subsections (a) and (b) unless the applicable re-*
17 *quirements of paragraph (7) are met.”;*

18 (2) *in paragraph (3)—*

19 (A) *by striking “Subject to paragraphs (4)*
20 *and (5)” and inserting “(A) Subject to para-*
21 *graphs (4) and (5)”;*

22 (B) *in the subparagraph (A), as inserted*
23 *and designated by subparagraph (A) of this*
24 *paragraph, by adding at the end the following*
25 *new sentence: “The preceding sentence shall not*

1 *apply to expenses incurred with respect to serv-*
2 *ices furnished after December 31, 2017.”; and*

3 (C) *by adding at the end the following new*
4 *subparagraph.:*

5 “(B) *With respect to services furnished during 2018*
6 *or a subsequent year, in the case of occupational therapy*
7 *services (of the type that are described in section 1861(p)*
8 *through the operation of section 1861(g) and of such type*
9 *which are furnished by a physician or as incident to physi-*
10 *cians’ services), with respect to expenses incurred in any*
11 *calendar year, any amount that is more than the amount*
12 *specified in paragraph (2) for the year shall not be consid-*
13 *ered as incurred expenses for purposes of subsections (a)*
14 *and (b) unless the applicable requirements of paragraph (7)*
15 *are met.”;*

16 (3) *in paragraph (5)—*

17 (A) *by redesignating subparagraph (D) as*
18 *paragraph (8) and moving such paragraph to*
19 *immediately follow paragraph (7), as added by*
20 *paragraph (4) of this section; and*

21 (B) *in subparagraph (E)(iv), by inserting*
22 *“, except as such process is applied under para-*
23 *graph (7)(B)” before the period at the end; and*
24 (4) *by adding at the end the following new para-*
25 *graph:*

1 “(7) For purposes of paragraphs (1)(B) and (3)(B),
2 with respect to services described in such paragraphs, the
3 requirements described in this paragraph are as follows:

4 “(A) *INCLUSION OF APPROPRIATE MODIFIER.*—
5 The claim for such services contains an appropriate
6 modifier (such as the *KX* modifier described in para-
7 graph (5)(B)) indicating that such services are medi-
8 cally necessary as justified by appropriate docu-
9 mentation in the medical record involved.

10 “(B) *TARGETED MEDICAL REVIEW FOR CERTAIN*
11 *SERVICES ABOVE THRESHOLD.*—

12 “(i) *IN GENERAL.*—In the case where ex-
13 penses that would be incurred for such services
14 would exceed the threshold described in clause
15 (i) for the year, such services shall be subject to
16 the process for medical review implemented
17 under paragraph (5)(E).

18 “(i) *THRESHOLD.*—The threshold under
19 this clause for—

20 “(I) a year before 2028, is \$3,000;

21 “(II) 2028, is the amount specified in
22 subclause (I) increased by the percentage in-
23 crease in the *MEI* (as defined in section
24 1842(i)(3)) for 2028; and

1 “(III) a subsequent year, is the amount
2 specified in this clause for the preceding
3 year increased by the percentage increase in
4 the MEI (as defined in section 1842(i)(3))
5 for such subsequent year;

6 except that if an increase under subclause (II) or
7 (III) for a year is not a multiple of \$10, it shall
8 be rounded to the nearest multiple of \$10.

9 “(iii) APPLICATION.—The threshold under
10 clause (ii) shall be applied separately—

11 “(I) for physical therapy services and
12 speech-language pathology services; and

13 “(II) for occupational therapy services.

14 “(iv) FUNDING.—For purposes of carrying
15 out this subparagraph, the Secretary shall pro-
16 vide for the transfer, from the Federal Supple-
17 mentary Medical Insurance Trust Fund under
18 section 1841 to the Centers for Medicare & Med-
19 icaid Services Program Management Account, of
20 \$5,000,000 for each fiscal year beginning with
21 fiscal year 2018, to remain available until ex-
22 pended. Such funds may not be used by a con-
23 tractor under section 1893(h) for medical reviews
24 under this subparagraph.”.

1 **SEC. 50203. MEDICARE AMBULANCE SERVICES.**

2 (a) *EXTENSION OF CERTAIN GROUND AMBULANCE*
3 *ADD-ON PAYMENTS.*—

4 (1) *GROUND AMBULANCE.*—*Section*
5 *1834(l)(13)(A) of the Social Security Act (42 U.S.C.*
6 *1395m(l)(13)(A)) is amended by striking “2018” and*
7 *inserting “2023” each place it appears.*

8 (2) *SUPER RURAL AMBULANCE.*—*Section*
9 *1834(l)(12)(A) of the Social Security Act (42 U.S.C.*
10 *1395m(l)(12)(A)) is amended, in the first sentence, by*
11 *striking “2018” and inserting “2023”.*

12 (b) *REQUIRING GROUND AMBULANCE PROVIDERS OF*
13 *SERVICES AND SUPPLIERS TO SUBMIT COST AND OTHER*
14 *INFORMATION.*—*Section 1834(l) of the Social Security Act*
15 *(42 U.S.C. 1395m(l)) is amended by adding at the end the*
16 *following new paragraph:*

17 “(17) *SUBMISSION OF COST AND OTHER INFOR-*
18 *MATION.*—

19 “(A) *DEVELOPMENT OF DATA COLLECTION*
20 *SYSTEM.*—*The Secretary shall develop a data*
21 *collection system (which may include use of a*
22 *cost survey) to collect cost, revenue, utilization,*
23 *and other information determined appropriate*
24 *by the Secretary with respect to providers of*
25 *services (in this paragraph referred to as ‘pro-*
26 *viders’) and suppliers of ground ambulance serv-*

1 *ices. Such system shall be designed to collect in-*
2 *formation—*

3 *“(i) needed to evaluate the extent to*
4 *which reported costs relate to payment rates*
5 *under this subsection;*

6 *“(ii) on the utilization of capital*
7 *equipment and ambulance capacity, includ-*
8 *ing information consistent with the type of*
9 *information described in section 1121(a);*
10 *and*

11 *“(iii) on different types of ground am-*
12 *bulance services furnished in different geo-*
13 *graphic locations, including rural areas*
14 *and low population density areas described*
15 *in paragraph (12).*

16 *“(B) SPECIFICATION OF DATA COLLECTION*
17 *SYSTEM.—*

18 *“(i) IN GENERAL.—The Secretary*
19 *shall—*

20 *“(I) not later than December 31,*
21 *2019, specify the data collection system*
22 *under subparagraph (A); and*

23 *“(II) identify the providers and*
24 *suppliers of ground ambulance services*
25 *that would be required to submit infor-*

1 *mation under such data collection sys-*
2 *tem, including the representative sam-*
3 *ple described in clause (i).*

4 “(i) *DETERMINATION OF REPRESENT-*
5 *ATIVE SAMPLE.—*

6 “(I) *IN GENERAL.—Not later than*
7 *December 31, 2019, with respect to the*
8 *data collection for the first year under*
9 *such system, and for each subsequent*
10 *year through 2024, the Secretary shall*
11 *determine a representative sample to*
12 *submit information under the data col-*
13 *lection system.*

14 “(II) *REQUIREMENTS.—The sam-*
15 *ple under subclause (I) shall be rep-*
16 *resentative of the different types of pro-*
17 *viders and suppliers of ground ambu-*
18 *lance services (such as those providers*
19 *and suppliers that are part of an*
20 *emergency service or part of a govern-*
21 *ment organization) and the geographic*
22 *locations in which ground ambulance*
23 *services are furnished (such as urban,*
24 *rural, and low population density*
25 *areas).*

1 “(III) *LIMITATION.*—*The Sec-*
2 *retary shall not include an individual*
3 *provider or supplier of ground ambu-*
4 *lance services in the sample under sub-*
5 *clause (I) in 2 consecutive years, to the*
6 *extent practicable.*

7 “(C) *REPORTING OF COST INFORMATION.*—
8 *For each year, a provider or supplier of ground*
9 *ambulance services identified by the Secretary*
10 *under subparagraph (B)(i)(II) as being required*
11 *to submit information under the data collection*
12 *system with respect to a period for the year shall*
13 *submit to the Secretary information specified*
14 *under the system. Such information shall be sub-*
15 *mitted in a form and manner, and at a time,*
16 *specified by the Secretary for purposes of this*
17 *subparagraph.*

18 “(D) *PAYMENT REDUCTION FOR FAILURE*
19 *TO REPORT.*—

20 “(i) *IN GENERAL.*—*Beginning Janu-*
21 *ary 1, 2022, subject to clause (ii), a 10 per-*
22 *cent reduction to payments under this sub-*
23 *section shall be made for the applicable pe-*
24 *riod (as defined in clause (ii)) to a provider*

1 or supplier of ground ambulance services
2 that—

3 “(I) is required to submit infor-
4 mation under the data collection sys-
5 tem with respect to a period under sub-
6 paragraph (C); and

7 “(II) does not sufficiently submit
8 such information, as determined by the
9 Secretary.

10 “(i) *APPLICABLE PERIOD DEFINED.*—
11 For purposes of clause (i), the term ‘appli-
12 cable period’ means, with respect to a pro-
13 vider or supplier of ground ambulance serv-
14 ices, a year specified by the Secretary not
15 more than 2 years after the end of the pe-
16 riod with respect to which the Secretary has
17 made a determination under clause (i)(II)
18 that the provider or supplier of ground am-
19 bulance services failed to sufficiently submit
20 information under the data collection sys-
21 tem.

22 “(iii) *HARDSHIP EXEMPTION.*—The
23 Secretary may exempt a provider or sup-
24 plier from the payment reduction under
25 clause (i) with respect to an applicable pe-

1 *riod in the event of significant hardship,*
2 *such as a natural disaster, bankruptcy, or*
3 *other similar situation that the Secretary*
4 *determines interfered with the ability of the*
5 *provider or supplier of ground ambulance*
6 *services to submit such information in a*
7 *timely manner for the specified period.*

8 *“(iv) INFORMAL REVIEW.—The Sec-*
9 *retary shall establish a process under which*
10 *a provider or supplier of ground ambulance*
11 *services may seek an informal review of a*
12 *determination that the provider or supplier*
13 *is subject to the payment reduction under*
14 *clause (i).*

15 *“(E) ONGOING DATA COLLECTION.—*

16 *“(i) REVISION OF DATA COLLECTION*
17 *SYSTEM.—The Secretary may, as the Sec-*
18 *retary determines appropriate and, if avail-*
19 *able, taking into consideration the report*
20 *(or reports) under subparagraph (F), revise*
21 *the data collection system under subpara-*
22 *graph (A).*

23 *“(ii) SUBSEQUENT DATA COLLEC-*
24 *TION.—In order to continue to evaluate the*
25 *extent to which reported costs relate to pay-*

1 *ment rates under this subsection and for*
2 *other purposes the Secretary deems appro-*
3 *priate, the Secretary shall require providers*
4 *and suppliers of ground ambulance services*
5 *to submit information for years after 2024*
6 *as the Secretary determines appropriate,*
7 *but in no case less often than once every 3*
8 *years.*

9 *“(F) GROUND AMBULANCE DATA COLLEC-*
10 *TION SYSTEM STUDY.—*

11 *“(i) IN GENERAL.—Not later than*
12 *March 15, 2023, and as determined nec-*
13 *essary by the Medicare Payment Advisory*
14 *Commission thereafter, such Commission*
15 *shall assess, and submit to Congress a re-*
16 *port on, information submitted by providers*
17 *and suppliers of ground ambulance services*
18 *through the data collection system under*
19 *subparagraph (A), the adequacy of pay-*
20 *ments for ground ambulance services under*
21 *this subsection, and geographic variations*
22 *in the cost of furnishing such services.*

23 *“(ii) CONTENTS.—A report under*
24 *clause (i) shall contain the following:*

1 “(I) *An analysis of information*
2 *submitted through the data collection*
3 *system.*

4 “(II) *An analysis of any burden*
5 *on providers and suppliers of ground*
6 *ambulance services associated with the*
7 *data collection system.*

8 “(III) *A recommendation as to*
9 *whether information should continue to*
10 *be submitted through such data collec-*
11 *tion system or if such system should be*
12 *revised under subparagraph (E)(i).*

13 “(IV) *Other information deter-*
14 *mined appropriate by the Commission.*

15 “(G) *PUBLIC AVAILABILITY.—The Secretary*
16 *shall post information on the results of the data*
17 *collection under this paragraph on the Internet*
18 *website of the Centers for Medicare & Medicaid*
19 *Services, as determined appropriate by the Sec-*
20 *retary.*

21 “(H) *IMPLEMENTATION.—The Secretary*
22 *shall implement this paragraph through notice*
23 *and comment rulemaking.*

24 “(I) *ADMINISTRATION.—Chapter 35 of title*
25 *44, United States Code, shall not apply to the*

1 *collection of information required under this sub-*
 2 *section.*

3 “(J) *LIMITATIONS ON REVIEW.*—*There shall*
 4 *be no administrative or judicial review under*
 5 *section 1869, section 1878, or otherwise of the*
 6 *data collection system or identification of re-*
 7 *spondents under this paragraph.*

8 “(K) *FUNDING FOR IMPLEMENTATION.*—*For*
 9 *purposes of carrying out subparagraph (A), the*
 10 *Secretary shall provide for the transfer, from the*
 11 *Federal Supplementary Medical Insurance Trust*
 12 *Fund under section 1841, of \$15,000,000 to the*
 13 *Centers for Medicare & Medicaid Services Pro-*
 14 *gram Management Account for fiscal year 2018.*
 15 *Amounts transferred under this subparagraph*
 16 *shall remain available until expended.”*

17 **SEC. 50204. EXTENSION OF INCREASED INPATIENT HOS-**
 18 **PITAL PAYMENT ADJUSTMENT FOR CERTAIN**
 19 **LOW-VOLUME HOSPITALS.**

20 (a) *IN GENERAL.*—*Section 1886(d)(12) of the Social*
 21 *Security Act (42 U.S.C. 1395ww(d)(12)) is amended—*

22 (1) *in subparagraph (B), in the matter pre-*
 23 *ceding clause (i), by striking “fiscal year 2018” and*
 24 *inserting “fiscal year 2023”;*

25 (2) *in subparagraph (C)—*

1 (A) in clause (i)—

2 (i) by striking “through 2017” the first
3 place it appears and inserting “through
4 2022”; and

5 (ii) by striking “ and has less than 800
6 discharges” and all that follows through the
7 period at the end and inserting the fol-
8 lowing “and has—

9 “(I) with respect to each of fiscal
10 years 2005 through 2010, less than 800
11 discharges during the fiscal year;

12 “(II) with respect to each of fiscal
13 years 2011 through 2018, less than
14 1,600 discharges of individuals entitled
15 to, or enrolled for, benefits under part
16 A during the fiscal year or portion of
17 fiscal year;

18 “(III) with respect to each of fis-
19 cal years 2019 through 2022, less than
20 3,800 discharges during the fiscal year;
21 and

22 “(IV) with respect to fiscal year
23 2023 and each subsequent fiscal year,
24 less than 800 discharges during the fis-
25 cal year.”; and

1 *(B) in clause (ii)—*

2 *(i) by striking “subparagraph (B)”*
3 *and inserting “subparagraphs (B) and*
4 *(D)”;* and

5 *(ii) by inserting “(except as provided*
6 *in clause (i)(II) and subparagraph (D)(i))”*
7 *after “regardless”; and*

8 *(3) in subparagraph (D)—*

9 *(A) by striking “through 2017” and insert-*
10 *ing “through 2022”;*

11 *(B) by striking “hospitals with 200 or*
12 *fewer” and inserting the following: “hospitals—*

13 *“(i) with respect to each of fiscal years*
14 *2011 through 2018, with 200 or fewer”;*

15 *(C) by striking the period at the end and*
16 *inserting “or portion of fiscal year; and”;* and

17 *(D) by adding at the end the following new*
18 *clause:*

19 *“(ii) with respect to each of fiscal*
20 *years 2019 through 2022, with 500 or fewer*
21 *discharges in the fiscal year to 0 percent for*
22 *low-volume hospitals with greater than*
23 *3,800 discharges in the fiscal year.”.*

1 **(b) MEDPAC REPORT ON EXTENSION OF INCREASED**
2 **INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CER-**
3 **TAIN LOW-VOLUME HOSPITALS.—**

4 **(1) IN GENERAL.—***Not later than March 15,*
5 *2022, the Medicare Payment Advisory Commission*
6 *shall submit to Congress a report on the extension of*
7 *the increased inpatient hospital payment adjustment*
8 *for certain low-volume hospitals under section*
9 *1886(d)(12) of the Social Security Act (42 U.S.C.*
10 *1395ww(d)(12)) under the provisions of, and amend-*
11 *ments made by, this section.*

12 **(2) CONTENTS.—***The report under paragraph (1)*
13 *shall include an evaluation of the effects of such exten-*
14 *sion on the following:*

15 **(A) Beneficiary utilization of inpatient hos-**
16 **pital services under title XVIII of the Social Se-**
17 **curity Act (42 U.S.C. 1395 et seq.).**

18 **(B) The financial status of hospitals with a**
19 **low volume of Medicare or total inpatient admis-**
20 **sions.**

21 **(C) Program spending under such title**
22 **XVIII.**

23 **(D) Other matters relevant to evaluating the**
24 **effects of such extension.**

1 **SEC. 50205. EXTENSION OF THE MEDICARE-DEPENDENT**
2 **HOSPITAL (MDH) PROGRAM.**

3 (a) *IN GENERAL.*—Section 1886(d)(5)(G) of the Social
4 Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

5 (1) in clause (i), by striking “October 1, 2017”
6 and inserting “October 1, 2022”;

7 (2) in clause (ii)(II), by striking “October 1,
8 2017” and inserting “October 1, 2022”; and

9 (3) in clause (iv), by striking subclause (I) and
10 inserting the following new subclause:

11 “(I) that is located in—

12 “(aa) a rural area; or

13 “(bb) a State with no rural area (as defined
14 in paragraph (2)(D)) and satisfies any of the
15 criteria in subclause (I), (II), or (III) of para-
16 graph (8)(E)(ii),”; and

17 (4) by inserting after subclause (IV) the fol-
18 lowing new flush sentences:

19 “Subclause (I)(bb) shall apply for purposes of payment
20 under clause (ii) only for discharges of a hospital occurring
21 on or after the effective date of a determination of medicare-
22 dependent small rural hospital status made by the Sec-
23 retary with respect to the hospital after the date of the en-
24 actment of this sentence. For purposes of applying subclause
25 (II) of paragraph (8)(E)(ii) under subclause (I)(bb), such

1 *subclause (II) shall be applied by inserting ‘as of January*
2 *1, 2018,’ after ‘such State’ each place it appears.”.*

3 *(b) CONFORMING AMENDMENTS.—*

4 *(1) EXTENSION OF TARGET AMOUNT.—Section*
5 *1886(b)(3)(D) of the Social Security Act (42 U.S.C.*
6 *1395ww(b)(3)(D)) is amended—*

7 *(A) in the matter preceding clause (i), by*
8 *striking “October 1, 2017” and inserting “Octo-*
9 *ber 1, 2022”;* and

10 *(B) in clause (iv), by striking “through fis-*
11 *cal year 2017” and inserting “through fiscal*
12 *year 2022”.*

13 *(2) PERMITTING HOSPITALS TO DECLINE RE-*
14 *CLASSIFICATION.—Section 13501(e)(2) of the Omni-*
15 *bus Budget Reconciliation Act of 1993 (42 U.S.C.*
16 *1395ww note) is amended by striking “through fiscal*
17 *year 2017” and inserting “through fiscal year 2022”.*

18 *(c) GAO STUDY AND REPORT.—*

19 *(1) STUDY.—The Comptroller General of the*
20 *United States (in this subsection referred to as the*
21 *“Comptroller General”) shall conduct a study on the*
22 *medicare-dependent, small rural hospital program*
23 *under section 1886(d) of the Social Security Act (42*
24 *U.S.C. 1395x(d)). Such study shall include an anal-*
25 *ysis of the following:*

1 (A) *The payor mix of medicare-dependent,*
2 *small rural hospitals (as defined in paragraph*
3 *(5)(G)(iv) of such section 1886(d)), how such*
4 *mix will trend in future years (based on current*
5 *trends and projections), and whether or not the*
6 *requirement under subclause (IV) of such para-*
7 *graph should be revised.*

8 (B) *The characteristics of medicare-depend-*
9 *ent, small rural hospitals that meet the require-*
10 *ment of such subclause (IV) through the applica-*
11 *tion of paragraph (a)(iii)(A) or (a)(iii)(B) of*
12 *section 412.108 of title 42, Code of Federal Regu-*
13 *lations, including Medicare inpatient and out-*
14 *patient utilization, payor mix, and financial*
15 *status (including Medicare and total margins),*
16 *and whether or not Medicare payments for such*
17 *hospitals should be revised.*

18 (C) *Such other items related to medicare-de-*
19 *pendent, small rural hospitals as the Comptroller*
20 *General determines appropriate.*

21 (2) *REPORT.*—*Not later than 2 years after the*
22 *date of the enactment of this Act, the Comptroller*
23 *General shall submit to Congress a report containing*
24 *the results of the study conducted under paragraph*
25 *(1), together with recommendations for such legisla-*

1 *with 2019), the Secretary shall submit to Congress a report*
2 *containing the following:*

3 “(1) *A comprehensive plan that identifies the*
4 *quality measurement needs of programs and initia-*
5 *tives of the Secretary and provides a strategy for*
6 *using the entity with a contract under subsection (a)*
7 *and any other entity the Secretary has contracted*
8 *with or may contract with to perform work associated*
9 *with section 1890A to help meet those needs, specifi-*
10 *cally with respect to the programs under this title*
11 *and title XIX. In years after the first plan under this*
12 *paragraph is submitted, the requirements of this*
13 *paragraph may be met by providing an update to the*
14 *plan.*

15 “(2) *The amount of funding provided under sub-*
16 *section (d) for purposes of carrying out this section*
17 *and section 1890A that has been obligated by the Sec-*
18 *retary, the amount of funding provided that has been*
19 *expended, and the amount of funding provided that*
20 *remains unobligated.*

21 “(3) *With respect to the activities described*
22 *under this section or section 1890A, a description of*
23 *how the funds described in paragraph (2) have been*
24 *obligated or expended, including how much of that*
25 *funding has been obligated or expended for work per-*

1 *formed by the Secretary, the entity with a contract*
2 *under subsection (a), and any other entity the Sec-*
3 *retary has contracted with to perform work.*

4 “(4) *A description of the activities for which the*
5 *funds described in paragraph (2) were used, includ-*
6 *ing task orders and activities assigned to the entity*
7 *with a contract under subsection (a), activities per-*
8 *formed by the Secretary, and task orders and activi-*
9 *ties assigned to any other entity the Secretary has*
10 *contracted with to perform work related to carrying*
11 *out section 1890A.*

12 “(5) *The amount of funding described in para-*
13 *graph (2) that has been obligated or expended for each*
14 *of the activities described in paragraph (4).*

15 “(6) *Estimates for, and descriptions of, obliga-*
16 *tions and expenditures that the Secretary anticipates*
17 *will be needed in the succeeding two year period to*
18 *carry out each of the quality measurement activities*
19 *required under this section and section 1890A, includ-*
20 *ing any obligations that will require funds to be ex-*
21 *pended in a future year.”.*

22 (c) *REVISIONS TO ANNUAL REPORT FROM CON-*
23 *SENSUS-BASED ENTITY TO CONGRESS AND THE SEC-*
24 *RETARY.—*

1 (1) *IN GENERAL.*—Section 1890(b)(5)(A) of the
2 *Social Security Act (42 U.S.C. 1395aaa(b)(5)(A)) is*
3 *amended—*

4 (A) *by redesignating clauses (i) through (vi)*
5 *as subclauses (I) through (VI), respectively, and*
6 *moving the margins accordingly;*

7 (B) *in the matter preceding subclause (I),*
8 *as redesignated by subparagraph (A), by striking*
9 *“containing a description of—” and inserting*
10 *“containing the following:*

11 *“(i) A description of—”; and*

12 (C) *by adding at the end the following new*
13 *clauses:*

14 *“(ii) An itemization of financial infor-*
15 *mation for the fiscal year ending September*
16 *30 of the preceding year, including—*

17 *“(I) annual revenues of the entity*
18 *(including any government funding,*
19 *private sector contributions, grants,*
20 *membership revenues, and investment*
21 *revenue);*

22 *“(II) annual expenses of the enti-*
23 *ty (including grants paid, benefits*
24 *paid, salaries or other compensation,*

1 *fundraising expenses, and overhead*
2 *costs); and*

3 “(III) *a breakdown of the amount*
4 *awarded per contracted task order and*
5 *the specific projects funded in each task*
6 *order assigned to the entity.*

7 “(iii) *Any updates or modifications of*
8 *internal policies and procedures of the enti-*
9 *ty as they relate to the duties of the entity*
10 *under this section, including—*

11 “(I) *specifically identifying any*
12 *modifications to the disclosure of inter-*
13 *ests and conflicts of interests for com-*
14 *mittees, work groups, task forces, and*
15 *advisory panels of the entity; and*

16 “(II) *information on external*
17 *stakeholder participation in the duties*
18 *of the entity under this section (includ-*
19 *ing complete rosters for all committees,*
20 *work groups, task forces, and advisory*
21 *panels funded through government con-*
22 *tracts, descriptions of relevant interests*
23 *and any conflicts of interest for mem-*
24 *bers of all committees, work groups,*
25 *task forces, and advisory panels, and*

1 *the total percentage by health care sec-*
2 *tor of all convened committees, work*
3 *groups, task forces, and advisory pan-*
4 *els.”.*

5 (2) *EFFECTIVE DATE.*—*The amendments made*
6 *by this subsection shall apply to reports submitted for*
7 *years beginning with 2019.*

8 (d) *GAO STUDY AND REPORT.*—

9 (1) *STUDY.*—*The Comptroller General of the*
10 *United States shall conduct a study on health care*
11 *quality measurement efforts funded under sections*
12 *1890 and 1890A of the Social Security Act (42*
13 *U.S.C. 1395aaa; 1395aaa–1). Such study shall in-*
14 *clude an examination of the following:*

15 (A) *The extent to which the Secretary of*
16 *Health and Human Services (in this subsection*
17 *referred to as the “Secretary”) has set and*
18 *prioritized objectives to be achieved for each of*
19 *the quality measurement activities required*
20 *under such sections 1890 and 1890A.*

21 (B) *The efforts that the Secretary has un-*
22 *dertaken to meet quality measurement objectives*
23 *associated with such sections 1890 and 1890A,*
24 *including division of responsibilities for those ef-*
25 *forts within the Department of Health and*

1 *Human Services and through contracts with a*
2 *consensus-based entity under subsection (a) of*
3 *such section 1890 (in this subsection referred to*
4 *as the “consensus-based entity”) and other enti-*
5 *ties, and the extent of any overlap among the*
6 *work performed by the Secretary, the consensus-*
7 *based entity, the Measure Applications Partner-*
8 *ship (MAP) convened by such entity to provide*
9 *input to the Secretary on the selection of quality*
10 *and efficiency measures, and any other entities*
11 *the Secretary has contracted with to perform*
12 *work related to carrying out such sections 1890*
13 *and 1890A.*

14 *(C) The total amount of funding provided*
15 *to the Secretary for purposes of carrying out*
16 *such sections 1890 and 1890A, the amount of*
17 *such funding that has been obligated or expended*
18 *by the Secretary, and the amount of such fund-*
19 *ing that remains unobligated.*

20 *(D) How the funds described in subpara-*
21 *graph (C) have been allocated, including how*
22 *much of the funding has been allocated for work*
23 *performed by the Secretary, the consensus-based*
24 *entity, and any other entity the Secretary has*
25 *contracted with to perform work related to car-*

1 *rying out such sections 1890 and 1890A, respec-*
2 *tively, and descriptions of such work.*

3 *(E) The extent to which the Secretary has*
4 *developed a comprehensive and long-term plan to*
5 *ensure that it can achieve quality measurement*
6 *objectives related to carrying out such sections*
7 *1890 and 1890A in a timely manner and with*
8 *efficient use of available resources, including the*
9 *roles of the consensus-based entity, the Measure*
10 *Applications Partnership (MAP), and any other*
11 *entity the Secretary has contracted with to per-*
12 *form work related to such sections 1890 and*
13 *1890A in helping the Secretary achieve those ob-*
14 *jectives.*

15 *(2) REPORT.—Not later than 18 months after the*
16 *date of enactment of this Act, the Comptroller General*
17 *of the United States shall submit to Congress a report*
18 *containing the results of the study conducted under*
19 *paragraph (1), together with recommendations for*
20 *such legislation and administrative action as the*
21 *Comptroller General determines appropriate.*

1 **SEC. 50207. EXTENSION OF FUNDING OUTREACH AND AS-**
2 **SISTANCE FOR LOW-INCOME PROGRAMS;**
3 **STATE HEALTH INSURANCE ASSISTANCE**
4 **PROGRAM REPORTING REQUIREMENTS.**

5 (a) *FUNDING EXTENSIONS.*—

6 (1) *ADDITIONAL FUNDING FOR STATE HEALTH*
7 *INSURANCE PROGRAMS.*—*Subsection (a)(1)(B) of sec-*
8 *tion 119 of the Medicare Improvements for Patients*
9 *and Providers Act of 2008 (42 U.S.C. 1395b–3 note),*
10 *as amended by section 3306 of the Patient Protection*
11 *and Affordable Care Act (Public Law 111–148), sec-*
12 *tion 610 of the American Taxpayer Relief Act of 2012*
13 *(Public Law 112–240), section 1110 of the Pathway*
14 *for SGR Reform Act of 2013 (Public Law 113–67),*
15 *section 110 of the Protecting Access to Medicare Act*
16 *of 2014 (Public Law 113–93), and section 208 of the*
17 *Medicare Access and CHIP Reauthorization Act of*
18 *2015 (Public Law 114–10) is amended—*

19 (A) *in clause (vi), by striking “and” at the*
20 *end;*

21 (B) *in clause (vii), by striking the period at*
22 *the end and inserting “; and”;* and

23 (C) *by adding at the end the following new*
24 *clauses:*

25 “(viii) *for fiscal year 2018, of*
26 *\$13,000,000; and*

1 “(ix) for fiscal year 2019, of
2 \$13,000,000.”.

3 (2) *ADDITIONAL FUNDING FOR AREA AGENCIES*
4 *ON AGING.*—Subsection (b)(1)(B) of such section 119,
5 *as so amended, is amended—*

6 (A) in clause (vi), by striking “and” at the
7 end;

8 (B) in clause (vii), by striking the period at
9 the end and inserting “; and”; and

10 (C) by inserting after clause (vii) the fol-
11 lowing new clauses:

12 “(viii) for fiscal year 2018, of
13 \$7,500,000; and

14 “(ix) for fiscal year 2019, of
15 \$7,500,000.”.

16 (3) *ADDITIONAL FUNDING FOR AGING AND DIS-*
17 *ABILITY RESOURCE CENTERS.*—Subsection (c)(1)(B)
18 *of such section 119, as so amended, is amended—*

19 (A) in clause (vi), by striking “and” at the
20 end;

21 (B) in clause (vii), by striking the period at
22 the end and inserting “; and”; and

23 (C) by inserting after clause (vii) the fol-
24 lowing new clauses:

1 “(viii) for fiscal year 2018, of
2 \$5,000,000; and

3 “(ix) for fiscal year 2019, of
4 \$5,000,000.”.

5 (4) *ADDITIONAL FUNDING FOR CONTRACT WITH*
6 *THE NATIONAL CENTER FOR BENEFITS AND OUT-*
7 *REACH ENROLLMENT.*—*Subsection (d)(2) of such sec-*
8 *tion 119, as so amended, is amended—*

9 (A) *in clause (vi), by striking “and” at the*
10 *end;*

11 (B) *in clause (vii), by striking the period at*
12 *the end and inserting “; and”; and*

13 (C) *by inserting after clause (vii) the fol-*
14 *lowing new clauses:*

15 “(viii) for fiscal year 2018, of
16 \$12,000,000; and

17 “(ix) for fiscal year 2019, of
18 \$12,000,000.”.

19 (b) *STATE HEALTH INSURANCE ASSISTANCE PRO-*
20 *GRAM REPORTING REQUIREMENTS.*—*Beginning not later*
21 *than April 1, 2019, and biennially thereafter, the Agency*
22 *for Community Living shall electronically post on its*
23 *website the following information, with respect to grants to*
24 *States for State health insurance assistance programs, (such*
25 *information to be presented by State and by entity receiv-*

1 *ing funds from the State to carry out such a program fund-*
2 *ed by such grant):*

3 (1) *The amount of Federal funding provided to*
4 *each such State for such program for the period in-*
5 *volved and the amount of Federal funding provided*
6 *by each such State for such program to each such en-*
7 *tity for the period involved.*

8 (2) *Information as the Secretary may specify,*
9 *with respect to such programs carried out through*
10 *such grants, consistent with the terms and conditions*
11 *for receipt of such grants.*

12 **SEC. 50208. EXTENSION OF HOME HEALTH RURAL ADD-ON.**

13 (a) *EXTENSION.—*

14 (1) *IN GENERAL.—Section 421 of the Medicare*
15 *Prescription Drug, Improvement, and Modernization*
16 *Act of 2003 (Public Law 108–173; 117 Stat. 2283; 42*
17 *U.S.C. 1395fff note), as amended by section 5201(b)*
18 *of the Deficit Reduction Act of 2005 (Public Law*
19 *109–171; 120 Stat. 46), section 3131(c) of the Patient*
20 *Protection and Affordable Care Act (Public Law 111–*
21 *148; 124 Stat. 428), and section 210 of the Medicare*
22 *Access and CHIP Reauthorization Act of 2015 (Pub-*
23 *lic Law 114–10; 129 Stat. 151) is amended—*

1 (A) in subsection (a), by striking “January
2 1, 2018” and inserting “January 1, 2019” each
3 place it appears;

4 (B) by redesignating subsections (b) and (c)
5 as subsections (c) and (d), respectively;

6 (C) in each of subsections (c) and (d), as so
7 redesignated, by striking “subsection (a)” and
8 inserting “subsection (a) or (b)”; and

9 (D) by inserting after subsection (a) the fol-
10 lowing new subsection:

11 “(b) *SUBSEQUENT TEMPORARY INCREASE.*—

12 “(1) *IN GENERAL.*—The Secretary shall increase
13 the payment amount otherwise made under such sec-
14 tion 1895 for home health services furnished in a
15 county (or equivalent area) in a rural area (as de-
16 fined in such section 1886(d)(2)(D)) that, as deter-
17 mined by the Secretary—

18 “(A) is in the highest quartile of all coun-
19 ties (or equivalent areas) based on the number of
20 Medicare home health episodes furnished per 100
21 individuals who are entitled to, or enrolled for,
22 benefits under part A of title XVIII of the Social
23 Security Act or enrolled for benefits under part
24 B of such title (but not enrolled in a plan under
25 part C of such title)—

1 “(i) in the case of episodes and visits
2 ending during 2019, by 1.5 percent; and

3 “(ii) in the case of episodes and visits
4 ending during 2020, by 0.5 percent;

5 “(B) has a population density of 6 individ-
6 uals or fewer per square mile of land area and
7 is not described in subparagraph (A)—

8 “(i) in the case of episodes and visits
9 ending during 2019, by 4 percent;

10 “(ii) in the case of episodes and visits
11 ending during 2020, by 3 percent;

12 “(iii) in the case of episodes and visits
13 ending during 2021, by 2 percent; and

14 “(iv) in the case of episodes and visits
15 ending during 2022, by 1 percent; and

16 “(C) is not described in either subpara-
17 graph (A) or (B)—

18 “(i) in the case of episodes and visits
19 ending during 2019, by 3 percent;

20 “(ii) in the case of episodes and visits
21 ending during 2020, by 2 percent; and

22 “(iii) in the case of episodes and visits
23 ending during 2021, by 1 percent.

24 “(2) RULES FOR DETERMINATIONS.—

1 “(A) *NO SWITCHING.*—For purposes of this
2 subsection, the determination by the Secretary as
3 to which subparagraph of paragraph (1) applies
4 to a county (or equivalent area) shall be made
5 a single time and shall apply for the duration
6 of the period to which this subsection applies.

7 “(B) *UTILIZATION.*—In determining which
8 counties (or equivalent areas) are in the highest
9 quartile under paragraph (1)(A), the following
10 rules shall apply:

11 “(i) *The Secretary shall use data from*
12 2015.

13 “(ii) *The Secretary shall exclude data*
14 *from the territories (and the territories shall*
15 *not be described in such paragraph).*

16 “(iii) *The Secretary may exclude data*
17 *from counties (or equivalent areas) in rural*
18 *areas with a low volume of home health epi-*
19 *sodes (and if data is so excluded with re-*
20 *spect to a county (or equivalent area), such*
21 *county (or equivalent area) shall not be de-*
22 *scribed in such paragraph).*

23 “(C) *POPULATION DENSITY.*—In deter-
24 mining population density under paragraph

1 (1)(B), the Secretary shall use data from the
2 2010 decennial Census.

3 “(3) *LIMITATIONS ON REVIEW.*—There shall be
4 no administrative or judicial review under section
5 1869, section 1878, or otherwise of determinations
6 under paragraph (1).”.

7 (2) *REQUIREMENT TO SUBMIT COUNTY DATA ON*
8 *CLAIM FORM.*—Section 1895(c) of the Social Security
9 Act (42 U.S.C. 1395fff(c)) is amended—

10 (A) in paragraph (1), by striking “and” at
11 the end;

12 (B) in paragraph (2), by striking the period
13 at the end and inserting “; and”; and

14 (C) by adding at the end the following new
15 paragraph:

16 “(3) in the case of home health services furnished
17 on or after January 1, 2019, the claim contains the
18 code for the county (or equivalent area) in which the
19 home health service was furnished.”.

20 (b) *HHS OIG ANALYSIS.*—Not later than January 1,
21 2023, the Inspector General of the Department of Health
22 and Human Services shall submit to Congress—

23 (1) an analysis of the home health claims and
24 utilization of home health services by county (or
25 equivalent area) under the Medicare program; and

1 (2) *recommendations the Inspector General de-*
 2 *termines appropriate based on such analysis.*

3 **TITLE III—CREATING HIGH-**
 4 **QUALITY RESULTS AND OUT-**
 5 **COMES NECESSARY TO IM-**
 6 **PROVE CHRONIC (CHRONIC)**
 7 **CARE**

8 **Subtitle A—Receiving High Quality**
 9 **Care in the Home**

10 **SEC. 50301. EXTENDING THE INDEPENDENCE AT HOME**
 11 **DEMONSTRATION PROGRAM.**

12 (a) *IN GENERAL.*—Section 1866E of the Social Secu-
 13 *rity Act (42 U.S.C. 1395cc-5) is amended—*

14 (1) *in subsection (e)—*

15 (A) *in paragraph (1)—*

16 (i) *by striking “An agreement” and in-*
 17 *serting “Agreements”; and*

18 (ii) *by striking “5-year” and inserting*
 19 *“7-year”; and*

20 (B) *in paragraph (5)—*

21 (i) *by striking “10,000” and inserting*
 22 *“15,000”; and*

23 (ii) *by adding at the end the following*
 24 *new sentence: “An applicable beneficiary*
 25 *that participates in the demonstration pro-*

1 *gram by reason of the increase from 10,000*
2 *to 15,000 in the preceding sentence pursu-*
3 *ant to the amendment made by section*
4 *50301(a)(1)(B)(i) of the Advancing Chronic*
5 *Care, Extenders, and Social Services Act*
6 *shall be considered in the spending target*
7 *estimates under paragraph (1) of subsection*
8 *(c) and the incentive payment calculations*
9 *under paragraph (2) of such subsection for*
10 *the sixth and seventh years of such pro-*
11 *gram.”;*

12 *(2) in subsection (g), in the first sentence, by in-*
13 *serting “, including, to the extent practicable, with re-*
14 *spect to the use of electronic health information sys-*
15 *tems, as described in subsection (b)(1)(A)(vi)” after*
16 *“under the demonstration program”; and*

17 *(3) in subsection (i)(1)(A), by striking “will not*
18 *receive an incentive payment for the second of 2” and*
19 *inserting “did not achieve savings for the third of 3”.*

20 *(b) EFFECTIVE DATE.—The amendment made by sub-*
21 *section (a)(3) shall take effect as if included in the enact-*
22 *ment of Public Law 111–148.*

1 **SEC. 50302. EXPANDING ACCESS TO HOME DIALYSIS THER-**
2 **APY.**

3 (a) *IN GENERAL.*—Section 1881(b)(3) of the Social Se-
4 curity Act (42 U.S.C. 1395rr(b)(3)) is amended—

5 (1) by redesignating subparagraphs (A) and (B)
6 as clauses (i) and (ii), respectively;

7 (2) in clause (ii), as redesignated by paragraph
8 (1), by striking “on a comprehensive” and insert
9 “subject to subparagraph (B), on a comprehensive”;

10 (3) by striking “With respect to” and inserting
11 “(A) With respect to”; and

12 (4) by adding at the end the following new sub-
13 paragraph:

14 “(B)(i) For purposes of subparagraph (A)(ii), subject
15 to clause (ii), an individual determined to have end stage
16 renal disease receiving home dialysis may choose to receive
17 monthly end stage renal disease-related clinical assessments
18 furnished on or after January 1, 2019, via telehealth.

19 “(ii) Clause (i) shall apply to an individual only if
20 the individual receives a face-to-face clinical assessment,
21 without the use of telehealth—

22 “(I) in the case of the initial 3 months of home
23 dialysis of such individual, at least monthly; and

24 “(II) after such initial 3 months, at least once
25 every 3 consecutive months.”.

26 (b) *ORIGINATING SITE REQUIREMENTS.*—

1 (1) *IN GENERAL.*—Section 1834(m) of the Social
2 *Security Act (42 U.S.C. 1395m(m)) is amended—*

3 (A) *in paragraph (4)(C)(ii), by adding at*
4 *the end the following new subclauses:*

5 “(IX) *A renal dialysis facility,*
6 *but only for purposes of section*
7 *1881(b)(3)(B).*

8 “(X) *The home of an individual,*
9 *but only for purposes of section*
10 *1881(b)(3)(B).”;* and

11 (B) *by adding at the end the following new*
12 *paragraph:*

13 “(5) *TREATMENT OF HOME DIALYSIS MONTHLY*
14 *ESRD-RELATED VISIT.*—*The geographic requirements*
15 *described in paragraph (4)(C)(i) shall not apply with*
16 *respect to telehealth services furnished on or after*
17 *January 1, 2019, for purposes of section*
18 *1881(b)(3)(B), at an originating site described in*
19 *subclause (VI), (IX), or (X) of paragraph (4)(C)(ii).”.*

20 (2) *NO FACILITY FEE IF ORIGINATING SITE FOR*
21 *HOME DIALYSIS THERAPY IS THE HOME.*—Section
22 *1834(m)(2)(B) of the Social Security (42 U.S.C.*
23 *1395m(m)(2)(B)) is amended—*

1 (A) by redesignating clauses (i) and (ii) as
2 subclauses (I) and (II), and indenting appro-
3 priately;

4 (B) in subclause (II), as redesignated by
5 subparagraph (A), by striking “clause (i) or this
6 clause” and inserting “subclause (I) or this sub-
7 clause”;

8 (C) by striking “SITE.—With respect to”
9 and inserting “SITE.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), with respect to”; and

12 (D) by adding at the end the following new
13 clause:

14 “(ii) NO FACILITY FEE IF ORIGINATING
15 SITE FOR HOME DIALYSIS THERAPY IS THE
16 HOME.—No facility fee shall be paid under
17 this subparagraph to an originating site de-
18 scribed in paragraph (4)(C)(ii)(X).”.

19 (c) CLARIFICATION REGARDING TELEHEALTH PRO-
20 VIDED TO BENEFICIARIES.—Section 1128A(i)(6) of the So-
21 cial Security Act (42 U.S.C. 1320a–7a(i)(6)) is amended—

22 (1) in subparagraph (H), by striking “or” at the
23 end;

24 (2) in subparagraph (I), by striking the period
25 at the end and inserting “; or”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(J) the provision of telehealth technologies
4 (as defined by the Secretary) on or after Janu-
5 ary 1, 2019, by a provider of services or a renal
6 dialysis facility (as such terms are defined for
7 purposes of title XVIII) to an individual with
8 end stage renal disease who is receiving home di-
9 alysis for which payment is being made under
10 part B of such title, if—

11 “(i) the telehealth technologies are not
12 offered as part of any advertisement or so-
13 licitation;

14 “(ii) the telehealth technologies are pro-
15 vided for the purpose of furnishing tele-
16 health services related to the individual’s
17 end stage renal disease; and

18 “(iii) the provision of the telehealth
19 technologies meets any other requirements
20 set forth in regulations promulgated by the
21 Secretary.”.

22 (d) *CONFORMING AMENDMENT.*—Section 1881(b)(1) of
23 the Social Security Act (42 U.S.C. 1395rr(b)(1)) is amend-
24 ed by striking “paragraph (3)(A)” and inserting “para-
25 graph (3)(A)(i)”.

1 ***Subtitle B—Advancing Team-Based***
2 ***Care***

3 ***SEC. 50311. PROVIDING CONTINUED ACCESS TO MEDICARE***
4 ***ADVANTAGE SPECIAL NEEDS PLANS FOR VUL-***
5 ***NERABLE POPULATIONS.***

6 (a) *EXTENSION.*—Section 1859(f)(1) of the Social Se-
7 curity Act (42 U.S.C. 1395w–28(f)(1)) is amended by strik-
8 ing “and for periods before January 1, 2019”.

9 (b) *INCREASED INTEGRATION OF DUAL SNPs.*—

10 (1) *IN GENERAL.*—Section 1859(f) of the Social
11 Security Act (42 U.S.C. 1395w–28(f)) is amended—

12 (A) in paragraph (3), by adding at the end
13 the following new subparagraph:

14 “(F) The plan meets the requirements ap-
15 plicable under paragraph (8).”; and

16 (B) by adding at the end the following new
17 paragraph:

18 “(8) *INCREASED INTEGRATION OF DUAL SNPs.*—

19 “(A) *DESIGNATED CONTACT.*—The Sec-
20 retary, acting through the Federal Coordinated
21 Health Care Office established under section
22 2602 of Public Law 111–148, shall serve as a
23 dedicated point of contact for States to address
24 misalignments that arise with the integration of
25 specialized MA plans for special needs individ-

1 uals described in subsection (b)(6)(B)(ii) under
2 this paragraph and, consistent with such role,
3 shall establish—

4 “(i) a uniform process for dissemi-
5 nating to State Medicaid agencies informa-
6 tion under this title impacting contracts be-
7 tween such agencies and such plans under
8 this subsection; and

9 “(ii) basic resources for States inter-
10 ested in exploring such plans as a platform
11 for integration, such as a model contract or
12 other tools to achieve those goals.

13 “(B) *UNIFIED GRIEVANCES AND APPEALS*
14 *PROCESS.—*

15 “(i) *IN GENERAL.—*Not later than
16 April 1, 2020, the Secretary shall establish
17 procedures, to the extent feasible as deter-
18 mined by the Secretary, unifying grievances
19 and appeals procedures under sections
20 1852(f), 1852(g), 1902(a)(3), 1902(a)(5),
21 and 1932(b)(4) for items and services pro-
22 vided by specialized MA plans for special
23 needs individuals described in subsection
24 (b)(6)(B)(ii) under this title and title XIX.
25 With respect to items and services described

1 *in the preceding sentence, procedures estab-*
2 *lished under this clause shall apply in place*
3 *of otherwise applicable grievances and ap-*
4 *peals procedures. The Secretary shall solicit*
5 *comment in developing such procedures*
6 *from States, plans, beneficiaries and their*
7 *representatives, and other relevant stake-*
8 *holders.*

9 “(ii) *PROCEDURES.—The procedures*
10 *established under clause (i) shall be in-*
11 *cluded in the plan contract under para-*
12 *graph (3)(D) and shall—*

13 “(I) *adopt the provisions for the*
14 *enrollee that are most protective for the*
15 *enrollee and, to the extent feasible as*
16 *determined by the Secretary, are com-*
17 *patible with unified timeframes and*
18 *consolidated access to external review*
19 *under an integrated process;*

20 “(II) *take into account differences*
21 *in State plans under title XIX to the*
22 *extent necessary;*

23 “(III) *be easily navigable by an*
24 *enrollee; and*

1 “(IV) include the elements de-
2 scribed in clause (iii), as applicable.

3 “(iii) *ELEMENTS DESCRIBED.*—Both
4 unified appeals and unified grievance pro-
5 cedures shall include, as applicable, the fol-
6 lowing elements described in this clause:

7 “(I) Single written notification of
8 all applicable grievances and appeal
9 rights under this title and title XIX.
10 For purposes of this subparagraph, the
11 Secretary may waive the requirements
12 under section 1852(g)(1)(B) when the
13 specialized MA plan covers items or
14 services under this part or under title
15 XIX.

16 “(II) Single pathways for resolu-
17 tion of any grievance or appeal related
18 to a particular item or service pro-
19 vided by specialized MA plans for spe-
20 cial needs individuals described in sub-
21 section (b)(6)(B)(ii) under this title
22 and title XIX.

23 “(III) Notices written in plain
24 language and available in a language
25 and format that is accessible to the en-

1 rollee, including in non-English lan-
2 guages that are prevalent in the service
3 area of the specialized MA plan.

4 “(IV) Unified timeframes for
5 grievances and appeals processes, such
6 as an individual’s filing of a grievance
7 or appeal, a plan’s acknowledgment
8 and resolution of a grievance or ap-
9 peal, and notification of decisions with
10 respect to a grievance or appeal.

11 “(V) Requirements for how the
12 plan must process, track, and resolve
13 grievances and appeals, to ensure bene-
14 ficiaries are notified on a timely basis
15 of decisions that are made throughout
16 the grievance or appeals process and
17 are able to easily determine the status
18 of a grievance or appeal.

19 “(iv) CONTINUATION OF BENEFITS
20 PENDING APPEAL.—The unified procedures
21 under clause (i) shall, with respect to all
22 benefits under parts A and B and title XIX
23 subject to appeal under such procedures, in-
24 corporate provisions under current law and
25 implementing regulations that provide con-

1 *tinuation of benefits pending appeal under*
2 *this title and title XIX.*

3 “(C) *REQUIREMENT FOR UNIFIED GRIEV-*
4 *ANCES AND APPEALS.—For 2021 and subsequent*
5 *years, the contract of a specialized MA plan for*
6 *special needs individuals described in subsection*
7 *(b)(6)(B)(ii) with a State Medicaid agency*
8 *under paragraph (3)(D) shall require the use of*
9 *unified grievances and appeals procedures as de-*
10 *scribed in subparagraph (B).*

11 “(D) *REQUIREMENTS FOR INTEGRATION.—*
12 “(i) *IN GENERAL.—For 2021 and sub-*
13 *sequent years, a specialized MA plan for*
14 *special needs individuals described in sub-*
15 *section (b)(6)(B)(ii) shall meet one or more*
16 *of the following requirements, to the extent*
17 *permitted under State law, for integration*
18 *of benefits under this title and title XIX:*

19 “(I) *The specialized MA plan*
20 *must meet the requirements of con-*
21 *tracting with the State Medicaid agen-*
22 *cy described in paragraph (3)(D) in*
23 *addition to coordinating long-term*
24 *services and supports or behavioral*
25 *health services, or both, by meeting an*

1 *additional minimum set of require-*
2 *ments determined by the Secretary*
3 *through the Federal Coordinated*
4 *Health Care Office established under*
5 *section 2602 of the Patient Protection*
6 *and Affordable Care Act based on*
7 *input from stakeholders, such as noti-*
8 *fying the State in a timely manner of*
9 *hospitalizations, emergency room vis-*
10 *its, and hospital or nursing home dis-*
11 *charges of enrollees, assigning one pri-*
12 *mary care provider for each enrollee,*
13 *or sharing data that would benefit the*
14 *coordination of items and services*
15 *under this title and the State plan*
16 *under title XIX. Such minimum set of*
17 *requirements must be included in the*
18 *contract of the specialized MA plan*
19 *with the State Medicaid agency under*
20 *such paragraph.*

21 *“(II) The specialized MA plan*
22 *must meet the requirements of a fully*
23 *integrated plan described in section*
24 *1853(a)(1)(B)(iv)(II) (other than the*
25 *requirement that the plan have similar*

1 *average levels of frailty, as determined*
2 *by the Secretary, as the PACE pro-*
3 *gram), or enter into a capitated con-*
4 *tract with the State Medicaid agency*
5 *to provide long-term services and sup-*
6 *ports or behavioral health services, or*
7 *both.*

8 *“(III) In the case of a specialized*
9 *MA plan that is offered by a parent or-*
10 *ganization that is also the parent orga-*
11 *nization of a Medicaid managed care*
12 *organization providing long term serv-*
13 *ices and supports or behavioral services*
14 *under a contract under section*
15 *1903(m), the parent organization must*
16 *assume clinical and financial responsi-*
17 *bility for benefits provided under this*
18 *title and title XIX with respect to any*
19 *individual who is enrolled in both the*
20 *specialized MA plan and the Medicaid*
21 *managed care organization.*

22 *“(i) SUSPENSION OF ENROLLMENT*
23 *FOR FAILURE TO MEET REQUIREMENTS*
24 *DURING INITIAL PERIOD.—During the pe-*
25 *riod of plan years 2021 through 2025, if the*

1 *Secretary determines that a specialized MA*
2 *plan for special needs individuals described*
3 *in subsection (b)(6)(B)(ii) has failed to*
4 *comply with clause (i), the Secretary may*
5 *provide for the application against the*
6 *Medicare Advantage organization offering*
7 *the plan of the remedy described in section*
8 *1857(g)(2)(B) in the same manner as the*
9 *Secretary may apply such remedy, and in*
10 *accordance with the same procedures as*
11 *would apply, in the case of an MA organi-*
12 *zation determined by the Secretary to have*
13 *engaged in conduct described in section*
14 *1857(g)(1). If the Secretary applies such*
15 *remedy to a Medicare Advantage organiza-*
16 *tion under the preceding sentence, the orga-*
17 *nization shall submit to the Secretary (at a*
18 *time, and in a form and manner, specified*
19 *by the Secretary) information describing*
20 *how the plan will come into compliance*
21 *with clause (i).*

22 *“(E) STUDY AND REPORT TO CONGRESS.—*

23 *“(i) IN GENERAL.—Not later than*
24 *March 15, 2022, and, subject to clause (iii),*
25 *biennially thereafter through 2032, the*

1 *Medicare Payment Advisory Commission*
2 *established under section 1805, in consulta-*
3 *tion with the Medicaid and CHIP Payment*
4 *and Access Commission established under*
5 *section 1900, shall conduct (and submit to*
6 *the Secretary and the Committees on Ways*
7 *and Means and Energy and Commerce of*
8 *the House of Representatives and the Com-*
9 *mittee on Finance of the Senate a report*
10 *on) a study to determine how specialized*
11 *MA plans for special needs individuals de-*
12 *scribed in subsection (b)(6)(B)(ii) perform*
13 *among each other based on data from*
14 *Healthcare Effectiveness Data and Informa-*
15 *tion Set (HEDIS) quality measures, re-*
16 *ported on the plan level, as required under*
17 *section 1852(e)(3) (or such other measures*
18 *or data sources that are available and ap-*
19 *propriate, such as encounter data and Con-*
20 *sumer Assessment of Healthcare Providers*
21 *and Systems data, as specified by such*
22 *Commissions as enabling an accurate eval-*
23 *uation under this subparagraph). Such*
24 *study shall include, as feasible, the following*
25 *comparison groups of specialized MA plans*

1 *for special needs individuals described in*
2 *subsection (b)(6)(B)(ii):*

3 “(I) *A comparison group of such*
4 *plans that are described in subpara-*
5 *graph (D)(i)(I).*

6 “(II) *A comparison group of such*
7 *plans that are described in subpara-*
8 *graph (D)(i)(II).*

9 “(III) *A comparison group of*
10 *such plans operating within the Fi-*
11 *nancial Alignment Initiative dem-*
12 *onstration for the period for which*
13 *such plan is so operating and the dem-*
14 *onstration is in effect, and, in the case*
15 *that an integration option that is not*
16 *with respect to specialized MA plans*
17 *for special needs individuals is estab-*
18 *lished after the conclusion of the dem-*
19 *onstration involved.*

20 “(IV) *A comparison group of such*
21 *plans that are described in subpara-*
22 *graph (D)(i)(III).*

23 “(V) *A comparison group of MA*
24 *plans, as feasible, not described in a*
25 *previous subclause of this clause, with*

1 *respect to the performance of such*
2 *plans for enrollees who are special*
3 *needs individuals described in sub-*
4 *section (b)(6)(B)(ii).*

5 “(i) *ADDITIONAL REPORTS.—Begin-*
6 *ning with 2033 and every five years there-*
7 *after, the Medicare Payment Advisory Com-*
8 *mission, in consultation with the Medicaid*
9 *and CHIP Payment and Access Commis-*
10 *sion, shall conduct a study described in*
11 *clause (i).”.*

12 (2) *CONFORMING AMENDMENT TO RESPONSIBIL-*
13 *ITIES OF FEDERAL COORDINATED HEALTH CARE OF-*
14 *FICE.—Section 2602(d) of Public Law 111–148 (42*
15 *U.S.C. 1315b(d)) is amended by adding at the end the*
16 *following new paragraphs:*

17 “(6) *To act as a designated contact for States*
18 *under subsection (f)(8)(A) of section 1859 of the So-*
19 *cial Security Act (42 U.S.C. 1395w–28) with respect*
20 *to the integration of specialized MA plans for special*
21 *needs individuals described in subsection (b)(6)(B)(ii)*
22 *of such section.*

23 “(7) *To be responsible, subject to the final ap-*
24 *proval of the Secretary, for developing regulations*
25 *and guidance related to the implementation of a uni-*

1 *fied grievance and appeals process as described in*
 2 *subparagraphs (B) and (C) of section 1859(f)(8) of*
 3 *the Social Security Act (42 U.S.C. 1395w–28(f)(8)).*

4 “(8) *To be responsible, subject to the final ap-*
 5 *proval of the Secretary, for developing regulations*
 6 *and guidance related to the integration or alignment*
 7 *of policy and oversight under the Medicare program*
 8 *under title XVIII of such Act and the Medicaid pro-*
 9 *gram under title XIX of such Act regarding special-*
 10 *ized MA plans for special needs individuals described*
 11 *in subsection (b)(6)(B)(ii) of such section 1859.”*

12 *(c) IMPROVEMENTS TO SEVERE OR DISABLING CHRON-*
 13 *IC CONDITION SNPS.—*

14 *(1) CARE MANAGEMENT REQUIREMENTS.—Sec-*
 15 *tion 1859(f)(5) of the Social Security Act (42 U.S.C.*
 16 *1395w–28(f)(5)) is amended—*

17 *(A) by striking “ALL SNPS.—The require-*
 18 *ments” and inserting “ALL SNPS.—*

19 *“(A) IN GENERAL.—Subject to subpara-*
 20 *graph (B), the requirements”;*

21 *(B) by redesignating subparagraphs (A)*
 22 *and (B) as clauses (i) and (ii), respectively, and*
 23 *indenting appropriately; and*

24 *(C) in clause (ii), as redesignated by sub-*
 25 *paragraph (B), by redesignating clauses (i)*

1 through (iii) as subclauses (I) through (III), re-
2 spectively, and indenting appropriately; and

3 (D) by adding at the end the following new
4 subparagraph:

5 “(B) IMPROVEMENTS TO CARE MANAGE-
6 MENT REQUIREMENTS FOR SEVERE OR DIS-
7 ABLING CHRONIC CONDITION SNPS.—For 2020
8 and subsequent years, in the case of a specialized
9 MA plan for special needs individuals described
10 in subsection (b)(6)(B)(iii), the requirements de-
11 scribed in this paragraph include the following:

12 “(i) The interdisciplinary team under
13 subparagraph (A)(ii)(III) includes a team
14 of providers with demonstrated expertise,
15 including training in an applicable spe-
16 cialty, in treating individuals similar to the
17 targeted population of the plan.

18 “(ii) Requirements developed by the
19 Secretary to provide face-to-face encounters
20 with individuals enrolled in the plan not
21 less frequently than on an annual basis.

22 “(iii) As part of the model of care
23 under clause (i) of subparagraph (A), the
24 results of the initial assessment and annual
25 reassessment under clause (ii)(I) of such

1 *subparagraph of each individual enrolled in*
2 *the plan are addressed in the individual’s*
3 *individualized care plan under clause*
4 *(ii)(II) of such subparagraph.*

5 *“(iv) As part of the annual evaluation*
6 *and approval of such model of care, the Sec-*
7 *retary shall take into account whether the*
8 *plan fulfilled the previous year’s goals (as*
9 *required under the model of care).*

10 *“(v) The Secretary shall establish a*
11 *minimum benchmark for each element of the*
12 *model of care of a plan. The Secretary shall*
13 *only approve a plan’s model of care under*
14 *this paragraph if each element of the model*
15 *of care meets the minimum benchmark ap-*
16 *plicable under the preceding sentence.”.*

17 *(2) REVISIONS TO THE DEFINITION OF A SEVERE*
18 *OR DISABLING CHRONIC CONDITIONS SPECIALIZED*
19 *NEEDS INDIVIDUAL.—*

20 *(A) IN GENERAL.—Section*
21 *1859(b)(6)(B)(iii) of the Social Security Act (42*
22 *U.S.C. 1395w–28(b)(6)(B)(iii)) is amended—*

23 *(i) by striking “who have” and insert-*
24 *ing “who—*

1 “(I) before January 1, 2022,
2 have”;

3 (ii) in subclause (I), as added by
4 clause (i), by striking the period at the end
5 and inserting “; and”; and

6 (iii) by adding at the end the following
7 new subclause:

8 “(II) on or after January 1, 2022,
9 have one or more comorbid and medi-
10 cally complex chronic conditions that
11 is life threatening or significantly lim-
12 its overall health or function, have a
13 high risk of hospitalization or other
14 adverse health outcomes, and require
15 intensive care coordination and that is
16 listed under subsection (f)(9)(A).”.

17 (B) PANEL OF CLINICAL ADVISORS.—Sec-
18 tion 1859(f) of the Social Security Act (42
19 U.S.C. 1395w–28(f)), as amended by subsection
20 (b), is amended by adding at the end the fol-
21 lowing new paragraph:

22 “(9) LIST OF CONDITIONS FOR CLARIFICATION OF
23 THE DEFINITION OF A SEVERE OR DISABLING CHRON-
24 IC CONDITIONS SPECIALIZED NEEDS INDIVIDUAL.—

1 “(A) *IN GENERAL.*—Not later than Decem-
2 ber 31, 2020, and every 5 years thereafter, sub-
3 ject to subparagraphs (B) and (C), the Secretary
4 shall convene a panel of clinical advisors to es-
5 tablish and update a list of conditions that meet
6 each of the following criteria:

7 “(i) *Conditions that meet the defini-*
8 *tion of a severe or disabling chronic condi-*
9 *tion under subsection (b)(6)(B)(iii) on or*
10 *after January 1, 2022.*

11 “(ii) *Conditions that require prescrip-*
12 *tion drugs, providers, and models of care*
13 *that are unique to the specific population of*
14 *enrollees in a specialized MA plan for spe-*
15 *cial needs individuals described in such sub-*
16 *section on or after such date and—*

17 “(I) *as a result of access to, and*
18 *enrollment in, such a specialized MA*
19 *plan for special needs individuals, in-*
20 *dividuals with such condition would*
21 *have a reasonable expectation of slow-*
22 *ing or halting the progression of the*
23 *disease, improving health outcomes and*
24 *decreasing overall costs for individuals*
25 *diagnosed with such condition com-*

1 *pared to available options of care other*
2 *than through such a specialized MA*
3 *plan for special needs individuals; or*

4 *“(II) have a low prevalence in the*
5 *general population of beneficiaries*
6 *under this title or a disproportionately*
7 *high per-beneficiary cost under this*
8 *title.*

9 *“(B) INCLUSION OF CERTAIN CONDITIONS.—*
10 *The conditions listed under subparagraph (A)*
11 *shall include HIV/AIDS, end stage renal disease,*
12 *and chronic and disabling mental illness.*

13 *“(C) REQUIREMENT.—In establishing and*
14 *updating the list under subparagraph (A), the*
15 *panel shall take into account the availability of*
16 *varied benefits, cost-sharing, and supplemental*
17 *benefits under the model described in paragraph*
18 *(2) of section 1859(h), including the expansion*
19 *under paragraph (1) of such section.”.*

20 *(d) QUALITY MEASUREMENT AT THE PLAN LEVEL FOR*
21 *SNPs AND DETERMINATION OF FEASIBILITY OF QUALITY*
22 *MEASUREMENT AT THE PLAN LEVEL FOR ALL MA*
23 *PLANS.—Section 1853(o) of the Social Security Act (42*
24 *U.S.C. 1395w–23(o)) is amended by adding at the end the*
25 *following new paragraphs:*

1 “(6) *QUALITY MEASUREMENT AT THE PLAN*
2 *LEVEL FOR SNPS.—*

3 “(A) *IN GENERAL.—Subject to subpara-*
4 *graph (B), the Secretary may require reporting*
5 *of data under section 1852(e) for, and apply*
6 *under this subsection, quality measures at the*
7 *plan level for specialized MA plans for special*
8 *needs individuals instead of at the contract level.*

9 “(B) *CONSIDERATIONS.—Prior to applying*
10 *quality measurement at the plan level under this*
11 *paragraph, the Secretary shall—*

12 “(i) *take into consideration the min-*
13 *imum number of enrollees in a specialized*
14 *MA plan for special needs individuals in*
15 *order to determine if a statistically signifi-*
16 *cant or valid measurement of quality at the*
17 *plan level is possible under this paragraph;*

18 “(ii) *take into consideration the im-*
19 *port of such application on plans that serve*
20 *a disproportionate number of individuals*
21 *dually eligible for benefits under this title*
22 *and under title XIX;*

23 “(iii) *if quality measures are reported*
24 *at the plan level, ensure that MA plans are*

1 *not required to provide duplicative informa-*
2 *tion; and*

3 “(iv) *ensure that such reporting does*
4 *not interfere with the collection of encounter*
5 *data submitted by MA organizations or the*
6 *administration of any changes to the pro-*
7 *gram under this part as a result of the col-*
8 *lection of such data.*

9 “(C) *APPLICATION.—If the Secretary ap-*
10 *plies quality measurement at the plan level*
11 *under this paragraph—*

12 “(i) *such quality measurement may in-*
13 *clude Medicare Health Outcomes Survey*
14 *(HOS), Healthcare Effectiveness Data and*
15 *Information Set (HEDIS), Consumer As-*
16 *essment of Healthcare Providers and Sys-*
17 *tems (CAHPS) measures and quality meas-*
18 *ures under part D; and*

19 “(ii) *the Secretary shall consider ap-*
20 *plying administrative actions, such as rem-*
21 *edies described in section 1857(g)(2), at the*
22 *plan level.*

23 “(7) *DETERMINATION OF FEASIBILITY OF QUAL-*
24 *ITY MEASUREMENT AT THE PLAN LEVEL FOR ALL MA*
25 *PLANS.—*

1 “(A) *DETERMINATION OF FEASIBILITY.*—
2 *The Secretary shall determine the feasibility of*
3 *requiring reporting of data under section 1852(e)*
4 *for, and applying under this subsection, quality*
5 *measures at the plan level for all MA plans*
6 *under this part.*

7 “(B) *CONSIDERATION OF CHANGE.*—*After*
8 *making a determination under subparagraph*
9 *(A), the Secretary shall consider requiring such*
10 *reporting and applying such quality measures at*
11 *the plan level as described in such subpara-*
12 *graph”.*

13 *(e) GAO STUDY AND REPORT ON STATE-LEVEL INTE-*
14 *GRATION BETWEEN DUAL SNPs AND MEDICAID.*—

15 *(1) STUDY.*—*The Comptroller General of the*
16 *United States (in this subsection referred to as the*
17 *“Comptroller General”)* *shall conduct a study on*
18 *State-level integration between specialized MA plans*
19 *for special needs individuals described in subsection*
20 *(b)(6) (B)(ii) of section 1859 of the Social Security*
21 *Act (42 U.S.C. 1395w–28) and the Medicaid program*
22 *under title XIX of such Act (42 U.S.C. 1396 et seq.).*
23 *Such study shall include an analysis of the following:*

24 *(A) The characteristics of States in which*
25 *the State agency responsible for administering*

1 *the State plan under such title XIX has a con-*
2 *tract with such a specialized MA plan and that*
3 *delivers long-term services and supports under*
4 *the State plan under such title XIX through a*
5 *managed care program, including the require-*
6 *ments under such State plan with respect to*
7 *long-term services and supports.*

8 *(B) The types of such specialized MA plans,*
9 *which may include the following:*

10 *(i) A plan described in section*
11 *1853(a)(1)(B)(iv)(II) of such Act (42 U.S.C.*
12 *1395w-23(a)(1)(B)(iv)(II)).*

13 *(ii) A plan that meets the requirements*
14 *described in subsection (f)(3)(D) of such sec-*
15 *tion 1859.*

16 *(iii) A plan described in clause (ii)*
17 *that also meets additional requirements es-*
18 *tablished by the State.*

19 *(C) The characteristics of individuals en-*
20 *rolled in such specialized MA plans.*

21 *(D) As practicable, the following with re-*
22 *spect to State programs for the delivery of long-*
23 *term services and supports under such title XIX*
24 *through a managed care program:*

1 (i) Which populations of individuals
2 are eligible to receive such services and sup-
3 ports.

4 (ii) Whether all such services and sup-
5 ports are provided on a capitated basis or
6 if any of such services and supports are
7 carved out and provided through fee-for
8 service.

9 (E) As practicable, how the availability and
10 variation of integration arrangements of such
11 specialized MA plans offered in States affects
12 spending, service delivery options, access to com-
13 munity-based care, and utilization of care.

14 (F) The efforts of State Medicaid programs
15 to transition dually-eligible beneficiaries receiv-
16 ing long-term services and supports (LTSS)
17 from institutional settings to home and commu-
18 nity-based settings and related financial impacts
19 of such transitions.

20 (G) Barriers and opportunities for making
21 further progress on dual integration, as well as
22 recommendations for legislation or administra-
23 tive action to expedite or refine pathways toward
24 fully integrated care.

1 (2) *REPORT.*—Not later than 2 years after the
 2 date of the enactment of this Act, the Comptroller
 3 General shall submit to Congress a report containing
 4 the results of the study conducted under paragraph
 5 (1), together with recommendations for such legisla-
 6 tion and administrative action as the Comptroller
 7 General determines appropriate.

8 ***Subtitle C—Expanding Innovation***
 9 ***and Technology***

10 ***SEC. 50321. ADAPTING BENEFITS TO MEET THE NEEDS OF***
 11 ***CHRONICALLY ILL MEDICARE ADVANTAGE***
 12 ***ENROLLEES.***

13 Section 1859 of the Social Security Act (42 U.S.C.
 14 1395w–28) is amended by adding at the end the following
 15 new subsection:

16 “(h) *NATIONAL TESTING OF MEDICARE ADVANTAGE*
 17 *VALUE-BASED INSURANCE DESIGN MODEL.*—

18 “(1) *IN GENERAL.*—In implementing the Medi-
 19 care Advantage Value-Based Insurance Design model
 20 that is being tested under section 1115A(b), the Sec-
 21 retary shall revise the testing of the model under such
 22 section to cover, effective not later than January 1,
 23 2020, all States.

24 “(2) *TERMINATION AND MODIFICATION PROVI-*
 25 *SION NOT APPLICABLE UNTIL JANUARY 1, 2022.*—The

1 provisions of section 1115A(b)(3)(B) shall apply to
 2 the Medicare Advantage Value-Based Insurance De-
 3 sign model, including such model as revised under
 4 paragraph (1), beginning January 1, 2022, but shall
 5 not apply to such model, as so revised, prior to such
 6 date.

7 “(3) *FUNDING.*—The Secretary shall allocate
 8 funds made available under section 1115A(f)(1) to de-
 9 sign, implement, and evaluate the Medicare Advan-
 10 tage Value-Based Insurance Design model, as revised
 11 under paragraph (1).”.

12 **SEC. 50322. EXPANDING SUPPLEMENTAL BENEFITS TO**
 13 **MEET THE NEEDS OF CHRONICALLY ILL**
 14 **MEDICARE ADVANTAGE ENROLLEES.**

15 (a) *IN GENERAL.*—Section 1852(a)(3) of the Social Se-
 16 curity Act (42 U.S.C. 1395w–22(a)(3)) is amended—

17 (1) in subparagraph (A), by striking “Each”
 18 and inserting “Subject to subparagraph (D), each”;
 19 and

20 (2) by adding at the end the following new sub-
 21 paragraph:

22 “(D) *EXPANDING SUPPLEMENTAL BENEFITS*
 23 *TO MEET THE NEEDS OF CHRONICALLY ILL EN-*
 24 *ROLLEES.*—

1 “(i) *IN GENERAL.*—For plan year 2020
2 and subsequent plan years, in addition to
3 any supplemental health care benefits other-
4 wise provided under this paragraph, an MA
5 plan, including a specialized MA plan for
6 special needs individuals (as defined in sec-
7 tion 1859(b)(6)), may provide supplemental
8 benefits described in clause (ii) to a chron-
9 ically ill enrollee (as defined in clause (iii)).

10 “(ii) *SUPPLEMENTAL BENEFITS DE-*
11 *SCRIBED.*—

12 “(I) *IN GENERAL.*—Supplemental
13 benefits described in this clause are
14 supplemental benefits that, with respect
15 to a chronically ill enrollee, have a rea-
16 sonable expectation of improving or
17 maintaining the health or overall func-
18 tion of the chronically ill enrollee and
19 may not be limited to being primarily
20 health related benefits.

21 “(II) *AUTHORITY TO WAIVE UNI-*
22 *FORMITY REQUIREMENTS.*—The Sec-
23 retary may, only with respect to sup-
24 plemental benefits provided to a chron-
25 ically ill enrollee under this subpara-

1 *graph, waive the uniformity require-*
2 *ments under this part, as determined*
3 *appropriate by the Secretary.*

4 “(iii) *CHRONICALLY ILL ENROLLEE*
5 *DEFINED.—In this subparagraph, the term*
6 *‘chronically ill enrollee’ means an enrollee*
7 *in an MA plan that the Secretary deter-*
8 *mines—*

9 *“(I) has one or more comorbid*
10 *and medically complex chronic condi-*
11 *tions that is life threatening or signifi-*
12 *cantly limits the overall health or func-*
13 *tion of the enrollee;*

14 *“(II) has a high risk of hos-*
15 *pitalization or other adverse health*
16 *outcomes; and*

17 *“(III) requires intensive care co-*
18 *ordination.”.*

19 *(b) GAO STUDY AND REPORT.—*

20 *(1) STUDY.—The Comptroller General of the*
21 *United States (in this subsection referred to as the*
22 *“Comptroller General”) shall conduct a study on sup-*
23 *plemental benefits provided to enrollees in Medicare*
24 *Advantage plans under part C of title XVIII of the*
25 *Social Security Act, including specialized MA plans*

1 *for special needs individuals (as defined in section*
2 *1859(b)(6) of such Act (42 U.S.C. 1395w–28(b)(6))).*
3 *To the extent data are available, such study shall in-*
4 *clude an analysis of the following:*

5 *(A) The type of supplemental benefits pro-*
6 *vided to such enrollees, the total number of en-*
7 *rollees receiving each supplemental benefit, and*
8 *whether the supplemental benefit is covered by*
9 *the standard benchmark cost of the benefit or*
10 *with an additional premium.*

11 *(B) The frequency in which supplemental*
12 *benefits are utilized by such enrollees.*

13 *(C) The impact supplemental benefits have*
14 *on—*

15 *(i) indicators of the quality of care re-*
16 *ceived by such enrollees, including overall*
17 *health and function of the enrollees;*

18 *(ii) the utilization of items and serv-*
19 *ices for which benefits are available under*
20 *the original Medicare fee-for-service pro-*
21 *gram option under parts A and B of such*
22 *title XVIII by such enrollees; and*

23 *(iii) the amount of the bids submitted*
24 *by Medicare Advantage Organizations for*

1 *Medicare Advantage plans under such part*
 2 *C.*

3 (2) *CONSULTATION.*—*In conducting the study*
 4 *under paragraph (1), the Comptroller General shall,*
 5 *as necessary, consult with the Centers for Medicare &*
 6 *Medicaid Services and Medicare Advantage organiza-*
 7 *tions offering Medicare Advantage plans.*

8 (3) *REPORT.*—*Not later than 5 years after the*
 9 *date of the enactment of this Act, the Comptroller*
 10 *General shall submit to Congress a report containing*
 11 *the results of the study conducted under paragraph*
 12 *(1), together with recommendations for such legisla-*
 13 *tion and administrative action as the Comptroller*
 14 *General determines appropriate.*

15 **SEC. 50323. INCREASING CONVENIENCE FOR MEDICARE AD-**
 16 **VANTAGE ENROLLEES THROUGH TELE-**
 17 **HEALTH.**

18 (a) *IN GENERAL.*—*Section 1852 of the Social Security*
 19 *Act (42 U.S.C. 1395w–22) is amended—*

20 (1) *in subsection (a)(1)(B)(i), by inserting “,*
 21 *subject to subsection (m),” after “means”; and*

22 (2) *by adding at the end the following new sub-*
 23 *section:*

24 “(m) *PROVISION OF ADDITIONAL TELEHEALTH BENE-*
 25 *FITS.*—

1 “(1) *MA PLAN OPTION.*—*For plan year 2020*
2 *and subsequent plan years, subject to the requirements*
3 *of paragraph (3), an MA plan may provide addi-*
4 *tional telehealth benefits (as defined in paragraph*
5 *(2)) to individuals enrolled under this part.*

6 “(2) *ADDITIONAL TELEHEALTH BENEFITS DE-*
7 *FINED.*—

8 “(A) *IN GENERAL.*—*For purposes of this*
9 *subsection and section 1854:*

10 “(i) *DEFINITION.*—*The term ‘addi-*
11 *tional telehealth benefits’ means services—*

12 “(I) *for which benefits are avail-*
13 *able under part B, including services*
14 *for which payment is not made under*
15 *section 1834(m) due to the conditions*
16 *for payment under such section; and*

17 “(II) *that are identified for such*
18 *year as clinically appropriate to fur-*
19 *nish using electronic information and*
20 *telecommunications technology when a*
21 *physician (as defined in section*
22 *1861(r)) or practitioner (described in*
23 *section 1842(b)(18)(C)) providing the*
24 *service is not at the same location as*
25 *the plan enrollee.*

1 “(i) *EXCLUSION OF CAPITAL AND IN-*
2 *FRASTRUCTURE COSTS AND INVEST-*
3 *MENTS.—The term ‘additional telehealth*
4 *benefits’ does not include capital and infra-*
5 *structure costs and investments relating to*
6 *such benefits.*

7 “(B) *PUBLIC COMMENT.—Not later than*
8 *November 30, 2018, the Secretary shall solicit*
9 *comments on—*

10 “(i) *what types of items and services*
11 *(including those provided through supple-*
12 *mental health care benefits, such as remote*
13 *patient monitoring, secure messaging, store*
14 *and forward technologies, and other non-*
15 *face-to-face communication) should be con-*
16 *sidered to be additional telehealth benefits;*
17 *and*

18 “(ii) *the requirements for the provision*
19 *or furnishing of such benefits (such as*
20 *training and coordination requirements).*

21 “(3) *REQUIREMENTS FOR ADDITIONAL TELE-*
22 *HEALTH BENEFITS.—The Secretary shall specify re-*
23 *quirements for the provision or furnishing of addi-*
24 *tional telehealth benefits, including with respect to the*
25 *following:*

1 “(A) *Physician or practitioner qualifica-*
2 *tions (other than licensure) and other require-*
3 *ments such as specific training.*

4 “(B) *Factors necessary for the coordination*
5 *of such benefits with other items and services in-*
6 *cluding those furnished in-person.*

7 “(C) *Such other areas as determined by the*
8 *Secretary.*

9 “(4) *ENROLLEE CHOICE.—If an MA plan pro-*
10 *vides a service as an additional telehealth benefit (as*
11 *defined in paragraph (2))—*

12 “(A) *the MA plan shall also provide access*
13 *to such benefit through an in-person visit (and*
14 *not only as an additional telehealth benefit); and*

15 “(B) *an individual enrollee shall have dis-*
16 *cretion as to whether to receive such service*
17 *through the in-person visit or as an additional*
18 *telehealth benefit.*

19 “(5) *TREATMENT UNDER MA.—For purposes of*
20 *this subsection and section 1854, if a plan provides*
21 *additional telehealth benefits, such additional tele-*
22 *health benefits shall be treated as if they were benefits*
23 *under the original Medicare fee-for-service program*
24 *option.*

1 *lowing shall apply with respect to such services fur-*
2 *nished by a physician or practitioner participating*
3 *in an applicable ACO (as defined in paragraph (2))*
4 *to a Medicare fee-for-service beneficiary assigned to*
5 *the applicable ACO:*

6 *“(A) INCLUSION OF HOME AS ORIGINATING*
7 *SITE.—Subject to paragraph (3), the home of a*
8 *beneficiary shall be treated as an originating site*
9 *described in section 1834(m)(4)(C)(ii).*

10 *“(B) NO APPLICATION OF GEOGRAPHIC LIM-*
11 *ITATION.—The geographic limitation under sec-*
12 *tion 1834(m)(4)(C)(i) shall not apply with re-*
13 *spect to an originating site described in section*
14 *1834(m)(4)(C)(ii) (including the home of a bene-*
15 *ficiary under subparagraph (A)), subject to State*
16 *licensing requirements.*

17 *“(2) DEFINITIONS.—In this subsection:*

18 *“(A) APPLICABLE ACO.—The term ‘applica-*
19 *ble ACO’ means an ACO participating in a*
20 *model tested or expanded under section 1115A or*
21 *under this section—*

22 *“(i) that operates under a two-sided*
23 *model—*

1 “(I) described in section
2 425.600(a) of title 42, Code of Federal
3 Regulations; or

4 “(II) tested or expanded under
5 section 1115A; and

6 “(ii) for which Medicare fee-for-service
7 beneficiaries are assigned to the ACO using
8 a prospective assignment method, as deter-
9 mined appropriate by the Secretary.

10 “(B) HOME.—The term ‘home’ means, with
11 respect to a Medicare fee-for-service beneficiary,
12 the place of residence used as the home of the
13 beneficiary.

14 “(3) TELEHEALTH SERVICES RECEIVED IN THE
15 HOME.—In the case of telehealth services described in
16 paragraph (1) where the home of a Medicare fee-for-
17 service beneficiary is the originating site, the fol-
18 lowing shall apply:

19 “(A) NO FACILITY FEE.—There shall be no
20 facility fee paid to the originating site under sec-
21 tion 1834(m)(2)(B).

22 “(B) EXCLUSION OF CERTAIN SERVICES.—
23 No payment may be made for such services that
24 are inappropriate to furnish in the home setting

1 *such as services that are typically furnished in*
2 *inpatient settings such as a hospital.”.*

3 **(b) STUDY AND REPORT.—**

4 **(1) STUDY.—**

5 **(A) IN GENERAL.—***The Secretary of Health*
6 *and Human Services (in this subsection referred*
7 *to as the “Secretary”) shall conduct a study on*
8 *the implementation of section 1899(l) of the So-*
9 *cial Security Act, as added by subsection (a).*
10 *Such study shall include an analysis of the utili-*
11 *zation of, and expenditures for, telehealth serv-*
12 *ices under such section.*

13 **(B) COLLECTION OF DATA.—***The Secretary*
14 *may collect such data as the Secretary deter-*
15 *mines necessary to carry out the study under*
16 *this paragraph.*

17 **(2) REPORT.—***Not later than January 1, 2026,*
18 *the Secretary shall submit to Congress a report con-*
19 *taining the results of the study conducted under para-*
20 *graph (1), together with recommendations for such*
21 *legislation and administrative action as the Secretary*
22 *determines appropriate.*

1 **SEC. 50325. EXPANDING THE USE OF TELEHEALTH FOR IN-**
2 **DIVIDUALS WITH STROKE.**

3 *Section 1834(m) of the Social Security Act (42 U.S.C.*
4 *1395m(m)), as amended by section 50302(b)(1), is amend-*
5 *ed—*

6 *(1) in paragraph (4)(C)(i), in the matter pre-*
7 *ceding subclause (I), by striking “The term” and in-*
8 *serting “Except as provided in paragraph (6), the*
9 *term”; and*

10 *(2) by adding at the end the following new para-*
11 *graph:*

12 *“(6) TREATMENT OF STROKE TELEHEALTH*
13 *SERVICES.—*

14 *“(A) NON-APPLICATION OF ORIGINATING*
15 *SITE REQUIREMENTS.—The requirements de-*
16 *scribed in paragraph (4)(C) shall not apply with*
17 *respect to telehealth services furnished on or after*
18 *January 1, 2019, for purposes of diagnosis, eval-*
19 *uation, or treatment of symptoms of an acute*
20 *stroke, as determined by the Secretary.*

21 *“(B) INCLUSION OF CERTAIN SITES.—With*
22 *respect to telehealth services described in sub-*
23 *paragraph (A), the term ‘originating site’ shall*
24 *include any hospital (as defined in section*
25 *1861(e)) or critical access hospital (as defined in*
26 *section 1861(mm)(1)), any mobile stroke unit (as*

1 defined by the Secretary), or any other site deter-
 2 mined appropriate by the Secretary, at which
 3 the eligible telehealth individual is located at the
 4 time the service is furnished via a telecommuni-
 5 cations system.

6 “(C) *NO ORIGINATING SITE FACILITY FEE*
 7 *FOR NEW SITES.*—No facility fee shall be paid
 8 under paragraph (2)(B) to an originating site
 9 with respect to a telehealth service described in
 10 subparagraph (A) if the originating site does not
 11 otherwise meet the requirements for an origi-
 12 nating site under paragraph (4)(C).”.

13 ***Subtitle D—Identifying the***
 14 ***Chronically Ill Population***

15 ***SEC. 50331. PROVIDING FLEXIBILITY FOR BENEFICIARIES***
 16 ***TO BE PART OF AN ACCOUNTABLE CARE OR-***
 17 ***GANIZATION.***

18 *Section 1899(c) of the Social Security Act (42 U.S.C.*
 19 *1395jjj(c)) is amended—*

20 *(1) by redesignating paragraphs (1) and (2) as*
 21 *subparagraphs (A) and (B), respectively, and indent-*
 22 *ing appropriately;*

23 *(2) by striking “ACOS.—The Secretary” and in-*
 24 *serting “ACOS.—*

1 “(1) *IN GENERAL.*—Subject to paragraph (2), the
2 *Secretary*”; and

3 (3) *by adding at the end the following new para-*
4 *graph:*

5 “(2) *PROVIDING FLEXIBILITY.*—

6 “(A) *CHOICE OF PROSPECTIVE ASSIGN-*
7 *MENT.*—For each agreement period (effective for
8 agreements entered into or renewed on or after
9 January 1, 2020), in the case where an ACO es-
10 tablished under the program is in a Track that
11 provides for the retrospective assignment of
12 Medicare fee-for-service beneficiaries to the ACO,
13 the Secretary shall permit the ACO to choose to
14 have Medicare fee-for-service beneficiaries as-
15 signed prospectively, rather than retrospectively,
16 to the ACO for an agreement period.

17 “(B) *ASSIGNMENT BASED ON VOLUNTARY*
18 *IDENTIFICATION BY MEDICARE FEE-FOR-SERVICE*
19 *BENEFICIARIES.*—

20 “(i) *IN GENERAL.*—For performance
21 year 2018 and each subsequent performance
22 year, if a system is available for electronic
23 designation, the Secretary shall permit a
24 Medicare fee-for-service beneficiary to volun-
25 tarily identify an ACO professional as the

1 *primary care provider of the beneficiary for*
2 *purposes of assigning such beneficiary to an*
3 *ACO, as determined by the Secretary.*

4 “(ii) *NOTIFICATION PROCESS.—The*
5 *Secretary shall establish a process under*
6 *which a Medicare fee-for-service beneficiary*
7 *is—*

8 *“(I) notified of their ability to*
9 *make an identification described in*
10 *clause (i); and*

11 *“(II) informed of the process by*
12 *which they may make and change such*
13 *identification.*

14 “(iii) *SUPERSEDING CLAIMS-BASED AS-*
15 *SIGNMENT.—A voluntary identification by*
16 *a Medicare fee-for-service beneficiary under*
17 *this subparagraph shall supersede any*
18 *claims-based assignment otherwise deter-*
19 *mined by the Secretary.”.*

1 ***Subtitle E—Empowering Individuals***
 2 ***and Caregivers in Care De-***
 3 ***livery***

4 **SEC. 50341. ELIMINATING BARRIERS TO CARE COORDINA-**
 5 **TION UNDER ACCOUNTABLE CARE ORGANIZA-**
 6 **TIONS.**

7 (a) *IN GENERAL.*—Section 1899 of the Social Security
 8 Act (42 U.S.C. 1395jjj), as amended by section 50324(a),
 9 is amended—

10 (1) *in subsection (b)(2), by adding at the end the*
 11 *following new subparagraph:*

12 “(I) *An ACO that seeks to operate an ACO*
 13 *Beneficiary Incentive Program pursuant to sub-*
 14 *section (m) shall apply to the Secretary at such*
 15 *time, in such manner, and with such informa-*
 16 *tion as the Secretary may require.”;*

17 (2) *by adding at the end the following new sub-*
 18 *section:*

19 “(m) *AUTHORITY TO PROVIDE INCENTIVE PAYMENTS*
 20 *TO BENEFICIARIES WITH RESPECT TO QUALIFYING PRI-*
 21 *MARY CARE SERVICES.*—

22 “(1) *PROGRAM.*—

23 “(A) *IN GENERAL.*—*In order to encourage*
 24 *Medicare fee-for-service beneficiaries to obtain*
 25 *medically necessary primary care services, an*

1 *ACO participating under this section under a*
2 *payment model described in clause (i) or (ii) of*
3 *paragraph (2)(B) may apply to establish an*
4 *ACO Beneficiary Incentive Program to provide*
5 *incentive payments to such beneficiaries who are*
6 *furnished qualifying services in accordance with*
7 *this subsection. The Secretary shall permit such*
8 *an ACO to establish such a program at the Sec-*
9 *retary's discretion and subject to such require-*
10 *ments, including program integrity require-*
11 *ments, as the Secretary determines necessary.*

12 “(B) *IMPLEMENTATION.*—*The Secretary*
13 *shall implement this subsection on a date deter-*
14 *mined appropriate by the Secretary. Such date*
15 *shall be no earlier than January 1, 2019, and no*
16 *later than January 1, 2020.*

17 “(2) *CONDUCT OF PROGRAM.*—

18 “(A) *DURATION.*—*Subject to subparagraph*
19 *(H), an ACO Beneficiary Incentive Program es-*
20 *tablished under this subsection shall be conducted*
21 *for such period (of not less than 1 year) as the*
22 *Secretary may approve.*

23 “(B) *SCOPE.*—*An ACO Beneficiary Incen-*
24 *tive Program established under this subsection*
25 *shall provide incentive payments to all of the fol-*

1 *lowing Medicare fee-for-service beneficiaries who*
2 *are furnished qualifying services by the ACO:*

3 *“(i) With respect to the Track 2 and*
4 *Track 3 payment models described in sec-*
5 *tion 425.600(a) of title 42, Code of Federal*
6 *Regulations (or in any successor regula-*
7 *tion), Medicare fee-for-service beneficiaries*
8 *who are preliminarily prospectively or pro-*
9 *spectively assigned (or otherwise assigned,*
10 *as determined by the Secretary) to the ACO.*

11 *“(ii) With respect to any future pay-*
12 *ment models involving two-sided risk, Medi-*
13 *care fee-for-service beneficiaries who are as-*
14 *signed to the ACO, as determined by the*
15 *Secretary.*

16 *“(C) QUALIFYING SERVICE.—For purposes*
17 *of this subsection, a qualifying service is a pri-*
18 *mary care service, as defined in section 425.20*
19 *of title 42, Code of Federal Regulations (or in*
20 *any successor regulation), with respect to which*
21 *coinsurance applies under part B, furnished*
22 *through an ACO by—*

23 *“(i) an ACO professional described in*
24 *subsection (h)(1)(A) who has a primary*
25 *care specialty designation included in the*

1 *definition of primary care physician under*
2 *section 425.20 of title 42, Code of Federal*
3 *Regulations (or any successor regulation);*

4 *“(i) an ACO professional described in*
5 *subsection (h)(1)(B); or*

6 *“(iii) a Federally qualified health cen-*
7 *ter or rural health clinic (as such terms are*
8 *defined in section 1861(aa)).*

9 *“(D) INCENTIVE PAYMENTS.—An incentive*
10 *payment made by an ACO pursuant to an ACO*
11 *Beneficiary Incentive Program established under*
12 *this subsection shall be—*

13 *“(i) in an amount up to \$20, with*
14 *such maximum amount updated annually*
15 *by the percentage increase in the consumer*
16 *price index for all urban consumers (United*
17 *States city average) for the 12-month period*
18 *ending with June of the previous year;*

19 *“(ii) in the same amount for each*
20 *Medicare fee-for-service beneficiary described*
21 *in clause (i) or (ii) of subparagraph (B)*
22 *without regard to enrollment of such a bene-*
23 *ficiary in a medicare supplemental policy*
24 *(described in section 1882(g)(1)), in a State*
25 *Medicaid plan under title XIX or a waiver*

1 of such a plan, or in any other health in-
2 surance policy or health benefit plan;

3 “(iii) made for each qualifying service
4 furnished to such a beneficiary described in
5 clause (i) or (ii) of subparagraph (B) dur-
6 ing a period specified by the Secretary; and

7 “(iv) made no later than 30 days after
8 a qualifying service is furnished to such a
9 beneficiary described in clause (i) or (ii) of
10 subparagraph (B).

11 “(E) NO SEPARATE PAYMENTS FROM THE
12 SECRETARY.—The Secretary shall not make any
13 separate payment to an ACO for the costs, in-
14 cluding incentive payments, of carrying out an
15 ACO Beneficiary Incentive Program established
16 under this subsection. Nothing in this subpara-
17 graph shall be construed as prohibiting an ACO
18 from using shared savings received under this
19 section to carry out an ACO Beneficiary Incen-
20 tive Program.

21 “(F) NO APPLICATION TO SHARED SAVINGS
22 CALCULATION.—Incentive payments made by an
23 ACO under this subsection shall be disregarded
24 for purposes of calculating benchmarks, esti-

1 *mated average per capita Medicare expenditures,*
2 *and shared savings under this section.*

3 “(G) *REPORTING REQUIREMENTS.—An*
4 *ACO conducting an ACO Beneficiary Incentive*
5 *Program under this subsection shall, at such*
6 *times and in such format as the Secretary may*
7 *require, report to the Secretary such information*
8 *and retain such documentation as the Secretary*
9 *may require, including the amount and fre-*
10 *quency of incentive payments made and the*
11 *number of Medicare fee-for-service beneficiaries*
12 *receiving such payments.*

13 “(H) *TERMINATION.—The Secretary may*
14 *terminate an ACO Beneficiary Incentive Pro-*
15 *gram established under this subsection at any*
16 *time for reasons determined appropriate by the*
17 *Secretary.*

18 “(3) *EXCLUSION OF INCENTIVE PAYMENTS.—Any*
19 *payment made under an ACO Beneficiary Incentive*
20 *Program established under this subsection shall not be*
21 *considered income or resources or otherwise taken into*
22 *account for purposes of—*

23 “(A) *determining eligibility for benefits or*
24 *assistance (or the amount or extent of benefits or*
25 *assistance) under any Federal program or under*

1 *any State or local program financed in whole or*
2 *in part with Federal funds; or*

3 “(B) *any Federal or State laws relating to*
4 *taxation.*”;

5 (3) *in subsection (e), by inserting “, including*
6 *an ACO Beneficiary Incentive Program under sub-*
7 *sections (b)(2)(I) and (m)” after “the program”; and*

8 (4) *in subsection (g)(6), by inserting “or of an*
9 *ACO Beneficiary Incentive Program under sub-*
10 *sections (b)(2)(I) and (m)” after “under subsection*
11 *(d)(4)”.*

12 (b) *AMENDMENT TO SECTION 1128B.—Section*
13 *1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a-*
14 *7b(b)(3)) is amended—*

15 (1) *by striking “and” at the end of subpara-*
16 *graph (I);*

17 (2) *by striking the period at the end of subpara-*
18 *graph (J) and inserting “; and”; and*

19 (3) *by adding at the end the following new sub-*
20 *paragraph:*

21 “(K) *an incentive payment made to a Medi-*
22 *care fee-for-service beneficiary by an ACO under*
23 *an ACO Beneficiary Incentive Program estab-*
24 *lished under subsection (m) of section 1899, if*
25 *the payment is made in accordance with the re-*

1 *quirements of such subsection and meets such*
2 *other conditions as the Secretary may estab-*
3 *lish.”.*

4 *(c) EVALUATION AND REPORT.—*

5 *(1) EVALUATION.—The Secretary of Health and*
6 *Human Services (in this subsection referred to as the*
7 *“Secretary”) shall conduct an evaluation of the ACO*
8 *Beneficiary Incentive Program established under sub-*
9 *sections (b)(2)(I) and (m) of section 1899 of the So-*
10 *cial Security Act (42 U.S.C. 1395jii), as added by*
11 *subsection (a). The evaluation shall include an anal-*
12 *ysis of the impact of the implementation of the Pro-*
13 *gram on expenditures and beneficiary health outcomes*
14 *under title XVIII of the Social Security Act (42*
15 *U.S.C. 1395 et seq.).*

16 *(2) REPORT.—Not later than October 1, 2023,*
17 *the Secretary shall submit to Congress a report con-*
18 *taining the results of the evaluation under paragraph*
19 *(1), together with recommendations for such legisla-*
20 *tion and administrative action as the Secretary deter-*
21 *mines appropriate.*

1 **SEC. 50342. GAO STUDY AND REPORT ON LONGITUDINAL**
2 **COMPREHENSIVE CARE PLANNING SERVICES**
3 **UNDER MEDICARE PART B.**

4 (a) *STUDY.*—*The Comptroller General shall conduct a*
5 *study on the establishment under part B of the Medicare*
6 *program under title XVIII of the Social Security Act of*
7 *a payment code for a visit for longitudinal comprehensive*
8 *care planning services. Such study shall include an anal-*
9 *ysis of the following to the extent such information is avail-*
10 *able:*

11 (1) *The frequency with which services similar to*
12 *longitudinal comprehensive care planning services are*
13 *furnished to Medicare beneficiaries, which providers*
14 *of services and suppliers are furnishing those services,*
15 *whether Medicare reimbursement is being received for*
16 *those services, and, if so, through which codes those*
17 *services are being reimbursed.*

18 (2) *Whether, and the extent to which, longitu-*
19 *dinal comprehensive care planning services would*
20 *overlap, and could therefore result in duplicative pay-*
21 *ment, with services covered under the hospice benefit*
22 *as well as the chronic care management code, evalua-*
23 *tion and management codes, or other codes that al-*
24 *ready exist under part B of the Medicare program.*

25 (3) *Any barriers to hospitals, skilled nursing fa-*
26 *cilities, hospice programs, home health agencies, and*

1 *other applicable providers working with a Medicare*
2 *beneficiary to engage in the care planning process*
3 *and complete the necessary documentation to support*
4 *the treatment and care plan of the beneficiary and*
5 *provide such documentation to other providers and*
6 *the beneficiary or the beneficiary's representative.*

7 *(4) Any barriers to providers, other than the pro-*
8 *vider furnishing longitudinal comprehensive care*
9 *planning services, accessing the care plan and associ-*
10 *ated documentation for use related to the care of the*
11 *Medicare beneficiary.*

12 *(5) Potential options for ensuring that applica-*
13 *ble providers are notified of a patient's existing longi-*
14 *tudinal care plan and that applicable providers con-*
15 *sider that plan in making their treatment decisions,*
16 *and what the challenges might be in implementing*
17 *such options.*

18 *(6) Stakeholder's views on the need for the devel-*
19 *opment of quality metrics with respect to longitudinal*
20 *comprehensive care planning services, such as meas-*
21 *ures related to—*

22 *(A) the process of eliciting input from the*
23 *Medicare beneficiary or from a legally author-*
24 *ized representative and documenting in the med-*
25 *ical record the patient-directed care plan;*

1 (B) the effectiveness and patient-
2 centeredness of the care plan in organizing deliv-
3 ery of services consistent with the plan;

4 (C) the availability of the care plan and as-
5 sociated documentation to other providers that
6 care for the beneficiary; and

7 (D) the extent to which the beneficiary re-
8 ceived services and support that is free from dis-
9 crimination based on advanced age, disability
10 status, or advanced illness.

11 (7) Stakeholder's views on how such quality
12 metrics would provide information on—

13 (A) the goals, values, and preferences of the
14 beneficiary;

15 (B) the documentation of the care plan;

16 (C) services furnished to the beneficiary;
17 and

18 (D) outcomes of treatment.

19 (8) Stakeholder's views on—

20 (A) the type of training and education
21 needed for applicable providers, individuals, and
22 caregivers in order to facilitate longitudinal
23 comprehensive care planning services;

1 (B) the types of providers of services and
2 suppliers that should be included in the inter-
3 disciplinary team of an applicable provider; and

4 (C) the characteristics of Medicare bene-
5 ficiaries that would be most appropriate to re-
6 ceive longitudinal comprehensive care planning
7 services, such as individuals with advanced dis-
8 ease and individuals who need assistance with
9 multiple activities of daily living.

10 (9) Stakeholder's views on the frequency with
11 which longitudinal comprehensive care planning serv-
12 ices should be furnished.

13 (b) *REPORT.*—Not later than 18 months after the date
14 of the enactment of this Act, the Comptroller General shall
15 submit to Congress a report containing the results of the
16 study conducted under subsection (a), together with rec-
17 ommendations for such legislation and administrative ac-
18 tion as the Comptroller General determines appropriate.

19 (c) *DEFINITIONS.*—In this section:

20 (1) *APPLICABLE PROVIDER.*—The term “applica-
21 ble provider” means a hospice program (as defined in
22 subsection (dd)(2) of section 1861 of the Social Secu-
23 rity Act (42 U.S.C. 1395ww)) or other provider of
24 services (as defined in subsection (u) of such section)

1 or supplier (as defined in subsection (d) of such sec-
2 tion) that—

3 (A) furnishes longitudinal comprehensive
4 care planning services through an interdiscipli-
5 nary team; and

6 (B) meets such other requirements as the
7 Secretary may determine to be appropriate.

8 (2) *COMPTROLLER GENERAL.*—The term “Comp-
9 troller General” means the Comptroller General of the
10 United States.

11 (3) *INTERDISCIPLINARY TEAM.*—The term
12 “interdisciplinary team” means a group that—

13 (A) includes the personnel described in sub-
14 section (dd)(2)(B)(i) of such section 1861;

15 (B) may include a chaplain, minister, or
16 other clergy; and

17 (C) may include other direct care personnel.

18 (4) *LONGITUDINAL COMPREHENSIVE CARE PLAN-*
19 *NING SERVICES.*—The term “longitudinal comprehen-
20 sive care planning services” means a voluntary
21 shared decisionmaking process that is furnished by an
22 applicable provider through an interdisciplinary
23 team and includes a conversation with Medicare bene-
24 ficiaries who have received a diagnosis of a serious or
25 life-threatening illness. The purpose of such services is

1 to discuss a longitudinal care plan that addresses the
2 progression of the disease, treatment options, the
3 goals, values, and preferences of the beneficiary, and
4 the availability of other resources and social supports
5 that may reduce the beneficiary’s health risks and
6 promote self-management and shared decisionmaking.

7 (5) *SECRETARY.*—The term “Secretary” means
8 the Secretary of Health and Human Services.

9 ***Subtitle F—Other Policies to Im-***
10 ***prove Care for the Chronically***
11 ***Ill***

12 ***SEC. 50351. GAO STUDY AND REPORT ON IMPROVING MEDI-***
13 ***CATION SYNCHRONIZATION.***

14 (a) *STUDY.*—The Comptroller General of the United
15 States (in this section referred to as the “Comptroller Gen-
16 eral”) shall conduct a study on the extent to which Medicare
17 prescription drug plans (MA–PD plans and stand alone
18 prescription drug plans) under part D of title XVIII of the
19 Social Security Act and private payors use programs that
20 synchronize pharmacy dispensing so that individuals may
21 receive multiple prescriptions on the same day to facilitate
22 comprehensive counseling and promote medication adher-
23 ence. The study shall include a analysis of the following:

24 (1) *The extent to which pharmacies have adopted*
25 *such programs.*

1 (2) *The common characteristics of such pro-*
2 *grams, including how pharmacies structure coun-*
3 *seling sessions under such programs and the types of*
4 *payment and other arrangements that Medicare pre-*
5 *scription drug plans and private payors employ*
6 *under such programs to support the efforts of phar-*
7 *macies.*

8 (3) *How such programs compare for Medicare*
9 *prescription drug plans and private payors.*

10 (4) *What is known about how such programs af-*
11 *fect patient medication adherence and overall patient*
12 *health outcomes, including if adherence and outcomes*
13 *vary by patient subpopulations, such as disease state*
14 *and socioeconomic status.*

15 (5) *What is known about overall patient satisfac-*
16 *tion with such programs and satisfaction with such*
17 *programs, including within patient subpopulations,*
18 *such as disease state and socioeconomic status.*

19 (6) *The extent to which laws and regulations of*
20 *the Medicare program support such programs.*

21 (7) *Barriers to the use of medication synchroni-*
22 *zation programs by Medicare prescription drug plans.*

23 (b) *REPORT.*—*Not later than 18 months after the date*
24 *of the enactment of this Act, the Comptroller General shall*
25 *submit to Congress a report containing the results of the*

1 *study under subsection (a), together with recommendations*
2 *for such legislation and administrative action as the Comp-*
3 *troller General determines appropriate.*

4 **SEC. 50352. GAO STUDY AND REPORT ON IMPACT OF OBE-**
5 **SITY DRUGS ON PATIENT HEALTH AND**
6 **SPENDING.**

7 (a) *STUDY.*—*The Comptroller General of the United*
8 *States (in this section referred to as the “Comptroller Gen-*
9 *eral”)* shall, to the extent data are available, conduct a
10 *study on the use of prescription drugs to manage the weight*
11 *of obese patients and the impact of coverage of such drugs*
12 *on patient health and on health care spending. Such study*
13 *shall examine the use and impact of these obesity drugs in*
14 *the non-Medicare population and for Medicare beneficiaries*
15 *who have such drugs covered through an MA–PD plan (as*
16 *defined in section 1860D–1(a)(3)(C) of the Social Security*
17 *Act (42 U.S.C. 1395w–101(a)(3)(C))) as a supplemental*
18 *health care benefit. The study shall include an analysis of*
19 *the following:*

20 (1) *The prevalence of obesity in the Medicare*
21 *and non-Medicare population.*

22 (2) *The utilization of obesity drugs.*

23 (3) *The distribution of Body Mass Index by in-*
24 *dividuals taking obesity drugs, to the extent prac-*
25 *ticable.*

1 (4) *What is known about the use of obesity drugs*
2 *in conjunction with the receipt of other items or serv-*
3 *ices, such as behavioral counseling, and how these*
4 *compare to items and services received by obese indi-*
5 *viduals who do not take obesity drugs.*

6 (5) *Physician considerations and attitudes re-*
7 *lated to prescribing obesity drugs.*

8 (6) *The extent to which coverage policies cease or*
9 *limit coverage for individuals who fail to receive clin-*
10 *ical benefit.*

11 (7) *What is known about the extent to which in-*
12 *dividuals who take obesity drugs adhere to the pre-*
13 *scribed regimen.*

14 (8) *What is known about the extent to which in-*
15 *dividuals who take obesity drugs maintain weight loss*
16 *over time.*

17 (9) *What is known about the subsequent impact*
18 *such drugs have on medical services that are directly*
19 *related to obesity, including with respect to sub-*
20 *populations determined based on the extent of obesity.*

21 (10) *What is known about the spending associ-*
22 *ated with the care of individuals who take obesity*
23 *drugs, compared to the spending associated with the*
24 *care of individuals who do not take such drugs.*

1 (b) *REPORT.*—Not later than 18 months after the date
2 of the enactment of this Act, the Comptroller General shall
3 submit to Congress a report containing the results of the
4 study under subsection (a), together with recommendations
5 for such legislation and administrative action as the Comp-
6 troller General determines appropriate.

7 **SEC. 50353. HHS STUDY AND REPORT ON LONG-TERM RISK**
8 **FACTORS FOR CHRONIC CONDITIONS AMONG**
9 **MEDICARE BENEFICIARIES.**

10 (a) *STUDY.*—The Secretary of Health and Human
11 Services (in this section referred to as the “Secretary”) shall
12 conduct a study on long-term cost drivers to the Medicare
13 program, including obesity, tobacco use, mental health con-
14 ditions, and other factors that may contribute to the deterio-
15 ration of health conditions among individuals with chronic
16 conditions in the Medicare population. The study shall in-
17 clude an analysis of any barriers to collecting and ana-
18 lyzing such information and how to remove any such bar-
19 riers (including through legislation and administrative ac-
20 tions).

21 (b) *REPORT.*—Not later than 18 months after the date
22 of the enactment of this Act, the Secretary shall submit to
23 Congress a report containing the results of the study under
24 subsection (a), together with recommendations for such leg-
25 islation and administrative action as the Secretary deter-

1 *mines appropriate. The Secretary shall also post such re-*
2 *port on the Internet website of the Department of Health*
3 *and Human Services.*

4 **SEC. 50354. PROVIDING PRESCRIPTION DRUG PLANS WITH**
5 **PARTS A AND B CLAIMS DATA TO PROMOTE**
6 **THE APPROPRIATE USE OF MEDICATIONS**
7 **AND IMPROVE HEALTH OUTCOMES.**

8 *Section 1860D–4(c) of the Social Security Act (42*
9 *U.S.C. 1395w–104(c)) is amended by adding at the end the*
10 *following new paragraph:*

11 *“(6) PROVIDING PRESCRIPTION DRUG PLANS*
12 *WITH PARTS A AND B CLAIMS DATA TO PROMOTE THE*
13 *APPROPRIATE USE OF MEDICATIONS AND IMPROVE*
14 *HEALTH OUTCOMES.—*

15 *“(A) PROCESS.—Subject to subparagraph*
16 *(B), the Secretary shall establish a process under*
17 *which a PDP sponsor of a prescription drug*
18 *plan may submit a request for the Secretary to*
19 *provide the sponsor, on a periodic basis and in*
20 *an electronic format, beginning in plan year*
21 *2020, data described in subparagraph (D) with*
22 *respect to enrollees in such plan. Such data shall*
23 *be provided without regard to whether such en-*
24 *rollees are described in clause (ii) of paragraph*
25 *(2)(A).*

1 “(B) *PURPOSES.*—A PDP sponsor may use
2 the data provided to the sponsor pursuant to
3 subparagraph (A) for any of the following pur-
4 poses:

5 “(i) *To optimize therapeutic outcomes*
6 *through improved medication use, as such*
7 *phrase is used in clause (i) of paragraph*
8 *(2)(A).*

9 “(ii) *To improving care coordination*
10 *so as to prevent adverse health outcomes,*
11 *such as preventable emergency department*
12 *visits and hospital readmissions.*

13 “(iii) *For any other purpose deter-*
14 *mined appropriate by the Secretary.*

15 “(C) *LIMITATIONS ON DATA USE.*—A PDP
16 sponsor shall not use data provided to the spon-
17 sor pursuant to subparagraph (A) for any of the
18 following purposes:

19 “(i) *To inform coverage determinations*
20 *under this part.*

21 “(ii) *To conduct retroactive reviews of*
22 *medically accepted indications determina-*
23 *tions.*

24 “(iii) *To facilitate enrollment changes*
25 *to a different prescription drug plan or an*

1 *MA–PD plan offered by the same parent or-*
2 *ganization.*

3 *“(iv) To inform marketing of benefits.*

4 *“(v) For any other purpose that the*
5 *Secretary determines is necessary to include*
6 *in order to protect the identity of individ-*
7 *uals entitled to, or enrolled for, benefits*
8 *under this title and to protect the security*
9 *of personal health information.*

10 *“(D) DATA DESCRIBED.—The data de-*
11 *scribed in this clause are standardized extracts*
12 *(as determined by the Secretary) of claims data*
13 *under parts A and B for items and services fur-*
14 *nished under such parts for time periods speci-*
15 *fied by the Secretary. Such data shall include*
16 *data as current as practicable.”.*

1 **TITLE IV—PART B IMPROVE-**
 2 **MENT ACT AND OTHER PART**
 3 **B ENHANCEMENTS**

4 **Subtitle A—Medicare Part B**
 5 **Improvement Act**

6 **SEC. 50401. HOME INFUSION THERAPY SERVICES TEM-**
 7 **PORARY TRANSITIONAL PAYMENT.**

8 *(a) IN GENERAL.—Section 1834(u) of the Social Secu-*
 9 *urity Act (42 U.S.C. 1395m(u)) is amended, by adding at*
 10 *the end the following new paragraph:*

11 *“(7) HOME INFUSION THERAPY SERVICES TEM-*
 12 *PORARY TRANSITIONAL PAYMENT.—*

13 *“(A) TEMPORARY TRANSITIONAL PAY-*
 14 *MENT.—*

15 *“(i) IN GENERAL.—The Secretary*
 16 *shall, in accordance with the payment*
 17 *methodology described in subparagraph (B)*
 18 *and subject to the provisions of this para-*
 19 *graph, provide a home infusion therapy*
 20 *services temporary transitional payment*
 21 *under this part to an eligible home infusion*
 22 *supplier (as defined in subparagraph (F))*
 23 *for items and services described in subpara-*
 24 *graphs (A) and (B) of section 1861(iii)(2))*
 25 *furnished during the period specified in*

1 *clause (ii) by such supplier in coordination*
2 *with the furnishing of transitional home in-*
3 *fusion drugs (as defined in clause (iii)).*

4 “(i) *PERIOD SPECIFIED.*—*For pur-*
5 *poses of clause (i), the period specified in*
6 *this clause is the period beginning on Janu-*
7 *ary 1, 2019, and ending on the day before*
8 *the date of the implementation of the pay-*
9 *ment system under paragraph (1)(A).*

10 “(iii) *TRANSITIONAL HOME INFUSION*
11 *DRUG DEFINED.*—*For purposes of this para-*
12 *graph, the term ‘transitional home infusion*
13 *drug’ has the meaning given to the term*
14 *‘home infusion drug’ under section*
15 *1861(iii)(3)(C), except that clause (ii) of*
16 *such section shall not apply if a drug de-*
17 *scribed in such clause is identified in*
18 *clauses (i), (ii), (iii) or (iv) of subpara-*
19 *graph (C) as of the date of the enactment of*
20 *this paragraph.*

21 “(B) *PAYMENT METHODOLOGY.*—*For pur-*
22 *poses of this paragraph, the Secretary shall es-*
23 *tablish a payment methodology, with respect to*
24 *items and services described in subparagraph*

1 (A)(i). Under such payment methodology the
2 Secretary shall—

3 “(i) create the three payment categories
4 described in clauses (i), (ii), and (iii) of
5 subparagraph (C);

6 “(ii) assign drugs to such categories, in
7 accordance with such clauses;

8 “(iii) assign appropriate Healthcare
9 Common Procedure Coding System
10 (HCPCS) codes to each payment category;
11 and

12 “(iv) establish a single payment
13 amount for each such payment category, in
14 accordance with subparagraph (D), for each
15 infusion drug administration calendar day
16 in the individual’s home for drugs assigned
17 to such category.

18 “(C) PAYMENT CATEGORIES.—

19 “(i) PAYMENT CATEGORY 1.—The Sec-
20 retary shall create a payment category 1
21 and assign to such category drugs which are
22 covered under the Local Coverage Deter-
23 mination on External Infusion Pumps
24 (LCD number L33794) and billed with the
25 following HCPCS codes (as identified as of

1 *January 1, 2018, and as subsequently*
2 *modified by the Secretary): J0133, J0285,*
3 *J0287, J0288, J0289, J0895, J1170, J1250,*
4 *J1265, J1325, J1455, J1457, J1570, J2175,*
5 *J2260, J2270, J2274, J2278, J3010, or*
6 *J3285.*

7 “(ii) *PAYMENT CATEGORY 2.—The Sec-*
8 *retary shall create a payment category 2*
9 *and assign to such category drugs which are*
10 *covered under such local coverage deter-*
11 *mination and billed with the following*
12 *HCPCS codes (as identified as of January*
13 *1, 2018, and as subsequently modified by*
14 *the Secretary): J1555 JB, J1559 JB, J1561*
15 *JB, J1562 JB, J1569 JB, or J1575 JB.*

16 “(iii) *PAYMENT CATEGORY 3.—The*
17 *Secretary shall create a payment category 3*
18 *and assign to such category drugs which are*
19 *covered under such local coverage deter-*
20 *mination and billed with the following*
21 *HCPCS codes (as identified as of January*
22 *1, 2018, and as subsequently modified by*
23 *the Secretary): J9000, J9039, J9040,*
24 *J9065, J9100, J9190, J9200, J9360, or*
25 *J9370.*

1 “(iv) *INFUSION DRUGS NOT OTHER-*
2 *WISE INCLUDED.*—With respect to drugs
3 that are not included in payment category
4 1, 2, or 3 under clause (i), (ii), or (iii), re-
5 spectively, the Secretary shall assign to the
6 most appropriate of such categories, as de-
7 termined by the Secretary, drugs which
8 are—

9 “(I) covered under such local cov-
10 *erage determination and billed under*
11 *HCPCS codes J7799 or J7999 (as*
12 *identified as of July 1, 2017, and as*
13 *subsequently modified by the Sec-*
14 *retary); or*

15 “(II) billed under any code that is
16 *implemented after the date of the en-*
17 *actment of this paragraph and in-*
18 *cluded in such local coverage deter-*
19 *mination or included in subregulatory*
20 *guidance as a home infusion drug de-*
21 *scribed in subparagraph (A)(i).*

22 “(D) *PAYMENT AMOUNTS.*—

23 “(i) *IN GENERAL.*—Under the payment
24 methodology, the Secretary shall pay eligible
25 home infusion suppliers, with respect to

1 *items and services described in subpara-*
2 *graph (A)(i) furnished during the period*
3 *described in subparagraph (A)(ii) by such*
4 *supplier to an individual, at amounts equal*
5 *to the amounts determined under the physi-*
6 *cian fee schedule established under section*
7 *1848 for services furnished during the year*
8 *for codes and units of such codes described*
9 *in clauses (ii), (iii), and (iv) with respect*
10 *to drugs included in the payment category*
11 *under subparagraph (C) specified in the re-*
12 *spective clause, determined without applica-*
13 *tion of the geographic adjustment under*
14 *subsection (e) of such section.*

15 “(ii) *PAYMENT AMOUNT FOR CATEGORY*
16 *1.—For purposes of clause (i), the codes and*
17 *units described in this clause, with respect*
18 *to drugs included in payment category 1*
19 *described in subparagraph (C)(i), are one*
20 *unit of HCPCS code 96365 plus three units*
21 *of HCPCS code 96366 (as identified as of*
22 *January 1, 2018, and as subsequently*
23 *modified by the Secretary).*

24 “(iii) *PAYMENT AMOUNT FOR CAT-*
25 *EGORY 2.—For purposes of clause (i), the*

1 *codes and units described in this clause,*
2 *with respect to drugs included in payment*
3 *category 2 described in subparagraph*
4 *(C)(i), are one unit of HCPCS code 96369*
5 *plus three units of HCPCS code 96370 (as*
6 *identified as of January 1, 2018, and as*
7 *subsequently modified by the Secretary).*

8 “(iv) *PAYMENT AMOUNT FOR CAT-*
9 *EGORY 3.—For purposes of clause (i), the*
10 *codes and units described in this clause,*
11 *with respect to drugs included in payment*
12 *category 3 described in subparagraph*
13 *(C)(i), are one unit of HCPCS code 96413*
14 *plus three units of HCPCS code 96415 (as*
15 *identified as of January 1, 2018, and as*
16 *subsequently modified by the Secretary).*

17 “(E) *CLARIFICATIONS.—*

18 “(i) *INFUSION DRUG ADMINISTRATION*
19 *DAY.—For purposes of this subsection, with*
20 *respect to the furnishing of transitional*
21 *home infusion drugs or home infusion drugs*
22 *to an individual by an eligible home infu-*
23 *sion supplier or a qualified home infusion*
24 *therapy supplier, a reference to payment to*
25 *such supplier for an infusion drug adminis-*

1 *tration calendar day in the individual's*
2 *home shall refer to payment only for the*
3 *date on which professional services (as de-*
4 *scribed in section 1861(iii)(2)(A)) were fur-*
5 *nished to administer such drugs to such in-*
6 *dividual. For purposes of the previous sen-*
7 *tence, an infusion drug administration cal-*
8 *endar day shall include all such drugs ad-*
9 *ministered to such individual on such day.*

10 *“(i) TREATMENT OF MULTIPLE DRUGS*
11 *ADMINISTERED ON SAME INFUSION DRUG*
12 *ADMINISTRATION DAY.—In the case that an*
13 *eligible home infusion supplier, with respect*
14 *to an infusion drug administration cal-*
15 *endar day in an individual's home, fur-*
16 *nishes to such individual transitional home*
17 *infusion drugs which are not all assigned to*
18 *the same payment category under subpara-*
19 *graph (C), payment to such supplier for*
20 *such infusion drug administration calendar*
21 *day in the individual's home shall be a sin-*
22 *gle payment equal to the amount of pay-*
23 *ment under this paragraph for the drug,*
24 *among all such drugs so furnished to such*
25 *individual during such calendar day, for*

1 *which the highest payment would be made*
2 *under this paragraph.*

3 “(F) *ELIGIBLE HOME INFUSION SUP-*
4 *PLIERS.—In this paragraph, the term ‘eligible*
5 *home infusion supplier’ means a supplier that is*
6 *enrolled under this part as a pharmacy that pro-*
7 *vides external infusion pumps and external infu-*
8 *sion pump supplies and that maintains all*
9 *pharmacy licensure requirements in the State in*
10 *which the applicable infusion drugs are adminis-*
11 *tered.*”

12 “(G) *IMPLEMENTATION.—Notwithstanding*
13 *any other provision of law, the Secretary may*
14 *implement this paragraph by program instruc-*
15 *tion or otherwise.”.*”

16 (b) *CONFORMING AMENDMENTS.—(1) Section*
17 *1842(b)(6)(I) of the Social Security Act (42 U.S.C.*
18 *1395u(b)(6)(I)) is amended by inserting “or, in the case*
19 *of items and services described in clause (i) of section*
20 *1834(u)(7)(A) furnished to an individual during the period*
21 *described in clause (ii) of such section, payment shall be*
22 *made to the eligible home infusion therapy supplier” after*
23 *“payment shall be made to the qualified home infusion ther-*
24 *apy supplier”.*”

1 (2) *Section 5012(d) of the 21st Century Cures Act is*
2 *amended by inserting the following before the period at the*
3 *end: “, except that the amendments made by paragraphs*
4 *(1) and (2) of subsection (c) shall apply to items and serv-*
5 *ices furnished on or after January 1, 2019”.*

6 **SEC. 50402. ORTHOTIST’S AND PROSTHETIST’S CLINICAL**
7 **NOTES AS PART OF THE PATIENT’S MEDICAL**
8 **RECORD.**

9 *Section 1834(h) of the Social Security Act (42 U.S.C.*
10 *1395m(h)) is amended by adding at the end the following*
11 *new paragraph:*

12 “(5) *DOCUMENTATION CREATED BY ORTHOTISTS*
13 *AND PROSTHETISTS.—For purposes of determining*
14 *the reasonableness and medical necessity of orthotics*
15 *and prosthetics, documentation created by an*
16 *orthotist or prosthetist shall be considered part of the*
17 *individual’s medical record to support documentation*
18 *created by eligible professionals described in section*
19 *1848(k)(3)(B).”.*

20 **SEC. 50403. INDEPENDENT ACCREDITATION FOR DIALYSIS**
21 **FACILITIES AND ASSURANCE OF HIGH QUAL-**
22 **ITY SURVEYS.**

23 *(a) ACCREDITATION AND SURVEYS.—*

24 (1) *IN GENERAL.—Section 1865 of the Social Se-*
25 *curity Act (42 U.S.C. 1395bb) is amended—*

1 (A) in subsection (a)—

2 (i) in paragraph (1), in the matter
3 preceding subparagraph (A), by striking “or
4 the conditions and requirements under sec-
5 tion 1881(b)”; and

6 (ii) in paragraph (4), by inserting
7 “(including a renal dialysis facility)” after
8 “facility”; and

9 (B) by adding at the end the following new
10 subsection:

11 “(e) With respect to an accreditation body that has re-
12 ceived approval from the Secretary under subsection
13 (a)(3)(A) for accreditation of provider entities that are re-
14 quired to meet the conditions and requirements under sec-
15 tion 1881(b), in addition to review and oversight authori-
16 ties otherwise applicable under this title, the Secretary shall
17 (as the Secretary determines appropriate) conduct, with re-
18 spect to such accreditation body and provider entities, any
19 or all of the following as frequently as is otherwise required
20 to be conducted under this title with respect to other accredi-
21 tation bodies or other provider entities:

22 “(1) Validation surveys referred to in subsection
23 (d).

1 “(2) Accreditation program reviews (as defined
2 in section 488.8(c) of title 42 of the Code of Federal
3 Regulations, or a successor regulation).

4 “(3) Performance reviews (as defined in section
5 488.8(a) of title 42 of the Code of Federal Regula-
6 tions, or a successor regulation).”.

7 (2) *TIMING FOR ACCEPTANCE OF REQUESTS*
8 *FROM ACCREDITATION ORGANIZATIONS.*—Not later
9 than 90 days after the date of enactment of this Act,
10 the Secretary of Health and Human Services shall
11 begin accepting requests from national accreditation
12 bodies for a finding described in section
13 1865(a)(3)(A) of the Social Security Act (42 U.S.C.
14 1395bb(a)(3)(A)) for purposes of accrediting provider
15 entities that are required to meet the conditions and
16 requirements under section 1881(b) of such Act (42
17 U.S.C. 1395rr(b)).

18 (b) *REQUIREMENT FOR TIMING OF SURVEYS OF NEW*
19 *DIALYSIS FACILITIES.*—Section 1881(b)(1) of the Social Se-
20 curity Act (42 U.S.C. 1395rr(b)(1)) is amended by adding
21 at the end the following new sentence: “Beginning 180 days
22 after the date of the enactment of this sentence, an initial
23 survey of a provider of services or a renal dialysis facility
24 to determine if the conditions and requirements under this
25 paragraph are met shall be initiated not later than 90 days

1 *after such date on which both the provider enrollment form*
 2 *(without regard to whether such form is submitted prior*
 3 *to or after such date of enactment) has been determined by*
 4 *the Secretary to be complete and the provider's enrollment*
 5 *status indicates approval is pending the results of such sur-*
 6 *vey."*

7 **SEC. 50404. MODERNIZING THE APPLICATION OF THE**
 8 **STARK RULE UNDER MEDICARE.**

9 (a) *CLARIFICATION OF THE WRITING REQUIREMENT*
 10 *AND SIGNATURE REQUIREMENT FOR ARRANGEMENTS PUR-*
 11 *SUANT TO THE STARK RULE.—*

12 (1) *WRITING REQUIREMENT.—Section*
 13 *1877(h)(1) of the Social Security Act (42 U.S.C.*
 14 *1395nn(h)(1)) is amended by adding at the end the*
 15 *following new subparagraph:*

16 *"(D) WRITTEN REQUIREMENT CLARIFIED.—In*
 17 *the case of any requirement pursuant to this section*
 18 *for a compensation arrangement to be in writing,*
 19 *such requirement shall be satisfied by such means as*
 20 *determined by the Secretary, including by a collection*
 21 *of documents, including contemporaneous documents*
 22 *evidencing the course of conduct between the parties*
 23 *involved."*

24 (2) *SIGNATURE REQUIREMENT.—Section*
 25 *1877(h)(1) of the Social Security Act (42 U.S.C.*

1 1395nn(h)(1)), as amended by paragraph (1), is fur-
2 ther amended by adding at the end the following new
3 subparagraph:

4 “(E) *SPECIAL RULE FOR SIGNATURE RE-*
5 *QUIREMENTS.—In the case of any requirement*
6 *pursuant to this section for a compensation ar-*
7 *rangement to be in writing and signed by the*
8 *parties, such signature requirement shall be met*
9 *if—*

10 “(i) *not later than 90 consecutive cal-*
11 *endar days immediately following the date*
12 *on which the compensation arrangement be-*
13 *came noncompliant, the parties obtain the*
14 *required signatures; and*

15 “(ii) *the compensation arrangement*
16 *otherwise complies with all criteria of the*
17 *applicable exception.”.*

18 (b) *INDEFINITE HOLDOVER FOR LEASE ARRANGE-*
19 *MENTS AND PERSONAL SERVICES ARRANGEMENTS PURSU-*
20 *ANT TO THE STARK RULE.—Section 1877(e) of the Social*
21 *Security Act (42 U.S.C. 1395nn(e)) is amended—*

22 (1) *in paragraph (1), by adding at the end the*
23 *following new subparagraph:*

24 “(C) *HOLDOVER LEASE ARRANGEMENTS.—*
25 *In the case of a holdover lease arrangement for*

1 *the lease of office space or equipment, which im-*
2 *mediately follows a lease arrangement described*
3 *in subparagraph (A) for the use of such office*
4 *space or subparagraph (B) for the use of such*
5 *equipment and that expired after a term of at*
6 *least 1 year, payments made by the lessee to the*
7 *lessor pursuant to such holdover lease arrange-*
8 *ment, if—*

9 *“(i) the lease arrangement met the con-*
10 *ditions of subparagraph (A) for the lease of*
11 *office space or subparagraph (B) for the use*
12 *of equipment when the arrangement ex-*
13 *pired;*

14 *“(ii) the holdover lease arrangement is*
15 *on the same terms and conditions as the*
16 *immediately preceding arrangement; and*

17 *“(iii) the holdover arrangement con-*
18 *tinues to satisfy the conditions of subpara-*
19 *graph (A) for the lease of office space or*
20 *subparagraph (B) for the use of equip-*
21 *ment.”; and*

22 (2) *in paragraph (3), by adding at the end the*
23 *following new subparagraph:*

24 *“(C) **HOLDOVER PERSONAL SERVICE AR-***
25 ***RANGEMENT.**—In the case of a holdover personal*

1 *service arrangement, which immediately follows*
2 *an arrangement described in subparagraph (A)*
3 *that expired after a term of at least 1 year, re-*
4 *muneration from an entity pursuant to such*
5 *holdover personal service arrangement, if—*

6 “(i) *the personal service arrangement*
7 *met the conditions of subparagraph (A)*
8 *when the arrangement expired;*

9 “(ii) *the holdover personal service ar-*
10 *rangement is on the same terms and condi-*
11 *tions as the immediately preceding arrange-*
12 *ment; and*

13 “(iii) *the holdover arrangement con-*
14 *tinues to satisfy the conditions of subpara-*
15 *graph (A).”.*

16 ***Subtitle B—Additional Medicare*** 17 ***Provisions***

18 ***SEC. 50411. MAKING PERMANENT THE REMOVAL OF THE*** 19 ***RENTAL CAP FOR DURABLE MEDICAL EQUIP-*** 20 ***MENT UNDER MEDICARE WITH RESPECT TO*** 21 ***SPEECH GENERATING DEVICES.***

22 *Section 1834(a)(2)(A)(iv) of the Social Security Act*
23 *(42 U.S.C. 1395m(a)(2)(A)(iv)) is amended by striking*
24 *“and before October 1, 2018,”.*

1 **SEC. 50412. INCREASED CIVIL AND CRIMINAL PENALTIES**
2 **AND INCREASED SENTENCES FOR FEDERAL**
3 **HEALTH CARE PROGRAM FRAUD AND ABUSE.**

4 *(a) INCREASED CIVIL MONEY PENALTIES AND CRIMI-*
5 *NAL FINES.—*

6 *(1) INCREASED CIVIL MONEY PENALTIES.—Sec-*
7 *tion 1128A of the Social Security Act (42 U.S.C.*
8 *1320a–7a) is amended—*

9 *(A) in subsection (a), in the matter fol-*
10 *lowing paragraph (10)—*

11 *(i) by striking “\$10,000” and inserting*
12 *“\$20,000” each place it appears;*

13 *(ii) by striking “\$15,000” and insert-*
14 *ing “\$30,000”; and*

15 *(iii) by striking “\$50,000” and insert-*
16 *ing “\$100,000” each place it appears; and*

17 *(B) in subsection (b)—*

18 *(i) in paragraph (1), in the flush text*
19 *following subparagraph (B), by striking*
20 *“\$2,000” and inserting “\$5,000”;*

21 *(ii) in paragraph (2), by striking*
22 *“\$2,000” and inserting “\$5,000”; and*

23 *(iii) in paragraph (3)(A)(i), by strik-*
24 *ing “\$5,000” and inserting “\$10,000”.*

1 (2) *INCREASED CRIMINAL FINES.*—Section
2 *1128B of such Act (42 U.S.C. 1320a–7b) is amend-*
3 *ed—*

4 (A) *in subsection (a), in the matter fol-*
5 *lowing paragraph (6)—*

6 (i) *by striking “\$25,000” and inserting*
7 *“\$100,000”; and*

8 (ii) *by striking “\$10,000” and insert-*
9 *ing “\$20,000”;*

10 (B) *in subsection (b)—*

11 (i) *in paragraph (1), in the flush text*
12 *following subparagraph (B), by striking*
13 *“\$25,000” and inserting “\$100,000”; and*

14 (ii) *in paragraph (2), in the flush text*
15 *following subparagraph (B), by striking*
16 *“\$25,000” and inserting “\$100,000”;*

17 (C) *in subsection (c), by striking “\$25,000”*
18 *and inserting “\$100,000”;*

19 (D) *in subsection (d), in the flush text fol-*
20 *lowing paragraph (2), by striking “\$25,000” and*
21 *inserting “\$100,000”; and*

22 (E) *in subsection (e), by striking “\$2,000”*
23 *and inserting “\$4,000”.*

24 (b) *INCREASED SENTENCES FOR FELONIES INVOLVING*
25 *FEDERAL HEALTH CARE PROGRAM FRAUD AND ABUSE.—*

1 (1) *FALSE STATEMENTS AND REPRESENTA-*
2 *TIONS.—Section 1128B(a) of the Social Security Act*
3 *(42 U.S.C. 1320a–7b(a)) is amended, in the matter*
4 *following paragraph (6), by striking “not more than*
5 *five years or both, or (ii)” and inserting “not more*
6 *than 10 years or both, or (ii)”.*

7 (2) *ANTI-KICKBACK.—Section 1128B(b) of such*
8 *Act (42 U.S.C. 1320a–7b(b)) is amended—*

9 (A) *in paragraph (1), in the flush text fol-*
10 *lowing subparagraph (B), by striking “not more*
11 *than five years” and inserting “not more than*
12 *10 years”; and*

13 (B) *in paragraph (2), in the flush text fol-*
14 *lowing subparagraph (B), by striking “not more*
15 *than five years” and inserting “not more than*
16 *10 years”.*

17 (3) *FALSE STATEMENT OR REPRESENTATION*
18 *WITH RESPECT TO CONDITIONS OR OPERATIONS OF*
19 *FACILITIES.—Section 1128B(c) of such Act (42 U.S.C.*
20 *1320a–7b(c)) is amended by striking “not more than*
21 *five years” and inserting “not more than 10 years”.*

22 (4) *EXCESS CHARGES.—Section 1128B(d) of*
23 *such Act (42 U.S.C. 1320a–7b(d)) is amended, in the*
24 *flush text following paragraph (2), by striking “not*

1 *multiple sources of data (from mail order and*
2 *non-mail order Medicare markets), including*
3 *market-based data measuring sales of diabetic*
4 *testing strip products that are not exclusively*
5 *sold by a single retailer from such markets.”;*
6 *and*

7 *(B) by adding at the end the following new*
8 *subparagraphs:*

9 *“(C) DEMONSTRATION OF ABILITY TO FUR-*
10 *NISH TYPES OF DIABETIC TESTING STRIP PROD-*
11 *UCTS.—With respect to bids to furnish diabetic*
12 *testing strip products on or after January 1,*
13 *2019, an entity shall attest to the Secretary that*
14 *the entity has the ability to obtain an inventory*
15 *of the types and quantities of diabetic testing*
16 *strip products that will allow the entity to fur-*
17 *nish such products in a manner consistent with*
18 *its bid and—*

19 *“(i) demonstrate to the Secretary,*
20 *through letters of intent with manufactur-*
21 *ers, wholesalers, or other suppliers, or other*
22 *evidence as the Secretary may specify, such*
23 *ability; or*

1 “(ii) demonstrate to the Secretary that
2 it made a good faith attempt to obtain such
3 a letter of intent or such other evidence.

4 “(D) USE OF UNLISTED TYPES IN CALCULA-
5 TION OF PERCENTAGE.—With respect to bids to
6 furnish diabetic testing strip products on or after
7 January 1, 2019, in determining under subpara-
8 graph (A) whether a bid submitted by an entity
9 under such subparagraph covers 50 percent (or
10 such higher percentage as the Secretary may
11 specify) of all types of diabetic testing strip
12 products, the Secretary may not attribute a per-
13 centage to types of diabetic testing strip products
14 that the Secretary does not identify by brand,
15 model, and market share volume.

16 “(E) ADHERENCE TO DEMONSTRATION.—
17 “(i) IN GENERAL.—In the case of an
18 entity that is furnishing diabetic testing
19 strip products on or after January 1, 2019,
20 under a contract entered into under the
21 competition conducted pursuant to para-
22 graph (1), the Secretary shall establish a
23 process to monitor, on an ongoing basis, the
24 extent to which such entity continues to

1 cover the product types included in the enti-
2 ty's bid.

3 “(ii) *TERMINATION.*—If the Secretary
4 determines that an entity described in
5 clause (i) fails to maintain in inventory, or
6 otherwise maintain ready access to (through
7 requirements, contracts, or otherwise) a type
8 of product included in the entity's bid, the
9 Secretary may terminate such contract un-
10 less the Secretary finds that the failure of
11 the entity to maintain inventory of, or
12 ready access to, the product is the result of
13 the discontinuation of the product by the
14 product manufacturer, a market-wide short-
15 age of the product, or the introduction of a
16 newer model or version of the product in the
17 market involved.”.

18 (b) *CODIFYING AND EXPANDING ANTI-SWITCHING*
19 *RULE.*—Section 1847(b) of the Social Security Act (42
20 U.S.C. 1395w–3(b)), as amended by subsection (a)(1), is
21 further amended—

22 (1) by redesignating paragraph (11) as para-
23 graph (12); and

24 (2) by inserting after paragraph (10) the fol-
25 lowing new paragraph:

1 “(11) *ADDITIONAL SPECIAL RULES IN CASE OF*
2 *COMPETITION FOR DIABETIC TESTING STRIPS.*—

3 “(A) *IN GENERAL.*—*With respect to an enti-*
4 *ty that is furnishing diabetic testing strip prod-*
5 *ucts to individuals under a contract entered into*
6 *under the competitive acquisition program estab-*
7 *lished under this section, the entity shall furnish*
8 *to each individual a brand of such products that*
9 *is compatible with the home blood glucose mon-*
10 *itor selected by the individual.*

11 “(B) *PROHIBITION ON INFLUENCING AND*
12 *INCENTIVIZING.*—*An entity described in sub-*
13 *paragraph (A) may not attempt to influence or*
14 *incentivize an individual to switch the brand of*
15 *glucose monitor or diabetic testing strip product*
16 *selected by the individual, including by—*

17 “(i) *persuading, pressuring, or advis-*
18 *ing the individual to switch; or*

19 “(ii) *furnishing information about al-*
20 *ternative brands to the individual where the*
21 *individual has not requested such informa-*
22 *tion.*

23 “(C) *PROVISION OF INFORMATION.*—

24 “(i) *STANDARDIZED INFORMATION.*—
25 *Not later than January 1, 2019, the Sec-*

1 *retary shall develop and make available to*
2 *entities described in subparagraph (A)*
3 *standardized information that describes the*
4 *rights of an individual with respect to such*
5 *an entity. The information described in the*
6 *preceding sentence shall include information*
7 *regarding—*

8 *“(I) the requirements established*
9 *under subparagraphs (A) and (B);*

10 *“(II) the right of the individual to*
11 *purchase diabetic testing strip products*
12 *from another mail order supplier of*
13 *such products or a retail pharmacy if*
14 *the entity is not able to furnish the*
15 *brand of such product that is compat-*
16 *ible with the home blood glucose mon-*
17 *itor selected by the individual; and*

18 *“(III) the right of the individual*
19 *to return diabetic testing strip prod-*
20 *ucts furnished to the individual by the*
21 *entity.*

22 *“(ii) REQUIREMENT.—With respect to*
23 *diabetic testing strip products furnished on*
24 *or after the date on which the Secretary de-*
25 *velops the standardized information under*

1 *clause (i), an entity described in subpara-*
2 *graph (A) may not communicate directly to*
3 *an individual until the entity has verbally*
4 *provided the individual with such standard-*
5 *ized information.*

6 “(D) *ORDER REFILLS.*—*With respect to di-*
7 *abetic testing strip products furnished on or*
8 *after January 1, 2019, the Secretary shall re-*
9 *quire an entity furnishing diabetic testing strip*
10 *products to an individual to contact and receive*
11 *a request from the individual for such products*
12 *not more than 14 days prior to dispensing a re-*
13 *fill of such products to the individual.”.*

14 *(c) IMPLEMENTATION; NON-APPLICATION OF THE PA-*
15 *PERWORK REDUCTION ACT.—*

16 (1) *IMPLEMENTATION.*—*Notwithstanding any*
17 *other provision of law, the Secretary of Health and*
18 *Human Services may implement the provisions of,*
19 *and amendments made by, this section by program*
20 *instruction or otherwise.*

21 (2) *NON-APPLICATION OF THE PAPERWORK RE-*
22 *DUCTION ACT.*—*Chapter 35 of title 44, United States*
23 *Code (commonly referred to as the “Paperwork Re-*
24 *duction Act of 1995”), shall not apply to this section*
25 *or the amendments made by this section.*

1 **TITLE V—OTHER HEALTH**
2 **EXTENDERS**

3 **SEC. 50501. EXTENSION FOR FAMILY-TO-FAMILY HEALTH IN-**
4 **FORMATION CENTERS.**

5 *Section 501(c) of the Social Security Act (42 U.S.C.*
6 *701(c)) is amended—*

7 *(1) in paragraph (1)(A)—*

8 *(A) in clause (v), by striking “and” at the*
9 *end;*

10 *(B) in clause (vi), by striking the period at*
11 *the end and inserting “; and”; and*

12 *(C) by adding at the end the following new*
13 *clause:*

14 *“(vii) \$6,000,000 for each of fiscal years 2018*
15 *and 2019.”;*

16 *(2) in paragraph (3)(C), by inserting before the*
17 *period the following: “, and with respect to fiscal*
18 *years 2018 and 2019, such centers shall also be devel-*
19 *oped in all territories and at least one such center*
20 *shall be developed for Indian tribes”; and*

21 *(3) by amending paragraph (5) to read as fol-*
22 *lows:*

23 *“(5) For purposes of this subsection—*

1 “(A) the term ‘Indian tribe’ has the meaning
2 given such term in section 4 of the Indian Health
3 Care Improvement Act (25 U.S.C. 1603);

4 “(B) the term ‘State’ means each of the 50 States
5 and the District of Columbia; and

6 “(C) the term ‘territory’ means Puerto Rico,
7 Guam, American Samoa, the Virgin Islands, and the
8 Northern Mariana Islands.”.

9 **SEC. 50502. EXTENSION FOR SEXUAL RISK AVOIDANCE EDU-**
10 **CATION.**

11 (a) *IN GENERAL.*—Section 510 of the Social Security
12 Act (42 U.S.C. 710) is amended to read as follows:

13 **“SEC. 510. SEXUAL RISK AVOIDANCE EDUCATION.**

14 “(a) *IN GENERAL.*—

15 “(1) *ALLOTMENTS TO STATES.*—For the purpose
16 described in subsection (b), the Secretary shall, for
17 each of fiscal years 2018 and 2019, allot to each State
18 which has transmitted an application for the fiscal
19 year under section 505(a) an amount equal to the
20 product of—

21 “(A) the amount appropriated pursuant to
22 subsection (e)(1) for the fiscal year, minus the
23 amount reserved under subsection (e)(2) for the
24 fiscal year; and

1 “(B) *the proportion that the number of low-*
2 *income children in the State bears to the total of*
3 *such numbers of children for all the States.*

4 “(2) *OTHER ALLOTMENTS.—*

5 “(A) *OTHER ENTITIES.—For the purpose*
6 *described in subsection (b), the Secretary shall,*
7 *for each of fiscal years 2018 and 2019, for any*
8 *State which has not transmitted an application*
9 *for the fiscal year under section 505(a), allot to*
10 *one or more entities in the State the amount that*
11 *would have been allotted to the State under*
12 *paragraph (1) if the State had submitted such*
13 *an application.*

14 “(B) *PROCESS.—The Secretary shall select*
15 *the recipients of allotments under subparagraph*
16 *(A) by means of a competitive grant process*
17 *under which—*

18 “(i) *not later than 30 days after the*
19 *deadline for the State involved to submit an*
20 *application for the fiscal year under section*
21 *505(a), the Secretary publishes a notice so-*
22 *liciting grant applications; and*

23 “(ii) *not later than 120 days after such*
24 *deadline, all such applications must be sub-*
25 *mitted.*

1 “(b) *PURPOSE.*—

2 “(1) *IN GENERAL.*—*Except for research under*
3 *paragraph (5) and information collection and report-*
4 *ing under paragraph (6), the purpose of an allotment*
5 *under subsection (a) to a State (or to another entity*
6 *in the State pursuant to subsection (a)(2)) is to en-*
7 *able the State or other entity to implement education*
8 *exclusively on sexual risk avoidance (meaning volun-*
9 *tarily refraining from sexual activity).*

10 “(2) *REQUIRED COMPONENTS.*—*Education on*
11 *sexual risk avoidance pursuant to an allotment under*
12 *this section shall—*

13 “(A) *ensure that the unambiguous and pri-*
14 *mary emphasis and context for each topic de-*
15 *scribed in paragraph (3) is a message to youth*
16 *that normalizes the optimal health behavior of*
17 *avoiding nonmarital sexual activity;*

18 “(B) *be medically accurate and complete;*

19 “(C) *be age-appropriate;*

20 “(D) *be based on adolescent learning and*
21 *developmental theories for the age group receiv-*
22 *ing the education; and*

23 “(E) *be culturally appropriate, recognizing*
24 *the experiences of youth from diverse commu-*
25 *nities, backgrounds, and experiences.*

1 “(3) *TOPICS.—Education on sexual risk avoid-*
2 *ance pursuant to an allotment under this section*
3 *shall address each of the following topics:*

4 “(A) *The holistic individual and societal*
5 *benefits associated with personal responsibility,*
6 *self-regulation, goal setting, healthy decision-*
7 *making, and a focus on the future.*

8 “(B) *The advantage of refraining from non-*
9 *marital sexual activity in order to improve the*
10 *future prospects and physical and emotional*
11 *health of youth.*

12 “(C) *The increased likelihood of avoiding*
13 *poverty when youth attain self-sufficiency and*
14 *emotional maturity before engaging in sexual ac-*
15 *tivity.*

16 “(D) *The foundational components of*
17 *healthy relationships and their impact on the*
18 *formation of healthy marriages and safe and sta-*
19 *ble families.*

20 “(E) *How other youth risk behaviors, such*
21 *as drug and alcohol usage, increase the risk for*
22 *teen sex.*

23 “(F) *How to resist and avoid, and receive*
24 *help regarding, sexual coercion and dating vio-*

1 *lence, recognizing that even with consent teen sex*
2 *remains a youth risk behavior.*

3 “(4) *CONTRACEPTION.—Education on sexual risk*
4 *avoidance pursuant to an allotment under this section*
5 *shall ensure that—*

6 “(A) *any information provided on contra-*
7 *ception is medically accurate and complete and*
8 *ensures that students understand that contracep-*
9 *tion offers physical risk reduction, but not risk*
10 *elimination; and*

11 “(B) *the education does not include dem-*
12 *onstrations, simulations, or distribution of con-*
13 *traceptive devices.*

14 “(5) *RESEARCH.—*

15 “(A) *IN GENERAL.—A State or other entity*
16 *receiving an allotment pursuant to subsection (a)*
17 *may use up to 20 percent of such allotment to*
18 *build the evidence base for sexual risk avoidance*
19 *education by conducting or supporting research.*

20 “(B) *REQUIREMENTS.—Any research con-*
21 *ducted or supported pursuant to subparagraph*
22 *(A) shall be—*

23 “(i) *rigorous;*

24 “(ii) *evidence-based; and*

1 “(iii) designed and conducted by inde-
2 pendent researchers who have experience in
3 conducting and publishing research in peer-
4 reviewed outlets.

5 “(6) *INFORMATION COLLECTION AND REPORT-*
6 *ING.—A State or other entity receiving an allotment*
7 *pursuant to subsection (a) shall, as specified by the*
8 *Secretary—*

9 “(A) collect information on the programs
10 and activities funded through the allotment; and

11 “(B) submit reports to the Secretary on the
12 data from such programs and activities.

13 “(c) *NATIONAL EVALUATION.—*

14 “(1) *IN GENERAL.—The Secretary shall—*

15 “(A) in consultation with appropriate State
16 and local agencies, conduct one or more rigorous
17 evaluations of the education funded through this
18 section and associated data; and

19 “(B) submit a report to the Congress on the
20 results of such evaluations, together with a sum-
21 mary of the information collected pursuant to
22 subsection (b)(6).

23 “(2) *CONSULTATION.—In conducting the evalua-*
24 *tions required by paragraph (1), including the estab-*
25 *lishment of rigorous evaluation methodologies, the*

1 *Secretary shall consult with relevant stakeholders and*
2 *evaluation experts.*

3 “(d) *APPLICABILITY OF CERTAIN PROVISIONS.*—

4 “(1) *Sections 503, 507, and 508 apply to allot-*
5 *ments under subsection (a) to the same extent and in*
6 *the same manner as such sections apply to allotments*
7 *under section 502(c).*

8 “(2) *Sections 505 and 506 apply to allotments*
9 *under subsection (a) to the extent determined by the*
10 *Secretary to be appropriate.*

11 “(e) *DEFINITIONS.*—*In this section:*

12 “(1) *The term ‘age-appropriate’ means suitable*
13 *(in terms of topics, messages, and teaching methods)*
14 *to the developmental and social maturity of the par-*
15 *ticular age or age group of children or adolescents,*
16 *based on developing cognitive, emotional, and behav-*
17 *ioral capacity typical for the age or age group.*

18 “(2) *The term ‘medically accurate and complete’*
19 *means verified or supported by the weight of research*
20 *conducted in compliance with accepted scientific*
21 *methods and—*

22 “(A) *published in peer-reviewed journals,*
23 *where applicable; or*

24 “(B) *comprising information that leading*
25 *professional organizations and agencies with rel-*

1 *evant expertise in the field recognize as accurate,*
2 *objective, and complete.*

3 *“(3) The term ‘rigorous’, with respect to research*
4 *or evaluation, means using—*

5 *“(A) established scientific methods for meas-*
6 *uring the impact of an intervention or program*
7 *model in changing behavior (specifically sexual*
8 *activity or other sexual risk behaviors), or reduc-*
9 *ing pregnancy, among youth; or*

10 *“(B) other evidence-based methodologies es-*
11 *tablished by the Secretary for purposes of this*
12 *section.*

13 *“(4) The term ‘youth’ refers to one or more indi-*
14 *viduals who have attained age 10 but not age 20.*

15 *“(f) FUNDING.—*

16 *“(1) IN GENERAL.—To carry out this section,*
17 *there is appropriated, out of any money in the Treas-*
18 *ury not otherwise appropriated, \$75,000,000 for each*
19 *of fiscal years 2018 and 2019.*

20 *“(2) RESERVATION.—The Secretary shall reserve,*
21 *for each of fiscal years 2018 and 2019, not more than*
22 *20 percent of the amount appropriated pursuant to*
23 *paragraph (1) for administering the program under*
24 *this section, including the conducting of national*

1 *evaluations and the provision of technical assistance*
2 *to the recipients of allotments.”.*

3 *(b) EFFECTIVE DATE.—The amendment made by this*
4 *section shall take effect as if enacted on October 1, 2017.*

5 **SEC. 50503. EXTENSION FOR PERSONAL RESPONSIBILITY**
6 **EDUCATION.**

7 *(a) IN GENERAL.—Section 513 of the Social Security*
8 *Act (42 U.S.C. 713) is amended—*

9 *(1) in subsection (a)(1)(A), by striking “2017”*
10 *and inserting “2019”; and*

11 *(2) in subsection (a)(4)—*

12 *(A) in subparagraph (A), by striking*
13 *“2017” each place it appears and inserting*
14 *“2019”; and*

15 *(B) in subparagraph (B)—*

16 *(i) in the subparagraph heading, by*
17 *striking “3-YEAR GRANTS” and inserting*
18 *“COMPETITIVE PREP GRANTS”; and*

19 *(ii) in clause (i), by striking “solicit*
20 *applications to award 3-year grants in each*
21 *of fiscal years 2012 through 2017” and in-*
22 *serting “continue through fiscal year 2019*
23 *grants awarded for any of fiscal years 2015*
24 *through 2017”;*

1 (3) in subsection (c)(1), by inserting after “youth
2 with HIV/AIDS,” the following: “victims of human
3 trafficking,”; and

4 (4) in subsection (f), by striking “2017” and in-
5 serting “2019”.

6 (b) *EFFECTIVE DATE.*—The amendments made by this
7 section shall take effect as if enacted on October 1, 2017.

8 **TITLE VI—CHILD AND FAMILY**
9 **SERVICES AND SUPPORTS EX-**
10 **TENDERS**

11 **Subtitle A—Continuing the Mater-**
12 **nal, Infant, and Early Child-**
13 **hood Home Visiting Program**

14 **SEC. 50601. CONTINUING EVIDENCE-BASED HOME VISITING**
15 **PROGRAM.**

16 Section 511(j)(1)(H) of the Social Security Act (42
17 U.S.C. 711(j)(1)(H)) is amended by striking “fiscal year
18 2017” and inserting “each of fiscal years 2017 through
19 2022”.

20 **SEC. 50602. CONTINUING TO DEMONSTRATE RESULTS TO**
21 **HELP FAMILIES.**

22 (a) *REQUIRE SERVICE DELIVERY MODELS TO DEM-*
23 *ONSTRATE IMPROVEMENT IN APPLICABLE BENCHMARK*
24 *AREAS.*—Section 511 of the Social Security Act (42 U.S.C.

1 711) is amended in each of subsections (d)(1)(A) and
2 (h)(4)(A) by striking “each of”.

3 (b) DEMONSTRATION OF IMPROVEMENTS IN SUBSE-
4 QUENT YEARS.—Section 511(d)(1) of such Act (42 U.S.C.
5 711(d)(1)) is amended by adding at the end the following:

6 “(D) DEMONSTRATION OF IMPROVEMENTS
7 IN SUBSEQUENT YEARS.—

8 “(i) CONTINUED MEASUREMENT OF IM-
9 PROVEMENT IN APPLICABLE BENCHMARK
10 AREAS.—The eligible entity, after dem-
11 onstrating improvements for eligible fami-
12 lies as specified in subparagraphs (A) and
13 (B), shall continue to track and report, not
14 later than 30 days after the end of fiscal
15 year 2020 and every 3 years thereafter, in-
16 formation demonstrating that the program
17 results in improvements for the eligible fam-
18 ilies participating in the program in at
19 least 4 of the areas specified in subpara-
20 graph (A) that the service delivery model or
21 models selected by the entity are intended to
22 improve.

23 “(ii) CORRECTIVE ACTION PLAN.—If
24 the eligible entity fails to demonstrate im-
25 provement in at least 4 of the areas speci-

1 *fied in subparagraph (A), as compared to*
2 *eligible families who do not receive services*
3 *under an early childhood home visitation*
4 *program, the entity shall develop and im-*
5 *plement a plan to improve outcomes in each*
6 *of the areas specified in subparagraph (A)*
7 *that the service delivery model or models se-*
8 *lected by the entity are intended to improve,*
9 *subject to approval by the Secretary. The*
10 *plan shall include provisions for the Sec-*
11 *retary to monitor implementation of the*
12 *plan and conduct continued oversight of the*
13 *program, including through submission by*
14 *the entity of regular reports to the Sec-*
15 *retary.*

16 *“(iii) TECHNICAL ASSISTANCE.—The*
17 *Secretary shall provide an eligible entity re-*
18 *quired to develop and implement an im-*
19 *provement plan under clause (ii) with tech-*
20 *anical assistance to develop and implement*
21 *the plan. The Secretary may provide the*
22 *technical assistance directly or through*
23 *grants, contracts, or cooperative agreements.*

24 *“(iv) NO IMPROVEMENT OR FAILURE*
25 *TO SUBMIT REPORT.—If the Secretary de-*

1 *wide needs assessment (which may be separate from but in*
 2 *coordination with the statewide needs assessment required*
 3 *under section 505(a) and which shall be reviewed and up-*
 4 *dated by the State not later than October 1, 2020)”.*

5 **SEC. 50604. IMPROVING THE LIKELIHOOD OF SUCCESS IN**
 6 **HIGH-RISK COMMUNITIES.**

7 *Section 511(d)(4)(A) of the Social Security Act (42*
 8 *U.S.C. 711(d)(4)(A)) is amended by inserting “, taking into*
 9 *account the staffing, community resource, and other re-*
 10 *quirements to operate at least one approved model of home*
 11 *visiting and demonstrate improvements for eligible fami-*
 12 *lies” before the period.*

13 **SEC. 50605. OPTION TO FUND EVIDENCE-BASED HOME VIS-**
 14 **ITING ON A PAY FOR OUTCOME BASIS.**

15 *(a) IN GENERAL.—Section 511(c) of the Social Secu-*
 16 *rity Act (42 U.S.C. 711(c)) is amended by redesignating*
 17 *paragraphs (3) and (4) as paragraphs (4) and (5), respec-*
 18 *tively, and by inserting after paragraph (2) the following:*

19 *“(3) AUTHORITY TO USE GRANT FOR A PAY FOR*
 20 *OUTCOMES INITIATIVE.—An eligible entity to which a*
 21 *grant is made under paragraph (1) may use up to 25*
 22 *percent of the grant for outcomes or success payments*
 23 *related to a pay for outcomes initiative that will not*
 24 *result in a reduction of funding for services delivered*
 25 *by the entity under a childhood home visitation pro-*

1 *gram under this section while the eligible entity devel-*
2 *ops or operates such an initiative.”.*

3 *(b) DEFINITION OF PAY FOR OUTCOMES INITIATIVE.—*
4 *Section 511(k) of such Act (42 U.S.C. 711(k)) is amended*
5 *by adding at the end the following:*

6 *“(4) PAY FOR OUTCOMES INITIATIVE.—The term*
7 *‘pay for outcomes initiative’ means a performance-*
8 *based grant, contract, cooperative agreement, or other*
9 *agreement awarded by a public entity in which a*
10 *commitment is made to pay for improved outcomes*
11 *achieved as a result of the intervention that result in*
12 *social benefit and direct cost savings or cost avoidance*
13 *to the public sector. Such an initiative shall in-*
14 *clude—*

15 *“(A) a feasibility study that describes how*
16 *the proposed intervention is based on evidence of*
17 *effectiveness;*

18 *“(B) a rigorous, third-party evaluation that*
19 *uses experimental or quasi-experimental design*
20 *or other research methodologies that allow for the*
21 *strongest possible causal inferences to determine*
22 *whether the initiative has met its proposed out-*
23 *comes as a result of the intervention;*

24 *“(C) an annual, publicly available report*
25 *on the progress of the initiative; and*

1 “(D) a requirement that payments are
2 made to the recipient of a grant, contract, or co-
3 operative agreement only when agreed upon out-
4 comes are achieved, except that this requirement
5 shall not apply with respect to payments to a
6 third party conducting the evaluation described
7 in subparagraph (B).”.

8 (c) *EXTENDED AVAILABILITY OF FUNDS.*—Section
9 511(j)(3) of such Act (42 U.S.C. 711(j)(3)) is amended—

10 (1) by striking “(3) *AVAILABILITY.—Funds*” and
11 inserting the following:

12 “(3) *AVAILABILITY.*—

13 “(A) *IN GENERAL.*—Except as provided in
14 subparagraph (B), funds”; and

15 (2) by adding at the end the following:

16 “(B) *FUNDS FOR PAY FOR OUTCOMES INI-*
17 *TIATIVES.*—Funds made available to an eligible
18 entity under this section for a fiscal year (or
19 portion of a fiscal year) for a pay for outcomes
20 initiative shall remain available for expenditure
21 by the eligible entity for not more than 10 years
22 after the funds are so made available.”.

1 **SEC. 50606. DATA EXCHANGE STANDARDS FOR IMPROVED**
2 **INTEROPERABILITY.**

3 (a) *IN GENERAL.*—Section 511(h) of the Social Secu-
4 rity Act (42 U.S.C. 711(h)) is amended by adding at the
5 end the following:

6 “(5) *DATA EXCHANGE STANDARDS FOR IM-*
7 *PROVED INTEROPERABILITY.*—

8 “(A) *DESIGNATION AND USE OF DATA EX-*
9 *CHANGE STANDARDS.*—

10 “(i) *DESIGNATION.*—The head of the
11 department or agency responsible for ad-
12 ministering a program funded under this
13 section shall, in consultation with an inter-
14 agency work group established by the Office
15 of Management and Budget and considering
16 State government perspectives, designate
17 data exchange standards for necessary cat-
18 egories of information that a State agency
19 operating the program is required to elec-
20 tronically exchange with another State
21 agency under applicable Federal law.

22 “(ii) *DATA EXCHANGE STANDARDS*
23 *MUST BE NONPROPRIETARY AND INTER-*
24 *OPERABLE.*—The data exchange standards
25 designated under clause (i) shall, to the ex-

1 tent practicable, be nonproprietary and
2 interoperable.

3 “(iii) *OTHER REQUIREMENTS.*—In
4 designating data exchange standards under
5 this paragraph, the Secretary shall, to the
6 extent practicable, incorporate—

7 “(I) *interoperable standards devel-*
8 *oped and maintained by an inter-*
9 *national voluntary consensus stand-*
10 *ards body, as defined by the Office of*
11 *Management and Budget;*

12 “(II) *interoperable standards de-*
13 *veloped and maintained by intergov-*
14 *ernmental partnerships, such as the*
15 *National Information Exchange Model;*
16 *and*

17 “(III) *interoperable standards de-*
18 *veloped and maintained by Federal en-*
19 *tities with authority over contracting*
20 *and financial assistance.*

21 “(B) *DATA EXCHANGE STANDARDS FOR*
22 *FEDERAL REPORTING.*—

23 “(i) *DESIGNATION.*—The head of the
24 department or agency responsible for ad-
25 ministering a program referred to in this

1 *section shall, in consultation with an inter-*
2 *agency work group established by the Office*
3 *of Management and Budget, and consid-*
4 *ering State government perspectives, des-*
5 *ignating data exchange standards to govern*
6 *Federal reporting and exchange require-*
7 *ments under applicable Federal law.*

8 *“(ii) REQUIREMENTS.—The data ex-*
9 *change reporting standards required by*
10 *clause (i) shall, to the extent practicable—*

11 *“(I) incorporate a widely accept-*
12 *ed, nonproprietary, searchable, com-*
13 *puter-readable format;*

14 *“(II) be consistent with and im-*
15 *plement applicable accounting prin-*
16 *ciples;*

17 *“(III) be implemented in a man-*
18 *ner that is cost-effective and improves*
19 *program efficiency and effectiveness;*
20 *and*

21 *“(IV) be capable of being contin-*
22 *ually upgraded as necessary.*

23 *“(iii) INCORPORATION OF NONPROPRI-*
24 *ETARY STANDARDS.—In designating data*
25 *exchange standards under this paragraph,*

1 the Secretary shall, to the extent practicable,
2 incorporate existing nonproprietary stand-
3 ards, such as the eXtensible Mark up Lan-
4 guage.

5 “(iv) *RULE OF CONSTRUCTION.*—Noth-
6 ing in this paragraph shall be construed to
7 require a change to existing data exchange
8 standards for Federal reporting about a
9 program referred to in this section, if the
10 head of the department or agency respon-
11 sible for administering the program finds
12 the standards to be effective and efficient.”.

13 (b) *EFFECTIVE DATE.*—The amendment made by sub-
14 section (a) shall take effect on the date that is 2 years after
15 the date of enactment of this Act.

16 **SEC. 50607. ALLOCATION OF FUNDS.**

17 Section 511(j) of the Social Security Act (42 U.S.C.
18 711(j)) is amended by adding at the end the following:

19 “(4) *ALLOCATION OF FUNDS.*—To the extent that
20 the grant amount awarded under this section to an
21 eligible entity is determined on the basis of relative
22 population or poverty considerations, the Secretary
23 shall make the determination using the most accurate
24 Federal data available for the eligible entity.”.

1 ***Subtitle B—Extension of Health***
2 ***Professions Workforce Dem-***
3 ***onstration Projects***

4 ***SEC. 50611. EXTENSION OF HEALTH WORKFORCE DEM-***
5 ***ONSTRATION PROJECTS FOR LOW-INCOME***
6 ***INDIVIDUALS.***

7 *Section 2008(c)(1) of the Social Security Act (42*
8 *U.S.C. 1397g(c)(1)) is amended by striking “2017” and in-*
9 *serting “2019”.*

10 ***TITLE VII—FAMILY FIRST***
11 ***PREVENTION SERVICES ACT***
12 ***Subtitle A—Investing in Prevention***
13 ***and Supporting Families***

14 ***SEC. 50701. SHORT TITLE.***

15 *This subtitle may be cited as the “Bipartisan Budget*
16 *Act of 2018”.*

17 ***SEC. 50702. PURPOSE.***

18 *The purpose of this subtitle is to enable States to use*
19 *Federal funds available under parts B and E of title IV*
20 *of the Social Security Act to provide enhanced support to*
21 *children and families and prevent foster care placements*
22 *through the provision of mental health and substance abuse*
23 *prevention and treatment services, in-home parent skill-*
24 *based programs, and kinship navigator services.*

1 **PART I—PREVENTION ACTIVITIES UNDER TITLE**2 **IV—E**3 **SEC. 50711. FOSTER CARE PREVENTION SERVICES AND**
4 **PROGRAMS.**5 (a) *STATE OPTION.*—Section 471 of the Social Security Act (42 U.S.C. 671) is amended—6
7 (1) *in subsection (a)(1), by striking “and” and*
8 *all that follows through the semicolon and inserting “,*
9 *adoption assistance in accordance with section 473,*
10 *and, at the option of the State, services or programs*
11 *specified in subsection (e)(1) of this section for chil-*
12 *dren who are candidates for foster care or who are*
13 *pregnant or parenting foster youth and the parents or*
14 *kin caregivers of the children, in accordance with the*
15 *requirements of that subsection;”;* and16 (2) *by adding at the end the following:*17 “(e) *PREVENTION AND FAMILY SERVICES AND PRO-*
18 *GRAMS.*—19 “(1) *IN GENERAL.*—Subject to the succeeding
20 *provisions of this subsection, the Secretary may make*
21 *a payment to a State for providing the following serv-*
22 *ices or programs for a child described in paragraph*
23 *(2) and the parents or kin caregivers of the child*
24 *when the need of the child, such a parent, or such a*
25 *caregiver for the services or programs are directly re-*
26 *lated to the safety, permanence, or well-being of the*

1 *child or to preventing the child from entering foster*
2 *care:*

3 “(A) *MENTAL HEALTH AND SUBSTANCE*
4 *ABUSE PREVENTION AND TREATMENT SERV-*
5 *ICES.—Mental health and substance abuse pre-*
6 *vention and treatment services provided by a*
7 *qualified clinician for not more than a 12-month*
8 *period that begins on any date described in*
9 *paragraph (3) with respect to the child.*

10 “(B) *IN-HOME PARENT SKILL-BASED PRO-*
11 *GRAMS.—In-home parent skill-based programs*
12 *for not more than a 12-month period that begins*
13 *on any date described in paragraph (3) with re-*
14 *spect to the child and that include parenting*
15 *skills training, parent education, and individual*
16 *and family counseling.*

17 “(2) *CHILD DESCRIBED.—For purposes of para-*
18 *graph (1), a child described in this paragraph is the*
19 *following:*

20 “(A) *A child who is a candidate for foster*
21 *care (as defined in section 475(13)) but can re-*
22 *main safely at home or in a kinship placement*
23 *with receipt of services or programs specified in*
24 *paragraph (1).*

1 “(B) *A child in foster care who is a preg-*
2 *nant or parenting foster youth.*

3 “(3) *DATE DESCRIBED.—For purposes of para-*
4 *graph (1), the dates described in this paragraph are*
5 *the following:*

6 “(A) *The date on which a child is identified*
7 *in a prevention plan maintained under para-*
8 *graph (4) as a child who is a candidate for foster*
9 *care (as defined in section 475(13)).*

10 “(B) *The date on which a child is identified*
11 *in a prevention plan maintained under para-*
12 *graph (4) as a pregnant or parenting foster*
13 *youth in need of services or programs specified*
14 *in paragraph (1).*

15 “(4) *REQUIREMENTS RELATED TO PROVIDING*
16 *SERVICES AND PROGRAMS.—Services and programs*
17 *specified in paragraph (1) may be provided under*
18 *this subsection only if specified in advance in the*
19 *child’s prevention plan described in subparagraph (A)*
20 *and the requirements in subparagraphs (B) through*
21 *(E) are met:*

22 “(A) *PREVENTION PLAN.—The State main-*
23 *tains a written prevention plan for the child that*
24 *meets the following requirements (as applicable):*

1 “(i) *CANDIDATES.—In the case of a*
2 *child who is a candidate for foster care de-*
3 *scribed in paragraph (2)(A), the prevention*
4 *plan shall—*

5 “(I) *identify the foster care pre-*
6 *vention strategy for the child so that*
7 *the child may remain safely at home,*
8 *live temporarily with a kin caregiver*
9 *until reunification can be safely*
10 *achieved, or live permanently with a*
11 *kin caregiver;*

12 “(II) *list the services or programs*
13 *to be provided to or on behalf of the*
14 *child to ensure the success of that pre-*
15 *vention strategy; and*

16 “(III) *comply with such other re-*
17 *quirements as the Secretary shall es-*
18 *tablish.*

19 “(ii) *PREGNANT OR PARENTING FOS-*
20 *TER YOUTH.—In the case of a child who is*
21 *a pregnant or parenting foster youth de-*
22 *scribed in paragraph (2)(B), the prevention*
23 *plan shall—*

24 “(I) *be included in the child’s case*
25 *plan required under section 475(1);*

1 “(II) list the services or programs
2 to be provided to or on behalf of the
3 youth to ensure that the youth is pre-
4 pared (in the case of a pregnant foster
5 youth) or able (in the case of a par-
6 enting foster youth) to be a parent;

7 “(III) describe the foster care pre-
8 vention strategy for any child born to
9 the youth; and

10 “(IV) comply with such other re-
11 quirements as the Secretary shall es-
12 tablish.

13 “(B) *TRAUMA-INFORMED.*—The services or
14 programs to be provided to or on behalf of a
15 child are provided under an organizational
16 structure and treatment framework that involves
17 understanding, recognizing, and responding to
18 the effects of all types of trauma and in accord-
19 ance with recognized principles of a trauma-in-
20 formed approach and trauma-specific interven-
21 tions to address trauma’s consequences and fa-
22 cilitate healing.

23 “(C) *ONLY SERVICES AND PROGRAMS PRO-*
24 *VIDED IN ACCORDANCE WITH PROMISING, SUP-*

1 PORTED, OR WELL-SUPPORTED PRACTICES PER-
2 MITTED.—

3 “(i) *IN GENERAL.*—Only State expend-
4 itures for services or programs specified in
5 subparagraph (A) or (B) of paragraph (1)
6 that are provided in accordance with prac-
7 tices that meet the requirements specified in
8 clause (ii) of this subparagraph and that
9 meet the requirements specified in clause
10 (iii), (iv), or (v), respectively, for being a
11 promising, supported, or well-supported
12 practice, shall be eligible for a Federal
13 matching payment under section
14 474(a)(6)(A).

15 “(ii) *GENERAL PRACTICE REQUIRE-*
16 MENTS.—The general practice requirements
17 specified in this clause are the following:

18 “(I) *The practice has a book,*
19 *manual, or other available writings*
20 *that specify the components of the*
21 *practice protocol and describe how to*
22 *administer the practice.*

23 “(II) *There is no empirical basis*
24 *suggesting that, compared to its likely*

1 *benefits, the practice constitutes a risk*
2 *of harm to those receiving it.*

3 *“(III) If multiple outcome studies*
4 *have been conducted, the overall weight*
5 *of evidence supports the benefits of the*
6 *practice.*

7 *“(IV) Outcome measures are reli-*
8 *able and valid, and are administrated*
9 *consistently and accurately across all*
10 *those receiving the practice.*

11 *“(V) There is no case data sug-*
12 *gesting a risk of harm that was prob-*
13 *ably caused by the treatment and that*
14 *was severe or frequent.*

15 *“(iii) PROMISING PRACTICE.—A prac-*
16 *tice shall be considered to be a ‘promising*
17 *practice’ if the practice is superior to an*
18 *appropriate comparison practice using con-*
19 *ventional standards of statistical signifi-*
20 *cance (in terms of demonstrated meaningful*
21 *improvements in validated measures of im-*
22 *portant child and parent outcomes, such as*
23 *mental health, substance abuse, and child*
24 *safety and well-being), as established by the*

1 *results or outcomes of at least one study*
2 *that—*

3 “(I) *was rated by an independent*
4 *systematic review for the quality of the*
5 *study design and execution and deter-*
6 *mined to be well-designed and well-exe-*
7 *cuted; and*

8 “(II) *utilized some form of control*
9 *(such as an untreated group, a placebo*
10 *group, or a wait list study).*

11 “(iv) *SUPPORTED PRACTICE.—A prac-*
12 *tice shall be considered to be a ‘supported*
13 *practice’ if—*

14 “(I) *the practice is superior to an*
15 *appropriate comparison practice using*
16 *conventional standards of statistical*
17 *significance (in terms of demonstrated*
18 *meaningful improvements in validated*
19 *measures of important child and par-*
20 *ent outcomes, such as mental health,*
21 *substance abuse, and child safety and*
22 *well-being), as established by the re-*
23 *sults or outcomes of at least one study*
24 *that—*

1 “(aa) was rated by an inde-
2 pendent systematic review for the
3 quality of the study design and
4 execution and determined to be
5 well-designed and well-executed;

6 “(bb) was a rigorous ran-
7 dom-controlled trial (or, if not
8 available, a study using a rig-
9 orous quasi-experimental research
10 design); and

11 “(cc) was carried out in a
12 usual care or practice setting; and

13 “(II) the study described in sub-
14 clause (I) established that the practice
15 has a sustained effect (when compared
16 to a control group) for at least 6
17 months beyond the end of the treat-
18 ment.

19 “(v) *WELL-SUPPORTED PRACTICE*.—A
20 practice shall be considered to be a ‘well-
21 supported practice’ if—

22 “(I) the practice is superior to an
23 appropriate comparison practice using
24 conventional standards of statistical
25 significance (in terms of demonstrated

1 *meaningful improvements in validated*
2 *measures of important child and par-*
3 *ent outcomes, such as mental health,*
4 *substance abuse, and child safety and*
5 *well-being), as established by the re-*
6 *sults or outcomes of at least two studies*
7 *that—*

8 *“(aa) were rated by an inde-*
9 *pendent systematic review for the*
10 *quality of the study design and*
11 *execution and determined to be*
12 *well-designed and well-executed;*

13 *“(bb) were rigorous random-*
14 *controlled trials (or, if not avail-*
15 *able, studies using a rigorous*
16 *quasi-experimental research de-*
17 *sign); and*

18 *“(cc) were carried out in a*
19 *usual care or practice setting; and*

20 *“(II) at least one of the studies de-*
21 *scribed in subclause (I) established that*
22 *the practice has a sustained effect*
23 *(when compared to a control group) for*
24 *at least 1 year beyond the end of treat-*
25 *ment.*

1 “(D) *GUIDANCE ON PRACTICES CRITERIA*
2 *AND PRE-APPROVED SERVICES AND PROGRAMS.*—

3 “(i) *IN GENERAL.*—*Not later than Oc-*
4 *tober 1, 2018, the Secretary shall issue guid-*
5 *ance to States regarding the practices cri-*
6 *teria required for services or programs to*
7 *satisfy the requirements of subparagraph*
8 *(C). The guidance shall include a pre-ap-*
9 *proved list of services and programs that*
10 *satisfy the requirements.*

11 “(ii) *UPDATES.*—*The Secretary shall*
12 *issue updates to the guidance required by*
13 *clause (i) as often as the Secretary deter-*
14 *mines necessary.*

15 “(E) *OUTCOME ASSESSMENT AND REPORT-*
16 *ING.*—*The State shall collect and report to the*
17 *Secretary the following information with respect*
18 *to each child for whom, or on whose behalf men-*
19 *tal health and substance abuse prevention and*
20 *treatment services or in-home parent skill-based*
21 *programs are provided during a 12-month pe-*
22 *riod beginning on the date the child is deter-*
23 *mined by the State to be a child described in*
24 *paragraph (2):*

1 “(i) *The specific services or programs*
2 *provided and the total expenditures for each*
3 *of the services or programs.*

4 “(ii) *The duration of the services or*
5 *programs provided.*

6 “(iii) *In the case of a child described*
7 *in paragraph (2)(A), the child’s placement*
8 *status at the beginning, and at the end, of*
9 *the 1-year period, respectively, and whether*
10 *the child entered foster care within 2 years*
11 *after being determined a candidate for fos-*
12 *ter care.*

13 “(5) *STATE PLAN COMPONENT.—*

14 “(A) *IN GENERAL.—A State electing to pro-*
15 *vide services or programs specified in paragraph*
16 *(1) shall submit as part of the State plan re-*
17 *quired by subsection (a) a prevention services*
18 *and programs plan component that meets the re-*
19 *quirements of subparagraph (B).*

20 “(B) *PREVENTION SERVICES AND PRO-*
21 *GRAMS PLAN COMPONENT.—In order to meet the*
22 *requirements of this subparagraph, a prevention*
23 *services and programs plan component, with re-*
24 *spect to each 5-year period for which the plan*

1 *component is in operation in the State, shall in-*
2 *clude the following:*

3 “(i) *How providing services and pro-*
4 *grams specified in paragraph (1) is ex-*
5 *pected to improve specific outcomes for chil-*
6 *dren and families.*

7 “(ii) *How the State will monitor and*
8 *oversee the safety of children who receive*
9 *services and programs specified in para-*
10 *graph (1), including through periodic risk*
11 *assessments throughout the period in which*
12 *the services and programs are provided on*
13 *behalf of a child and reexamination of the*
14 *prevention plan maintained for the child*
15 *under paragraph (4) for the provision of the*
16 *services or programs if the State determines*
17 *the risk of the child entering foster care re-*
18 *remains high despite the provision of the serv-*
19 *ices or programs.*

20 “(iii) *With respect to the services and*
21 *programs specified in subparagraphs (A)*
22 *and (B) of paragraph (1), information on*
23 *the specific promising, supported, or well-*
24 *supported practices the State plans to use to*

1 *provide the services or programs, including*
2 *a description of—*

3 *“(I) the services or programs and*
4 *whether the practices used are prom-*
5 *ising, supported, or well-supported;*

6 *“(II) how the State plans to im-*
7 *plement the services or programs, in-*
8 *cluding how implementation of the*
9 *services or programs will be continu-*
10 *ously monitored to ensure fidelity to*
11 *the practice model and to determine*
12 *outcomes achieved and how informa-*
13 *tion learned from the monitoring will*
14 *be used to refine and improve prac-*
15 *tices;*

16 *“(III) how the State selected the*
17 *services or programs;*

18 *“(IV) the target population for the*
19 *services or programs; and*

20 *“(V) how each service or program*
21 *provided will be evaluated through a*
22 *well-designed and rigorous process,*
23 *which may consist of an ongoing,*
24 *cross-site evaluation approved by the*
25 *Secretary.*

1 “(iv) A description of the consultation
2 that the State agencies responsible for ad-
3 ministering the State plans under this part
4 and part B engage in with other State
5 agencies responsible for administering
6 health programs, including mental health
7 and substance abuse prevention and treat-
8 ment services, and with other public and
9 private agencies with experience in admin-
10 istering child and family services, including
11 community-based organizations, in order to
12 foster a continuum of care for children de-
13 scribed in paragraph (2) and their parents
14 or kin caregivers.

15 “(v) A description of how the State
16 shall assess children and their parents or
17 kin caregivers to determine eligibility for
18 services or programs specified in paragraph
19 (1).

20 “(vi) A description of how the services
21 or programs specified in paragraph (1) that
22 are provided for or on behalf of a child and
23 the parents or kin caregivers of the child
24 will be coordinated with other child and
25 family services provided to the child and the

1 *parents or kin caregivers of the child under*
2 *the State plans in effect under subparts 1*
3 *and 2 of part B.*

4 “(vii) *Descriptions of steps the State is*
5 *taking to support and enhance a competent,*
6 *skilled, and professional child welfare work-*
7 *force to deliver trauma-informed and evi-*
8 *dence-based services, including—*

9 “(I) *ensuring that staff is quali-*
10 *fied to provide services or programs*
11 *that are consistent with the promising,*
12 *supported, or well-supported practice*
13 *models selected; and*

14 “(II) *developing appropriate pre-*
15 *vention plans, and conducting the risk*
16 *assessments required under clause (iii).*

17 “(viii) *A description of how the State*
18 *will provide training and support for case-*
19 *workers in assessing what children and*
20 *their families need, connecting to the fami-*
21 *lies served, knowing how to access and de-*
22 *liver the needed trauma-informed and evi-*
23 *dence-based services, and overseeing and*
24 *evaluating the continuing appropriateness*
25 *of the services.*

1 “(ix) A description of how caseload size
2 and type for prevention caseworkers will be
3 determined, managed, and overseen.

4 “(x) An assurance that the State will
5 report to the Secretary such information
6 and data as the Secretary may require with
7 respect to the provision of services and pro-
8 grams specified in paragraph (1), including
9 information and data necessary to deter-
10 mine the performance measures for the
11 State under paragraph (6) and compliance
12 with paragraph (7).

13 “(C) REIMBURSEMENT FOR SERVICES
14 UNDER THE PREVENTION PLAN COMPONENT.—

15 “(i) LIMITATION.—Except as provided
16 in subclause (ii), a State may not receive a
17 Federal payment under this part for a
18 given promising, supported, or well-sup-
19 ported practice unless (in accordance with
20 subparagraph (B)(iii)(V)) the plan includes
21 a well-designed and rigorous evaluation
22 strategy for that practice.

23 “(ii) WAIVER OF LIMITATION.—The
24 Secretary may waive the requirement for a
25 well-designed and rigorous evaluation of

1 *any well-supported practice if the Secretary*
2 *deems the evidence of the effectiveness of the*
3 *practice to be compelling and the State*
4 *meets the continuous quality improvement*
5 *requirements included in subparagraph*
6 *(B)(iii)(II) with regard to the practice.*

7 “(6) *PREVENTION SERVICES MEASURES.*—

8 “(A) *ESTABLISHMENT; ANNUAL UPDATES.*—
9 *Beginning with fiscal year 2021, and annually*
10 *thereafter, the Secretary shall establish the fol-*
11 *lowing prevention services measures based on in-*
12 *formation and data reported by States that elect*
13 *to provide services and programs specified in*
14 *paragraph (1):*

15 “(i) *PERCENTAGE OF CANDIDATES FOR*
16 *FOSTER CARE WHO DO NOT ENTER FOSTER*
17 *CARE.*—*The percentage of candidates for*
18 *foster care for whom, or on whose behalf, the*
19 *services or programs are provided who do*
20 *not enter foster care, including those placed*
21 *with a kin caregiver outside of foster care,*
22 *during the 12-month period in which the*
23 *services or programs are provided and*
24 *through the end of the succeeding 12-month*
25 *period.*

1 “(i) *PER-CHILD SPENDING.*—*The total*
2 *amount of expenditures made for mental*
3 *health and substance abuse prevention and*
4 *treatment services or in-home parent skill-*
5 *based programs, respectively, for, or on be-*
6 *half of, each child described in paragraph*
7 *(2).*

8 “(B) *DATA.*—*The Secretary shall establish*
9 *and annually update the prevention services*
10 *measures—*

11 “(i) *based on the median State values*
12 *of the information reported under each*
13 *clause of subparagraph (A) for the 3 then*
14 *most recent years; and*

15 “(ii) *taking into account State dif-*
16 *ferences in the price levels of consumption*
17 *goods and services using the most recent re-*
18 *gional price parities published by the Bu-*
19 *reau of Economic Analysis of the Depart-*
20 *ment of Commerce or such other data as the*
21 *Secretary determines appropriate.*

22 “(C) *PUBLICATION OF STATE PREVENTION*
23 *SERVICES MEASURES.*—*The Secretary shall an-*
24 *nually make available to the public the preven-*
25 *tion services measures of each State.*

1 “(7) *MAINTENANCE OF EFFORT FOR STATE FOS-*
2 *TER CARE PREVENTION EXPENDITURES.*—

3 “(A) *IN GENERAL.*—*If a State elects to pro-*
4 *vide services and programs specified in para-*
5 *graph (1) for a fiscal year, the State foster care*
6 *prevention expenditures for the fiscal year shall*
7 *not be less than the amount of the expenditures*
8 *for fiscal year 2014 (or, at the option of a State*
9 *described in subparagraph (E), fiscal year 2015*
10 *or fiscal year 2016 (whichever the State elects)).*

11 “(B) *STATE FOSTER CARE PREVENTION EX-*
12 *PENDITURES.*—*The term ‘State foster care pre-*
13 *vention expenditures’ means the following:*

14 “(i) *TANF; IV-B; SSBG.*—*State ex-*
15 *penditures for foster care prevention services*
16 *and activities under the State program*
17 *funded under part A (including from*
18 *amounts made available by the Federal*
19 *Government), under the State plan devel-*
20 *oped under part B (including any such*
21 *amounts), or under the Social Services*
22 *Block Grant Programs under subtitle A of*
23 *title XX (including any such amounts).*

24 “(ii) *OTHER STATE PROGRAMS.*—*State*
25 *expenditures for foster care prevention serv-*

1 *ices and activities under any State program*
2 *that is not described in clause (i) (other*
3 *than any State expenditures for foster care*
4 *prevention services and activities under the*
5 *State program under this part (including*
6 *under a waiver of the program)).*

7 “(C) *STATE EXPENDITURES.*—*The term*
8 *‘State expenditures’ means all State or local*
9 *funds that are expended by the State or a local*
10 *agency including State or local funds that are*
11 *matched or reimbursed by the Federal Govern-*
12 *ment and State or local funds that are not*
13 *matched or reimbursed by the Federal Govern-*
14 *ment.*

15 “(D) *DETERMINATION OF PREVENTION*
16 *SERVICES AND ACTIVITIES.*—*The Secretary shall*
17 *require each State that elects to provide services*
18 *and programs specified in paragraph (1) to re-*
19 *port the expenditures specified in subparagraph*
20 *(B) for fiscal year 2014 and for such fiscal years*
21 *thereafter as are necessary to determine whether*
22 *the State is complying with the maintenance of*
23 *effort requirement in subparagraph (A). The Sec-*
24 *retary shall specify the specific services and ac-*
25 *tivities under each program referred to in sub-*

1 paragraph (B) that are ‘prevention services and
2 activities’ for purposes of the reports.

3 “(E) STATE DESCRIBED.—For purposes of
4 subparagraph (A), a State is described in this
5 subparagraph if the population of children in the
6 State in 2014 was less than 200,000 (as deter-
7 mined by the United States Census Bureau).

8 “(8) PROHIBITION AGAINST USE OF STATE FOS-
9 TER CARE PREVENTION EXPENDITURES AND FEDERAL
10 IV–E PREVENTION FUNDS FOR MATCHING OR EXPEND-
11 ITURE REQUIREMENT.—A State that elects to provide
12 services and programs specified in paragraph (1)
13 shall not use any State foster care prevention expend-
14 itures for a fiscal year for the State share of expendi-
15 tures under section 474(a)(6) for a fiscal year.

16 “(9) ADMINISTRATIVE COSTS.—Expenditures de-
17 scribed in section 474(a)(6)(B)—

18 “(A) shall not be eligible for payment under
19 subparagraph (A), (B), or (E) of section
20 474(a)(3); and

21 “(B) shall be eligible for payment under sec-
22 tion 474(a)(6)(B) without regard to whether the
23 expenditures are incurred on behalf of a child
24 who is, or is potentially, eligible for foster care
25 maintenance payments under this part.

1 “(10) *APPLICATION.*—

2 “(A) *IN GENERAL.*—*The provision of serv-*
3 *ices or programs under this subsection to or on*
4 *behalf of a child described in paragraph (2) shall*
5 *not be considered to be receipt of aid or assist-*
6 *ance under the State plan under this part for*
7 *purposes of eligibility for any other program es-*
8 *tablished under this Act.*

9 “(B) *CANDIDATES IN KINSHIP CARE.*—*A*
10 *child described in paragraph (2) for whom such*
11 *services or programs under this subsection are*
12 *provided for more than 6 months while in the*
13 *home of a kin caregiver, and who would satisfy*
14 *the AFDC eligibility requirement of section*
15 *472(a)(3)(A)(ii)(II) but for residing in the home*
16 *of the caregiver for more than 6 months, is*
17 *deemed to satisfy that requirement for purposes*
18 *of determining whether the child is eligible for*
19 *foster care maintenance payments under section*
20 *472.”.*

21 (b) *DEFINITION.*—*Section 475 of such Act (42 U.S.C.*
22 *675) is amended by adding at the end the following:*

23 “(13) *The term ‘child who is a candidate for fos-*
24 *ter care’ means, a child who is identified in a preven-*
25 *tion plan under section 471(e)(4)(A) as being at im-*

1 *minent risk of entering foster care (without regard to*
2 *whether the child would be eligible for foster care*
3 *maintenance payments under section 472 or is or*
4 *would be eligible for adoption assistance or kinship*
5 *guardianship assistance payments under section 473)*
6 *but who can remain safely in the child’s home or in*
7 *a kinship placement as long as services or programs*
8 *specified in section 471(e)(1) that are necessary to*
9 *prevent the entry of the child into foster care are pro-*
10 *vided. The term includes a child whose adoption or*
11 *guardianship arrangement is at risk of a disruption*
12 *or dissolution that would result in a foster care place-*
13 *ment.”.*

14 *(c) PAYMENTS UNDER TITLE IV–E.—Section 474(a)*
15 *of such Act (42 U.S.C. 674(a)) is amended—*

16 *(1) in paragraph (5), by striking the period at*
17 *the end and inserting “; plus”; and*

18 *(2) by adding at the end the following:*

19 *“(6) subject to section 471(e)—*

20 *“(A) for each quarter—*

21 *“(i) subject to clause (ii)—*

22 *“(I) beginning after September*
23 *30, 2019, and before October 1, 2026,*
24 *an amount equal to 50 percent of the*
25 *total amount expended during the*

1 *quarter for the provision of services or*
2 *programs specified in subparagraph*
3 *(A) or (B) of section 471(e)(1) that are*
4 *provided in accordance with prom-*
5 *ising, supported, or well-supported*
6 *practices that meet the applicable cri-*
7 *teria specified for the practices in sec-*
8 *tion 471(e)(4)(C); and*

9 *“(II) beginning after September*
10 *30, 2026, an amount equal to the Fed-*
11 *eral medical assistance percentage*
12 *(which shall be as defined in section*
13 *1905(b), in the case of a State other*
14 *than the District of Columbia, or 70*
15 *percent, in the case of the District of*
16 *Columbia) of the total amount ex-*
17 *pended during the quarter for the pro-*
18 *vision of services or programs specified*
19 *in subparagraph (A) or (B) of section*
20 *471(e)(1) that are provided in accord-*
21 *ance with promising, supported, or*
22 *well-supported practices that meet the*
23 *applicable criteria specified for the*
24 *practices in section 471(e)(4)(C) (or,*
25 *with respect to the payments made*

1 *during the quarter under a cooperative*
2 *agreement or contract entered into by*
3 *the State and an Indian tribe, tribal*
4 *organization, or tribal consortium for*
5 *the administration or payment of*
6 *funds under this part, an amount*
7 *equal to the Federal medical assistance*
8 *percentage that would apply under sec-*
9 *tion 479B(d) (in this paragraph re-*
10 *ferred to as the ‘tribal FMAP’) if the*
11 *Indian tribe, tribal organization, or*
12 *tribal consortium made the payments*
13 *under a program operated under that*
14 *section, unless the tribal FMAP is less*
15 *than the Federal medical assistance*
16 *percentage that applies to the State);*
17 *except that*
18 “(ii) *not less than 50 percent of the*
19 *total amount expended by a State under*
20 *clause (i) for a fiscal year shall be for the*
21 *provision of services or programs specified*
22 *in subparagraph (A) or (B) of section*
23 *471(e)(1) that are provided in accordance*
24 *with well-supported practices; plus*

1 “(B) for each quarter specified in subpara-
2 graph (A), an amount equal to the sum of the
3 following proportions of the total amount ex-
4 pended during the quarter—

5 “(i) 50 percent of so much of the ex-
6 penditures as are found necessary by the
7 Secretary for the proper and efficient ad-
8 ministration of the State plan for the provi-
9 sion of services or programs specified in sec-
10 tion 471(e)(1), including expenditures for
11 activities approved by the Secretary that
12 promote the development of necessary proc-
13 esses and procedures to establish and imple-
14 ment the provision of the services and pro-
15 grams for individuals who are eligible for
16 the services and programs and expenditures
17 attributable to data collection and report-
18 ing; and

19 “(ii) 50 percent of so much of the ex-
20 penditures with respect to the provision of
21 services and programs specified in section
22 471(e)(1) as are for training of personnel
23 employed or preparing for employment by
24 the State agency or by the local agency ad-
25 ministering the plan in the political sub-

1 *division and of the members of the staff of*
2 *State-licensed or State-approved child wel-*
3 *fare agencies providing services to children*
4 *described in section 471(e)(2) and their par-*
5 *ents or kin caregivers, including on how to*
6 *determine who are individuals eligible for*
7 *the services or programs, how to identify*
8 *and provide appropriate services and pro-*
9 *grams, and how to oversee and evaluate the*
10 *ongoing appropriateness of the services and*
11 *programs.”.*

12 *(d) TECHNICAL ASSISTANCE AND BEST PRACTICES,*
13 *CLEARINGHOUSE, AND DATA COLLECTION AND EVALUA-*
14 *TIONS.—Section 476 of such Act (42 U.S.C. 676) is amend-*
15 *ed by adding at the end the following:*

16 *“(d) TECHNICAL ASSISTANCE AND BEST PRACTICES,*
17 *CLEARINGHOUSE, DATA COLLECTION, AND EVALUATIONS*
18 *RELATING TO PREVENTION SERVICES AND PROGRAMS.—*

19 *“(1) TECHNICAL ASSISTANCE AND BEST PRAC-*
20 *TICES.—The Secretary shall provide to States and, as*
21 *applicable, to Indian tribes, tribal organizations, and*
22 *tribal consortia, technical assistance regarding the*
23 *provision of services and programs described in sec-*
24 *tion 471(e)(1) and shall disseminate best practices*
25 *with respect to the provision of the services and pro-*

1 *grams, including how to plan and implement a well-*
2 *designed and rigorous evaluation of a promising, sup-*
3 *ported, or well-supported practice.*

4 “(2) *CLEARINGHOUSE OF PROMISING, SUP-*
5 *PORTED, AND WELL-SUPPORTED PRACTICES.—The*
6 *Secretary shall, directly or through grants, contracts,*
7 *or interagency agreements, evaluate research on the*
8 *practices specified in clauses (iii), (iv), and (v), re-*
9 *spectively, of section 471(e)(4)(C), and programs that*
10 *meet the requirements described in section 427(a)(1),*
11 *including culturally specific, or location- or popu-*
12 *lation-based adaptations of the practices, to identify*
13 *and establish a public clearinghouse of the practices*
14 *that satisfy each category described by such clauses.*
15 *In addition, the clearinghouse shall include informa-*
16 *tion on the specific outcomes associated with each*
17 *practice, including whether the practice has been*
18 *shown to prevent child abuse and neglect and reduce*
19 *the likelihood of foster care placement by supporting*
20 *birth families and kinship families and improving*
21 *targeted supports for pregnant and parenting youth*
22 *and their children.*

23 “(3) *DATA COLLECTION AND EVALUATIONS.—The*
24 *Secretary, directly or through grants, contracts, or*
25 *interagency agreements, may collect data and conduct*

1 *evaluations with respect to the provision of services*
2 *and programs described in section 471(e)(1) for pur-*
3 *poses of assessing the extent to which the provision of*
4 *the services and programs—*

5 *“(A) reduces the likelihood of foster care*
6 *placement;*

7 *“(B) increases use of kinship care arrange-*
8 *ments; or*

9 *“(C) improves child well-being.*

10 *“(4) REPORTS TO CONGRESS.—*

11 *“(A) IN GENERAL.—The Secretary shall*
12 *submit to the Committee on Finance of the Sen-*
13 *ate and the Committee on Ways and Means of*
14 *the House of Representatives periodic reports*
15 *based on the provision of services and programs*
16 *described in section 471(e)(1) and the activities*
17 *carried out under this subsection.*

18 *“(B) PUBLIC AVAILABILITY.—The Secretary*
19 *shall make the reports to Congress submitted*
20 *under this paragraph publicly available.*

21 *“(5) APPROPRIATION.—Out of any money in the*
22 *Treasury of the United States not otherwise appro-*
23 *priated, there are appropriated to the Secretary*
24 *\$1,000,000 for fiscal year 2018 and each fiscal year*
25 *thereafter to carry out this subsection.”.*

1 (e) *APPLICATION TO PROGRAMS OPERATED BY INDIAN*
2 *TRIBAL ORGANIZATIONS.*—

3 (1) *IN GENERAL.*—Section 479B of such Act (42
4 *U.S.C. 679c*) is amended—

5 (A) *in subsection (c)(1)*—

6 (i) *in subparagraph (C)(i)*—

7 (I) *in subclause (II), by striking*
8 *“and” after the semicolon;*

9 (II) *in subclause (III), by striking*
10 *the period at the end and inserting “;*
11 *and”;* and

12 (III) *by adding at the end the fol-*
13 *lowing:*

14 “*(IV) at the option of the tribe,*
15 *organization, or consortium, services*
16 *and programs specified in section*
17 *471(e)(1) to children described in sec-*
18 *tion 471(e)(2) and their parents or kin*
19 *caregivers, in accordance with section*
20 *471(e) and subparagraph (E).”;* and

21 (ii) *by adding at the end the following:*

22 “*(E) PREVENTION SERVICES AND PRO-*
23 *GRAMS FOR CHILDREN AND THEIR PARENTS AND*
24 *KIN CAREGIVERS.*—

1 “(i) *IN GENERAL.*—*In the case of a*
2 *tribe, organization, or consortium that*
3 *elects to provide services and programs spec-*
4 *ified in section 471(e)(1) to children de-*
5 *scribed in section 471(e)(2) and their par-*
6 *ents or kin caregivers under the plan, the*
7 *Secretary shall specify the requirements ap-*
8 *plicable to the provision of the services and*
9 *programs. The requirements shall, to the*
10 *greatest extent practicable, be consistent*
11 *with the requirements applicable to States*
12 *under section 471(e) and shall permit the*
13 *provision of the services and programs in*
14 *the form of services and programs that are*
15 *adapted to the culture and context of the*
16 *tribal communities served.*

17 “(ii) *PERFORMANCE MEASURES.*—*The*
18 *Secretary shall establish specific perform-*
19 *ance measures for each tribe, organization,*
20 *or consortium that elects to provide services*
21 *and programs specified in section 471(e)(1).*
22 *The performance measures shall, to the*
23 *greatest extent practicable, be consistent*
24 *with the prevention services measures re-*
25 *quired for States under section 471(e)(6)*

1 *but shall allow for consideration of factors*
 2 *unique to the provision of the services by*
 3 *tribes, organizations, or consortia.”; and*

4 *(B) in subsection (d)(1), by striking “and*
 5 *(5)” and inserting “(5), and (6)(A)”.*

6 (2) *CONFORMING AMENDMENT.—The heading for*
 7 *subsection (d) of section 479B of such Act (42 U.S.C.*
 8 *679c) is amended by striking “FOR FOSTER CARE*
 9 *MAINTENANCE AND ADOPTION ASSISTANCE PAY-*
 10 *MENTS”.*

11 (f) *APPLICATION TO PROGRAMS OPERATED BY TERRI-*
 12 *TORIES.—Section 1108(a)(2) of the Social Security Act (42*
 13 *U.S.C. 1308(a)(2)) is amended by striking “or 413(f)” and*
 14 *inserting “413(f), or 474(a)(6)”.*

15 **SEC. 50712. FOSTER CARE MAINTENANCE PAYMENTS FOR**
 16 **CHILDREN WITH PARENTS IN A LICENSED**
 17 **RESIDENTIAL FAMILY-BASED TREATMENT FA-**
 18 **CILITY FOR SUBSTANCE ABUSE.**

19 (a) *IN GENERAL.—Section 472 of the Social Security*
 20 *Act (42 U.S.C. 672) is amended—*

21 (1) *in subsection (a)(2)(C), by striking “or” and*
 22 *inserting “, with a parent residing in a licensed resi-*
 23 *dential family-based treatment facility, but only to*
 24 *the extent permitted under subsection (j), or in a”;*
 25 *and*

1 (2) *by adding at the end the following:*

2 “(j) *CHILDREN PLACED WITH A PARENT RESIDING IN*
3 *A LICENSED RESIDENTIAL FAMILY-BASED TREATMENT FA-*
4 *CILITY FOR SUBSTANCE ABUSE.—*

5 “(1) *IN GENERAL.—Notwithstanding the pre-*
6 *ceding provisions of this section, a child who is eligi-*
7 *ble for foster care maintenance payments under this*
8 *section, or who would be eligible for the payments if*
9 *the eligibility were determined without regard to*
10 *paragraphs (1)(B) and (3) of subsection (a), shall be*
11 *eligible for the payments for a period of not more*
12 *than 12 months during which the child is placed with*
13 *a parent who is in a licensed residential family-based*
14 *treatment facility for substance abuse, but only if—*

15 “(A) *the recommendation for the placement*
16 *is specified in the child’s case plan before the*
17 *placement;*

18 “(B) *the treatment facility provides, as part*
19 *of the treatment for substance abuse, parenting*
20 *skills training, parent education, and individual*
21 *and family counseling; and*

22 “(C) *the substance abuse treatment, par-*
23 *enting skills training, parent education, and in-*
24 *dividual and family counseling is provided*
25 *under an organizational structure and treatment*

1 *framework that involves understanding, recog-*
2 *nizing, and responding to the effects of all types*
3 *of trauma and in accordance with recognized*
4 *principles of a trauma-informed approach and*
5 *trauma-specific interventions to address the con-*
6 *sequences of trauma and facilitate healing.*

7 “(2) *APPLICATION.*—*With respect to children for*
8 *whom foster care maintenance payments are made*
9 *under paragraph (1), only the children who satisfy*
10 *the requirements of paragraphs (1)(B) and (3) of sub-*
11 *section (a) shall be considered to be children with re-*
12 *spect to whom foster care maintenance payments are*
13 *made under this section for purposes of subsection (h)*
14 *or section 473(b)(3)(B).”.*

15 (b) *CONFORMING AMENDMENT.*—*Section 474(a)(1) of*
16 *such Act (42 U.S.C. 674(a)(1)) is amended by inserting*
17 *“subject to section 472(j),” before “an amount equal to the*
18 *Federal” the first place it appears.*

19 **SEC. 50713. TITLE IV-E PAYMENTS FOR EVIDENCE-BASED**
20 **KINSHIP NAVIGATOR PROGRAMS.**

21 *Section 474(a) of the Social Security Act (42 U.S.C.*
22 *674(a)), as amended by section 50711(c), is amended—*

23 (1) *in paragraph (6), by striking the period at*
24 *the end and inserting “; plus”; and*

25 (2) *by adding at the end the following:*

1 (A) by striking “time-limited family” and
2 inserting “family”;

3 (B) by inserting “or a child who has been
4 returned home” after “child care institution”;
5 and

6 (C) by striking “, but only during the 15-
7 month period that begins on the date that the
8 child, pursuant to section 475(5)(F), is consid-
9 ered to have entered foster care” and inserting
10 “and to ensure the strength and stability of the
11 reunification. In the case of a child who has been
12 returned home, the services and activities shall
13 only be provided during the 15-month period
14 that begins on the date that the child returns
15 home”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 430 of such Act (42 U.S.C. 629) is
18 amended in the matter preceding paragraph (1), by
19 striking “time-limited”.

20 (2) Subsections (a)(4), (a)(5)(A), and (b)(1) of
21 section 432 of such Act (42 U.S.C. 629b) are amended
22 by striking “time-limited” each place it appears.

1 **SEC. 50722. REDUCING BUREAUCRACY AND UNNECESSARY**
2 **DELAYS WHEN PLACING CHILDREN IN HOMES**
3 **ACROSS STATE LINES.**

4 (a) *STATE PLAN REQUIREMENT.*—Section 471(a)(25)
5 of the Social Security Act (42 U.S.C. 671(a)(25)) is amend-
6 ed—

7 (1) by striking “provide” and inserting “pro-
8 vides”; and

9 (2) by inserting “, which, in the case of a State
10 other than the Commonwealth of Puerto Rico, the
11 United States Virgin Islands, Guam, or American
12 Samoa, not later than October 1, 2027, shall include
13 the use of an electronic interstate case-processing sys-
14 tem” before the first semicolon.

15 (b) *EXEMPTION OF INDIAN TRIBES.*—Section 479B(c)
16 of such Act (42 U.S.C. 679c(c)) is amended by adding at
17 the end the following:

18 “(4) *INAPPLICABILITY OF STATE PLAN REQUIRE-*
19 *MENT TO HAVE IN EFFECT PROCEDURES PROVIDING*
20 *FOR THE USE OF AN ELECTRONIC INTERSTATE CASE-*
21 *PROCESSING SYSTEM.*—The requirement in section
22 471(a)(25) that a State plan provide that the State
23 shall have in effect procedures providing for the use
24 of an electronic interstate case-processing system shall
25 not apply to an Indian tribe, tribal organization, or

1 *tribal consortium that elects to operate a program*
2 *under this part.”.*

3 (c) *FUNDING FOR THE DEVELOPMENT OF AN ELEC-*
4 *TRONIC INTERSTATE CASE-PROCESSING SYSTEM TO EXPE-*
5 *DITE THE INTERSTATE PLACEMENT OF CHILDREN IN FOS-*
6 *TER CARE OR GUARDIANSHIP, OR FOR ADOPTION.—Section*
7 *437 of such Act (42 U.S.C. 629g) is amended by adding*
8 *at the end the following:*

9 “(g) *FUNDING FOR THE DEVELOPMENT OF AN ELEC-*
10 *TRONIC INTERSTATE CASE-PROCESSING SYSTEM TO EXPE-*
11 *DITE THE INTERSTATE PLACEMENT OF CHILDREN IN FOS-*
12 *TER CARE OR GUARDIANSHIP, OR FOR ADOPTION.—*

13 “(1) *PURPOSE.—The purpose of this subsection*
14 *is to facilitate the development of an electronic inter-*
15 *state case-processing system for the exchange of data*
16 *and documents to expedite the placements of children*
17 *in foster, guardianship, or adoptive homes across*
18 *State lines.*

19 “(2) *REQUIREMENTS.—A State that seeks fund-*
20 *ing under this subsection shall submit to the Sec-*
21 *retary the following:*

22 “(A) *A description of the goals and out-*
23 *comes to be achieved, which goals and outcomes*
24 *must result in—*

1 “(i) reducing the time it takes for a
2 child to be provided with a safe and appro-
3 priate permanent living arrangement across
4 State lines;

5 “(ii) improving administrative proc-
6 esses and reducing costs in the foster care
7 system; and

8 “(iii) the secure exchange of relevant
9 case files and other necessary materials in
10 real time, and timely communications and
11 placement decisions regarding interstate
12 placements of children.

13 “(B) A description of the activities to be
14 funded in whole or in part with the funds, in-
15 cluding the sequencing of the activities.

16 “(C) A description of the strategies for inte-
17 grating programs and services for children who
18 are placed across State lines.

19 “(D) Such other information as the Sec-
20 retary may require.

21 “(3) FUNDING AUTHORITY.—The Secretary may
22 provide funds to a State that complies with para-
23 graph (2). In providing funds under this subsection,
24 the Secretary shall prioritize States that are not yet

1 *connected with the electronic interstate case-processing*
2 *system referred to in paragraph (1).*

3 “(4) *USE OF FUNDS.*—*A State to which funding*
4 *is provided under this subsection shall use the fund-*
5 *ing to support the State in connecting with, or en-*
6 *hancing or expediting services provided under, the*
7 *electronic interstate case-processing system referred to*
8 *in paragraph (1).*

9 “(5) *EVALUATIONS.*—*Not later than 1 year after*
10 *the final year in which funds are awarded under this*
11 *subsection, the Secretary shall submit to the Congress,*
12 *and make available to the general public by posting*
13 *on a website, a report that contains the following in-*
14 *formation:*

15 “(A) *How using the electronic interstate*
16 *case-processing system developed pursuant to*
17 *paragraph (4) has changed the time it takes for*
18 *children to be placed across State lines.*

19 “(B) *The number of cases subject to the*
20 *Interstate Compact on the Placement of Children*
21 *that were processed through the electronic inter-*
22 *state case-processing system, and the number of*
23 *interstate child placement cases that were proc-*
24 *essed outside the electronic interstate case-proc-*
25 *essing system, by each State in each year.*

1 “(C) *The progress made by States in imple-*
2 *menting the electronic interstate case-processing*
3 *system.*

4 “(D) *How using the electronic interstate*
5 *case-processing system has affected various*
6 *metrics related to child safety and well-being, in-*
7 *cluding the time it takes for children to be placed*
8 *across State lines.*

9 “(E) *How using the electronic interstate*
10 *case-processing system has affected administra-*
11 *tive costs and caseworker time spent on placing*
12 *children across State lines.*

13 “(6) *DATA INTEGRATION.—The Secretary, in*
14 *consultation with the Secretariat for the Interstate*
15 *Compact on the Placement of Children and the States,*
16 *shall assess how the electronic interstate case-proc-*
17 *essing system developed pursuant to paragraph (4)*
18 *could be used to better serve and protect children that*
19 *come to the attention of the child welfare system, by—*

20 “(A) *connecting the system with other data*
21 *systems (such as systems operated by State law*
22 *enforcement and judicial agencies, systems oper-*
23 *ated by the Federal Bureau of Investigation for*
24 *the purposes of the Innocence Lost National Ini-*
25 *tiative, and other systems);*

1 “(B) simplifying and improving reporting
2 related to paragraphs (34) and (35) of section
3 471(a) regarding children or youth who have
4 been identified as being a sex trafficking victim
5 or children missing from foster care; and

6 “(C) improving the ability of States to
7 quickly comply with background check require-
8 ments of section 471(a)(20), including checks of
9 child abuse and neglect registries as required by
10 section 471(a)(20)(B).”.

11 (d) *RESERVATION OF FUNDS TO IMPROVE THE INTER-*
12 *STATE PLACEMENT OF CHILDREN.*—Section 437(b) of such
13 *Act (42 U.S.C. 629g(b)) is amended by adding at the end*
14 *the following:*

15 “(4) *IMPROVING THE INTERSTATE PLACEMENT*
16 *OF CHILDREN.*—The Secretary shall reserve
17 \$5,000,000 of the amount made available for fiscal
18 year 2018 for grants under subsection (g), and the
19 amount so reserved shall remain available through
20 fiscal year 2022.”.

21 **SEC. 50723. ENHANCEMENTS TO GRANTS TO IMPROVE**
22 **WELL-BEING OF FAMILIES AFFECTED BY SUB-**
23 **STANCE ABUSE.**

24 Section 437(f) of the Social Security Act (42 U.S.C.
25 629g(f)) is amended—

1 (1) *in the subsection heading, by striking “IN-*
2 *CREASE THE WELL-BEING OF, AND TO IMPROVE THE*
3 *PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED*
4 *BY” and inserting “IMPLEMENT IV–E PREVENTION*
5 *SERVICES, AND IMPROVE THE WELL-BEING OF, AND*
6 *IMPROVE PERMANENCY OUTCOMES FOR, CHILDREN*
7 *AND FAMILIES AFFECTED BY HEROIN, OPIOIDS, AND*
8 *OTHER”;*

9 (2) *by striking paragraph (2) and inserting the*
10 *following:*

11 “(2) *REGIONAL PARTNERSHIP DEFINED.—In this*
12 *subsection, the term ‘regional partnership’ means a*
13 *collaborative agreement (which may be established on*
14 *an interstate, State, or intrastate basis) entered into*
15 *by the following:*

16 “(A) *MANDATORY PARTNERS FOR ALL PART-*
17 *nership Grants.—*

18 “(i) *The State child welfare agency*
19 *that is responsible for the administration of*
20 *the State plan under this part and part E.*

21 “(ii) *The State agency responsible for*
22 *administering the substance abuse preven-*
23 *tion and treatment block grant provided*
24 *under subpart II of part B of title XIX of*
25 *the Public Health Service Act.*

1 “(B) *MANDATORY PARTNERS FOR PARTNER-*
2 *SHIP GRANTS PROPOSING TO SERVE CHILDREN*
3 *IN OUT-OF-HOME PLACEMENTS.*—*If the partner-*
4 *ship proposes to serve children in out-of-home*
5 *placements, the Juvenile Court or Administrative*
6 *Office of the Court that is most appropriate to*
7 *oversee the administration of court programs in*
8 *the region to address the population of families*
9 *who come to the attention of the court due to*
10 *child abuse or neglect.*

11 “(C) *OPTIONAL PARTNERS.*—*At the option*
12 *of the partnership, any of the following:*

13 “(i) *An Indian tribe or tribal consor-*
14 *tium.*

15 “(ii) *Nonprofit child welfare service*
16 *providers.*

17 “(iii) *For-profit child welfare service*
18 *providers.*

19 “(iv) *Community health service pro-*
20 *viders, including substance abuse treatment*
21 *providers.*

22 “(v) *Community mental health pro-*
23 *viders.*

24 “(vi) *Local law enforcement agencies.*

25 “(vii) *School personnel.*

1 “(viii) Tribal child welfare agencies
2 (or a consortia of the agencies).

3 “(ix) Any other providers, agencies,
4 personnel, officials, or entities that are re-
5 lated to the provision of child and family
6 services under a State plan approved under
7 this subpart.

8 “(D) EXCEPTION FOR REGIONAL PARTNER-
9 SHIPS WHERE THE LEAD APPLICANT IS AN IN-
10 DIAN TRIBE OR TRIBAL CONSORTIA.—If an In-
11 dian tribe or tribal consortium enters into a re-
12 gional partnership for purposes of this sub-
13 section, the Indian tribe or tribal consortium—

14 “(i) may (but is not required to) in-
15 clude the State child welfare agency as a
16 partner in the collaborative agreement;

17 “(ii) may not enter into a collaborative
18 agreement only with tribal child welfare
19 agencies (or a consortium of the agencies);
20 and

21 “(iii) if the condition described in
22 paragraph (2)(B) applies, may include trib-
23 al court organizations in lieu of other judi-
24 cial partners.”;

25 (3) in paragraph (3)—

1 (A) in subparagraph (A)—

2 (i) by striking “2012 through 2016”
3 and inserting “2017 through 2021”; and

4 (ii) by striking “\$500,000 and not
5 more than \$1,000,000” and inserting
6 “\$250,000 and not more than \$1,000,000”;

7 (B) in subparagraph (B)—

8 (i) in the subparagraph heading, by
9 inserting “; PLANNING” after “APPROVAL”;

10 (ii) in clause (i), by striking “clause
11 (ii)” and inserting “clauses (ii) and (iii)”;
12 and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(iii) SUFFICIENT PLANNING.—A grant
16 awarded under this subsection shall be dis-
17 bursed in two phases: a planning phase (not
18 to exceed 2 years) and an implementation
19 phase. The total disbursement to a grantee
20 for the planning phase may not exceed
21 \$250,000, and may not exceed the total an-
22 ticipated funding for the implementation
23 phase.”; and

24 (C) by adding at the end the following:

1 “(D) *LIMITATION ON PAYMENT FOR A FIS-*
2 *CAL YEAR.—No payment shall be made under*
3 *subparagraph (A) or (C) for a fiscal year until*
4 *the Secretary determines that the eligible part-*
5 *nership has made sufficient progress in meeting*
6 *the goals of the grant and that the members of*
7 *the eligible partnership are coordinating to a*
8 *reasonable degree with the other members of the*
9 *eligible partnership.”;*

10 (4) *in paragraph (4)—*

11 (A) *in subparagraph (B)—*

12 (i) *in clause (i), by inserting “, par-*
13 *ents, and families” after “children”;*

14 (ii) *in clause (ii), by striking “safety*
15 *and permanence for such children; and”*
16 *and inserting “safe, permanent caregiving*
17 *relationships for the children;”;*

18 (iii) *in clause (iii), by striking “or”*
19 *and inserting “increase reunification rates*
20 *for children who have been placed in out-of-*
21 *home care, or decrease”;* and

22 (iv) *by redesignating clause (iii) as*
23 *clause (v) and inserting after clause (ii) the*
24 *following:*

1 “(iii) improve the substance abuse
2 treatment outcomes for parents including
3 retention in treatment and successful com-
4 pletion of treatment;

5 “(iv) facilitate the implementation, de-
6 livery, and effectiveness of prevention serv-
7 ices and programs under section 471(e);
8 and”;

9 (B) in subparagraph (D), by striking
10 “where appropriate,”; and

11 (C) by striking subparagraphs (E) and (F)
12 and inserting the following:

13 “(E) A description of a plan for sustaining
14 the services provided by or activities funded
15 under the grant after the conclusion of the grant
16 period, including through the use of prevention
17 services and programs under section 471(e) and
18 other funds provided to the State for child wel-
19 fare and substance abuse prevention and treat-
20 ment services.

21 “(F) Additional information needed by the
22 Secretary to determine that the proposed activi-
23 ties and implementation will be consistent with
24 research or evaluations showing which practices
25 and approaches are most effective.”;

1 (5) *in paragraph (5)(A), by striking “abuse*
2 *treatment” and inserting “use disorder treatment in-*
3 *cluding medication assisted treatment and in-home*
4 *substance abuse disorder treatment and recovery”;*

5 (6) *in paragraph (7)—*

6 (A) *by striking “and” at the end of sub-*
7 *paragraph (C); and*

8 (B) *by redesignating subparagraph (D) as*
9 *subparagraph (E) and inserting after subpara-*
10 *graph (C) the following:*

11 *“(D) demonstrate a track record of success-*
12 *ful collaboration among child welfare, substance*
13 *abuse disorder treatment and mental health*
14 *agencies; and”;*

15 (7) *in paragraph (8)—*

16 (A) *in subparagraph (A)—*

17 (i) *by striking “establish indicators*
18 *that will be” and inserting “review indica-*
19 *tors that are”;* and

20 (ii) *by striking “in using funds made*
21 *available under such grants to achieve the*
22 *purpose of this subsection” and inserting*
23 *“and establish a set of core indicators re-*
24 *lated to child safety, parental recovery, par-*
25 *enting capacity, and family well-being. In*

1 *developing the core indicators, to the extent*
2 *possible, indicators shall be made consistent*
3 *with the outcome measures described in sec-*
4 *tion 471(e)(6)”; and*

5 *(B) in subparagraph (B)—*

6 *(i) in the matter preceding clause (i),*
7 *by inserting “base the performance meas-*
8 *ures on lessons learned from prior rounds of*
9 *regional partnership grants under this sub-*
10 *section, and” before “consult”; and*

11 *(ii) by striking clauses (iii) and (iv)*
12 *and inserting the following:*

13 *“(iii) Other stakeholders or constitu-*
14 *encies as determined by the Secretary.”;*

15 *(8) in paragraph (9)(A), by striking clause (i)*
16 *and inserting the following:*

17 *“(i) SEMIANNUAL REPORTS.—Not later*
18 *than September 30 of each fiscal year in*
19 *which a recipient of a grant under this sub-*
20 *section is paid funds under the grant, and*
21 *every 6 months thereafter, the grant recipi-*
22 *ent shall submit to the Secretary a report*
23 *on the services provided and activities car-*
24 *ried out during the reporting period,*
25 *progress made in achieving the goals of the*

1 program, the number of children, adults,
2 and families receiving services, and such
3 additional information as the Secretary de-
4 termines is necessary. The report due not
5 later than September 30 of the last such fis-
6 cal year shall include, at a minimum, data
7 on each of the performance indicators in-
8 cluded in the evaluation of the regional
9 partnership.”; and

10 (9) in paragraph (10), by striking “2012
11 through 2016” and inserting “2017 through 2021”.

12 **PART III—MISCELLANEOUS**

13 **SEC. 50731. REVIEWING AND IMPROVING LICENSING** 14 **STANDARDS FOR PLACEMENT IN A RELATIVE** 15 **FOSTER FAMILY HOME.**

16 (a) *IDENTIFICATION OF REPUTABLE MODEL LICENS-*
17 *ING STANDARDS.*—Not later than October 1, 2018, the Sec-
18 *retary of Health and Human Services shall identify rep-*
19 *utable model licensing standards with respect to the licens-*
20 *ing of foster family homes (as defined in section 472(c)(1)*
21 *of the Social Security Act).*

22 (b) *STATE PLAN REQUIREMENT.*—Section 471(a) of
23 *the Social Security Act (42 U.S.C. 671(a)) is amended—*

24 (1) in paragraph (34)(B), by striking “and”
25 after the semicolon;

1 (2) *in paragraph (35)(B), by striking the period*
2 *at the end and inserting a semicolon; and*

3 (3) *by adding at the end the following:*

4 “(36) *provides that, not later than April 1, 2019,*
5 *the State shall submit to the Secretary information*
6 *addressing—*

7 “(A) *whether the State licensing standards*
8 *are in accord with model standards identified by*
9 *the Secretary, and if not, the reason for the spe-*
10 *cific deviation and a description as to why hav-*
11 *ing a standard that is reasonably in accord with*
12 *the corresponding national model standards is*
13 *not appropriate for the State;*

14 “(B) *whether the State has elected to waive*
15 *standards established in 471(a)(10)(A) for rel-*
16 *ative foster family homes (pursuant to waiver*
17 *authority provided by 471(a)(10)(D)), a descrip-*
18 *tion of which standards the State most com-*
19 *monly waives, and if the State has not elected to*
20 *waive the standards, the reason for not waiving*
21 *these standards;*

22 “(C) *if the State has elected to waive stand-*
23 *ards specified in subparagraph (B), how case-*
24 *workers are trained to use the waiver authority*
25 *and whether the State has developed a process or*

1 *provided tools to assist caseworkers in waiving*
2 *nonsafety standards per the authority provided*
3 *in 471(a)(10)(D) to quickly place children with*
4 *relatives; and*

5 *“(D) a description of the steps the State is*
6 *taking to improve caseworker training or the*
7 *process, if any; and”.*

8 **SEC. 50732. DEVELOPMENT OF A STATEWIDE PLAN TO PRE-**
9 **VENT CHILD ABUSE AND NEGLECT FATALI-**
10 **TIES.**

11 *Section 422(b)(19) of the Social Security Act (42*
12 *U.S.C. 622(b)(19)) is amended to read as follows:*

13 *“(19) document steps taken to track and prevent*
14 *child maltreatment deaths by including—*

15 *“(A) a description of the steps the State is*
16 *taking to compile complete and accurate infor-*
17 *mation on the deaths required by Federal law to*
18 *be reported by the State agency referred to in*
19 *paragraph (1), including gathering relevant in-*
20 *formation on the deaths from the relevant orga-*
21 *nizations in the State including entities such as*
22 *State vital statistics department, child death re-*
23 *view teams, law enforcement agencies, offices of*
24 *medical examiners, or coroners; and*

1 “(B) a description of the steps the State is
 2 taking to develop and implement a comprehen-
 3 sive, statewide plan to prevent the fatalities that
 4 involves and engages relevant public and private
 5 agency partners, including those in public
 6 health, law enforcement, and the courts.”.

7 **SEC. 50733. MODERNIZING THE TITLE AND PURPOSE OF**
 8 **TITLE IV-E.**

9 (a) *PART HEADING.*—The heading for part E of title
 10 IV of the Social Security Act (42 U.S.C. 670 et seq.) is
 11 amended to read as follows:

12 **“PART E—FEDERAL PAYMENTS FOR FOSTER**
 13 **CARE, PREVENTION, AND PERMANENCY”.**

14 (b) *PURPOSE.*—The first sentence of section 470 of
 15 such Act (42 U.S.C. 670) is amended—

16 (1) by striking “1995) and” and inserting
 17 “1995),”;

18 (2) by inserting “kinship guardianship assist-
 19 ance, and prevention services or programs specified in
 20 section 471(e)(1),” after “needs,”; and

21 (3) by striking “(commencing with the fiscal
 22 year which begins October 1, 1980)”.

23 **SEC. 50734. EFFECTIVE DATES.**

24 (a) *EFFECTIVE DATES.*—

1 (1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), subject to subsection (b), the amendments*
3 *made by parts I through III of this subtitle shall take*
4 *effect on October 1, 2018.*

5 (2) *EXCEPTIONS.*—*The amendments made by*
6 *sections 50711(d), 50731, and 50733 shall take effect*
7 *on the date of enactment of this Act.*

8 (b) *TRANSITION RULE.*—

9 (1) *IN GENERAL.*—*In the case of a State plan*
10 *under part B or E of title IV of the Social Security*
11 *Act which the Secretary of Health and Human Serv-*
12 *ices determines requires State legislation (other than*
13 *legislation appropriating funds) in order for the plan*
14 *to meet the additional requirements imposed by the*
15 *amendments made by parts I through III of this sub-*
16 *title, the State plan shall not be regarded as failing*
17 *to comply with the requirements of such part solely*
18 *on the basis of the failure of the plan to meet such*
19 *additional requirements before the first day of the*
20 *first calendar quarter beginning after the close of the*
21 *first regular session of the State legislature that be-*
22 *gins after the date of enactment of this Act. For pur-*
23 *poses of the previous sentence, in the case of a State*
24 *that has a 2-year legislative session, each year of the*

1 *session shall be deemed to be a separate regular ses-*
2 *sion of the State legislature.*

3 (2) *APPLICATION TO PROGRAMS OPERATED BY*
4 *INDIAN TRIBAL ORGANIZATIONS.—In the case of an*
5 *Indian tribe, tribal organization, or tribal consortium*
6 *which the Secretary of Health and Human Services*
7 *determines requires time to take action necessary to*
8 *comply with the additional requirements imposed by*
9 *the amendments made by parts I through III of this*
10 *subtitle (whether the tribe, organization, or tribal con-*
11 *sortium has a plan under section 479B of the Social*
12 *Security Act or a cooperative agreement or contract*
13 *entered into with a State), the Secretary shall provide*
14 *the tribe, organization, or tribal consortium with such*
15 *additional time as the Secretary determines is nec-*
16 *essary for the tribe, organization, or tribal consortium*
17 *to take the action to comply with the additional re-*
18 *quirements before being regarded as failing to comply*
19 *with the requirements.*

1 **PART IV—ENSURING THE NECESSITY OF A**
2 **PLACEMENT THAT IS NOT IN A FOSTER FAM-**
3 **ILY HOME**

4 **SEC. 50741. LIMITATION ON FEDERAL FINANCIAL PARTICI-**
5 **PATION FOR PLACEMENTS THAT ARE NOT IN**
6 **FOSTER FAMILY HOMES.**

7 (a) *LIMITATION ON FEDERAL FINANCIAL PARTICIPA-*
8 *TION.—*

9 (1) *IN GENERAL.—Section 472 of the Social Se-*
10 *curity Act (42 U.S.C. 672), as amended by section*
11 *50712(a), is amended—*

12 (A) *in subsection (a)(2)(C), by inserting “,*
13 *but only to the extent permitted under subsection*
14 *(k)” after “institution”; and*

15 (B) *by adding at the end the following:*

16 “(k) *LIMITATION ON FEDERAL FINANCIAL PARTICIPA-*
17 *TION.—*

18 “(1) *IN GENERAL.—Beginning with the third*
19 *week for which foster care maintenance payments are*
20 *made under this section on behalf of a child placed*
21 *in a child-care institution, no Federal payment shall*
22 *be made to the State under section 474(a)(1) for*
23 *amounts expended for foster care maintenance pay-*
24 *ments on behalf of the child unless—*

25 “(A) *the child is placed in a child-care in-*
26 *stitution that is a setting specified in paragraph*

1 (2) *(or is placed in a licensed residential family-*
2 *based treatment facility consistent with sub-*
3 *section (j)); and*

4 “*(B) in the case of a child placed in a*
5 *qualified residential treatment program (as de-*
6 *defined in paragraph (4)), the requirements speci-*
7 *fied in paragraph (3) and section 475A(c) are*
8 *met.*

9 “(2) *SPECIFIED SETTINGS FOR PLACEMENT.—*
10 *The settings for placement specified in this paragraph*
11 *are the following:*

12 “*(A) A qualified residential treatment pro-*
13 *gram (as defined in paragraph (4)).*

14 “*(B) A setting specializing in providing*
15 *prenatal, post-partum, or parenting supports for*
16 *youth.*

17 “*(C) In the case of a child who has attained*
18 *18 years of age, a supervised setting in which the*
19 *child is living independently.*

20 “*(D) A setting providing high-quality resi-*
21 *dential care and supportive services to children*
22 *and youth who have been found to be, or are at*
23 *risk of becoming, sex trafficking victims, in ac-*
24 *cordance with section 471(a)(9)(C).*

1 “(3) *ASSESSMENT TO DETERMINE APPROPRIATE-*
2 *NESS OF PLACEMENT IN A QUALIFIED RESIDENTIAL*
3 *TREATMENT PROGRAM.—*

4 “(A) *DEADLINE FOR ASSESSMENT.—In the*
5 *case of a child who is placed in a qualified resi-*
6 *dential treatment program, if the assessment re-*
7 *quired under section 475A(c)(1) is not completed*
8 *within 30 days after the placement is made, no*
9 *Federal payment shall be made to the State*
10 *under section 474(a)(1) for any amounts ex-*
11 *pended for foster care maintenance payments on*
12 *behalf of the child during the placement.*

13 “(B) *DEADLINE FOR TRANSITION OUT OF*
14 *PLACEMENT.—If the assessment required under*
15 *section 475A(c)(1) determines that the placement*
16 *of a child in a qualified residential treatment*
17 *program is not appropriate, a court disapproves*
18 *such a placement under section 475A(c)(2), or a*
19 *child who has been in an approved placement in*
20 *a qualified residential treatment program is*
21 *going to return home or be placed with a fit and*
22 *willing relative, a legal guardian, or an adoptive*
23 *parent, or in a foster family home, Federal pay-*
24 *ments shall be made to the State under section*
25 *474(a)(1) for amounts expended for foster care*

1 *maintenance payments on behalf of the child*
2 *while the child remains in the qualified residen-*
3 *tial treatment program only during the period*
4 *necessary for the child to transition home or to*
5 *such a placement. In no event shall a State re-*
6 *ceive Federal payments under section 474(a)(1)*
7 *for amounts expended for foster care mainte-*
8 *nance payments on behalf of a child who re-*
9 *remains placed in a qualified residential treat-*
10 *ment program after the end of the 30-day period*
11 *that begins on the date a determination is made*
12 *that the placement is no longer the recommended*
13 *or approved placement for the child.*

14 “(4) *QUALIFIED RESIDENTIAL TREATMENT PRO-*
15 *GRAM.—For purposes of this part, the term ‘qualified*
16 *residential treatment program’ means a program*
17 *that—*

18 “(A) *has a trauma-informed treatment*
19 *model that is designed to address the needs, in-*
20 *cluding clinical needs as appropriate, of children*
21 *with serious emotional or behavioral disorders or*
22 *disturbances and, with respect to a child, is able*
23 *to implement the treatment identified for the*
24 *child by the assessment of the child required*
25 *under section 475A(c);*

1 “(B) subject to paragraphs (5) and (6), has
2 registered or licensed nursing staff and other li-
3 censed clinical staff who—

4 “(i) provide care within the scope of
5 their practice as defined by State law;

6 “(ii) are on-site according to the treat-
7 ment model referred to in subparagraph
8 (A); and

9 “(iii) are available 24 hours a day and
10 7 days a week;

11 “(C) to extent appropriate, and in accord-
12 ance with the child’s best interests, facilitates
13 participation of family members in the child’s
14 treatment program;

15 “(D) facilitates outreach to the family mem-
16 bers of the child, including siblings, documents
17 how the outreach is made (including contact in-
18 formation), and maintains contact information
19 for any known biological family and fictive kin
20 of the child;

21 “(E) documents how family members are
22 integrated into the treatment process for the
23 child, including post-discharge, and how sibling
24 connections are maintained;

1 “(F) provides discharge planning and fam-
2 ily-based aftercare support for at least 6 months
3 post-discharge; and

4 “(G) is licensed in accordance with section
5 471(a)(10) and is accredited by any of the fol-
6 lowing independent, not-for-profit organizations:

7 “(i) The Commission on Accreditation
8 of Rehabilitation Facilities (CARF).

9 “(ii) The Joint Commission on Accred-
10 itation of Healthcare Organizations
11 (JCAHO).

12 “(iii) The Council on Accreditation
13 (COA).

14 “(iv) Any other independent, not-for-
15 profit accrediting organization approved by
16 the Secretary.

17 “(5) ADMINISTRATIVE COSTS.—The prohibition
18 in paragraph (1) on Federal payments under section
19 474(a)(1) shall not be construed as prohibiting Fed-
20 eral payments for administrative expenditures in-
21 curred on behalf of a child placed in a child-care in-
22 stitution and for which payment is available under
23 section 474(a)(3).

24 “(6) RULE OF CONSTRUCTION.—The require-
25 ments in paragraph (4)(B) shall not be construed as

1 *requiring a qualified residential treatment program*
2 *to acquire nursing and behavioral health staff solely*
3 *through means of a direct employer to employee rela-*
4 *tionship.”.*

5 (2) *CONFORMING AMENDMENT.—Section*
6 *474(a)(1) of the Social Security Act (42 U.S.C.*
7 *674(a)(1)), as amended by section 50712(b), is*
8 *amended by striking “section 472(j)” and inserting*
9 *“subsections (j) and (k) of section 472”.*

10 (b) *DEFINITION OF FOSTER FAMILY HOME, CHILD-*
11 *CARE INSTITUTION.—Section 472(c) of such Act (42 U.S.C.*
12 *672(c)(1)) is amended to read as follows:*

13 “(c) *DEFINITIONS.—For purposes of this part:*

14 “(1) *FOSTER FAMILY HOME.—*

15 “(A) *IN GENERAL.—The term ‘foster family*
16 *home’ means the home of an individual or fam-*
17 *ily—*

18 “(i) *that is licensed or approved by the*
19 *State in which it is situated as a foster*
20 *family home that meets the standards estab-*
21 *lished for the licensing or approval; and*

22 “(ii) *in which a child in foster care*
23 *has been placed in the care of an indi-*
24 *vidual, who resides with the child and who*

1 *has been licensed or approved by the State*
2 *to be a foster parent—*

3 “(I) *that the State deems capable*
4 *of adhering to the reasonable and pru-*
5 *dent parent standard;*

6 “(II) *that provides 24-hour sub-*
7 *stitute care for children placed away*
8 *from their parents or other caretakers;*
9 *and*

10 “(III) *that provides the care for*
11 *not more than six children in foster*
12 *care.*

13 “(B) *STATE FLEXIBILITY.—The number of*
14 *foster children that may be cared for in a home*
15 *under subparagraph (A) may exceed the numer-*
16 *ical limitation in subparagraph (A)(ii)(III), at*
17 *the option of the State, for any of the following*
18 *reasons:*

19 “(i) *To allow a parenting youth in fos-*
20 *ter care to remain with the child of the par-*
21 *enting youth.*

22 “(ii) *To allow siblings to remain to-*
23 *gether.*

1 “(iii) *To allow a child with an estab-*
2 *lished meaningful relationship with the*
3 *family to remain with the family.*

4 “(iv) *To allow a family with special*
5 *training or skills to provide care to a child*
6 *who has a severe disability.*

7 “(C) *RULE OF CONSTRUCTION.*—Subpara-
8 *graph (A) shall not be construed as prohibiting*
9 *a foster parent from renting the home in which*
10 *the parent cares for a foster child placed in the*
11 *parent’s care.*

12 “(2) *CHILD-CARE INSTITUTION.*—

13 “(A) *IN GENERAL.*—*The term ‘child-care in-*
14 *stitution’ means a private child-care institution,*
15 *or a public child-care institution which accom-*
16 *modates no more than 25 children, which is li-*
17 *censed by the State in which it is situated or has*
18 *been approved by the agency of the State respon-*
19 *sible for licensing or approval of institutions of*
20 *this type as meeting the standards established for*
21 *the licensing.*

22 “(B) *SUPERVISED SETTINGS.*—*In the case*
23 *of a child who has attained 18 years of age, the*
24 *term shall include a supervised setting in which*
25 *the individual is living independently, in ac-*

1 *cordance with such conditions as the Secretary*
2 *shall establish in regulations.*

3 “(C) *EXCLUSIONS.*—*The term shall not in-*
4 *clude detention facilities, forestry camps, train-*
5 *ing schools, or any other facility operated pri-*
6 *marily for the detention of children who are de-*
7 *termined to be delinquent.”.*

8 (c) *TRAINING FOR STATE JUDGES, ATTORNEYS, AND*
9 *OTHER LEGAL PERSONNEL IN CHILD WELFARE CASES.*—
10 *Section 438(b)(1) of such Act (42 U.S.C. 629h(b)(1)) is*
11 *amended in the matter preceding subparagraph (A) by in-*
12 *serting “shall provide for the training of judges, attorneys,*
13 *and other legal personnel in child welfare cases on Federal*
14 *child welfare policies and payment limitations with respect*
15 *to children in foster care who are placed in settings that*
16 *are not a foster family home,” after “with respect to the*
17 *child,”.*

18 (d) *ASSURANCE OF NONIMPACT ON JUVENILE JUSTICE*
19 *SYSTEM.*—

20 (1) *STATE PLAN REQUIREMENT.*—*Section 471(a)*
21 *of such Act (42 U.S.C. 671(a)), as amended by section*
22 *50731, is further amended by adding at the end the*
23 *following:*

24 “(37) *includes a certification that, in response to*
25 *the limitation imposed under section 472(k) with re-*

1 *spect to foster care maintenance payments made on*
2 *behalf of any child who is placed in a setting that is*
3 *not a foster family home, the State will not enact or*
4 *advance policies or practices that would result in a*
5 *significant increase in the population of youth in the*
6 *State’s juvenile justice system.”.*

7 (2) *GAO STUDY AND REPORT.—The Comptroller*
8 *General of the United States shall evaluate the im-*
9 *act, if any, on State juvenile justice systems of the*
10 *limitation imposed under section 472(k) of the Social*
11 *Security Act (as added by section 50741(a)(1)) on fos-*
12 *ter care maintenance payments made on behalf of*
13 *any child who is placed in a setting that is not a fos-*
14 *ter family home, in accordance with the amendments*
15 *made by subsections (a) and (b) of this section. In*
16 *particular, the Comptroller General shall evaluate the*
17 *extent to which children in foster care who also are*
18 *subject to the juvenile justice system of the State are*
19 *placed in a facility under the jurisdiction of the juve-*
20 *nile justice system and whether the lack of available*
21 *congregate care placements under the jurisdiction of*
22 *the child welfare systems is a contributing factor to*
23 *that result. Not later than December 31, 2025, the*
24 *Comptroller General shall submit to Congress a report*
25 *on the results of the evaluation.*

1 **SEC. 50742. ASSESSMENT AND DOCUMENTATION OF THE**
2 **NEED FOR PLACEMENT IN A QUALIFIED RESI-**
3 **DENTIAL TREATMENT PROGRAM.**

4 *Section 475A of the Social Security Act (42 U.S.C.*
5 *675a) is amended by adding at the end the following:*

6 *“(c) ASSESSMENT, DOCUMENTATION, AND JUDICIAL*
7 *DETERMINATION REQUIREMENTS FOR PLACEMENT IN A*
8 *QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—In the*
9 *case of any child who is placed in a qualified residential*
10 *treatment program (as defined in section 472(k)(4)), the fol-*
11 *lowing requirements shall apply for purposes of approving*
12 *the case plan for the child and the case system review proce-*
13 *dure for the child:*

14 *“(1)(A) Within 30 days of the start of each*
15 *placement in such a setting, a qualified individual*
16 *(as defined in subparagraph (D)) shall—*

17 *“(i) assess the strengths and needs of the*
18 *child using an age-appropriate, evidence-based,*
19 *validated, functional assessment tool approved by*
20 *the Secretary;*

21 *“(ii) determine whether the needs of the*
22 *child can be met with family members or*
23 *through placement in a foster family home or, if*
24 *not, which setting from among the settings speci-*
25 *fied in section 472(k)(2) would provide the most*
26 *effective and appropriate level of care for the*

1 *child in the least restrictive environment and be*
2 *consistent with the short- and long-term goals for*
3 *the child, as specified in the permanency plan*
4 *for the child; and*

5 *“(iii) develop a list of child-specific short-*
6 *and long-term mental and behavioral health*
7 *goals.*

8 *“(B)(i) The State shall assemble a family and*
9 *permanency team for the child in accordance with the*
10 *requirements of clauses (ii) and (iii). The qualified*
11 *individual conducting the assessment required under*
12 *subparagraph (A) shall work in conjunction with the*
13 *family of, and permanency team for, the child while*
14 *conducting and making the assessment.*

15 *“(ii) The family and permanency team shall*
16 *consist of all appropriate biological family members,*
17 *relative, and fictive kin of the child, as well as, as ap-*
18 *propriate, professionals who are a resource to the*
19 *family of the child, such as teachers, medical or men-*
20 *tal health providers who have treated the child, or*
21 *clergy. In the case of a child who has attained age 14,*
22 *the family and permanency team shall include the*
23 *members of the permanency planning team for the*
24 *child that are selected by the child in accordance with*
25 *section 475(5)(C)(iv).*

1 “(iii) *The State shall document in the child’s*
2 *case plan—*

3 “(I) *the reasonable and good faith effort of*
4 *the State to identify and include all the individ-*
5 *uals described in clause (ii) on the child’s family*
6 *and permanency team;*

7 “(II) *all contact information for members of*
8 *the family and permanency team, as well as con-*
9 *tact information for other family members and*
10 *fictive kin who are not part of the family and*
11 *permanency team;*

12 “(III) *evidence that meetings of the family*
13 *and permanency team, including meetings relat-*
14 *ing to the assessment required under subpara-*
15 *graph (A), are held at a time and place conven-*
16 *ient for family;*

17 “(IV) *if reunification is the goal, evidence*
18 *demonstrating that the parent from whom the*
19 *child was removed provided input on the mem-*
20 *bers of the family and permanency team;*

21 “(V) *evidence that the assessment required*
22 *under subparagraph (A) is determined in con-*
23 *junction with the family and permanency team;*

24 “(VI) *the placement preferences of the fam-*
25 *ily and permanency team relative to the assess-*

1 *ment that recognizes children should be placed*
2 *with their siblings unless there is a finding by*
3 *the court that such placement is contrary to their*
4 *best interest; and*

5 “(VII) *if the placement preferences of the*
6 *family and permanency team and child are not*
7 *the placement setting recommended by the quali-*
8 *fied individual conducting the assessment under*
9 *subparagraph (A), the reasons why the pref-*
10 *erences of the team and of the child were not rec-*
11 *ommended.*

12 “(C) *In the case of a child who the qualified in-*
13 *dividual conducting the assessment under subpara-*
14 *graph (A) determines should not be placed in a foster*
15 *family home, the qualified individual shall specify in*
16 *writing the reasons why the needs of the child cannot*
17 *be met by the family of the child or in a foster family*
18 *home. A shortage or lack of foster family homes shall*
19 *not be an acceptable reason for determining that the*
20 *needs of the child cannot be met in a foster family*
21 *home. The qualified individual also shall specify in*
22 *writing why the recommended placement in a quali-*
23 *fied residential treatment program is the setting that*
24 *will provide the child with the most effective and ap-*
25 *propriate level of care in the least restrictive environ-*

1 *ment and how that placement is consistent with the*
2 *short- and long-term goals for the child, as specified*
3 *in the permanency plan for the child.*

4 “(D)(i) *Subject to clause (ii), in this subsection,*
5 *the term ‘qualified individual’ means a trained pro-*
6 *fessional or licensed clinician who is not an employee*
7 *of the State agency and who is not connected to, or*
8 *affiliated with, any placement setting in which chil-*
9 *dren are placed by the State.*

10 “(ii) *The Secretary may approve a request of a*
11 *State to waive any requirement in clause (i) upon a*
12 *submission by the State, in accordance with criteria*
13 *established by the Secretary, that certifies that the*
14 *trained professionals or licensed clinicians with re-*
15 *sponsibility for performing the assessments described*
16 *in subparagraph (A) shall maintain objectivity with*
17 *respect to determining the most effective and appro-*
18 *priate placement for a child.*

19 “(2) *Within 60 days of the start of each place-*
20 *ment in a qualified residential treatment program, a*
21 *family or juvenile court or another court (including*
22 *a tribal court) of competent jurisdiction, or an ad-*
23 *ministrative body appointed or approved by the*
24 *court, independently, shall—*

1 “(A) consider the assessment, determination,
2 and documentation made by the qualified indi-
3 vidual conducting the assessment under para-
4 graph (1);

5 “(B) determine whether the needs of the
6 child can be met through placement in a foster
7 family home or, if not, whether placement of the
8 child in a qualified residential treatment pro-
9 gram provides the most effective and appropriate
10 level of care for the child in the least restrictive
11 environment and whether that placement is con-
12 sistent with the short- and long-term goals for
13 the child, as specified in the permanency plan
14 for the child; and

15 “(C) approve or disapprove the placement.

16 “(3) The written documentation made under
17 paragraph (1)(C) and documentation of the deter-
18 mination and approval or disapproval of the place-
19 ment in a qualified residential treatment program by
20 a court or administrative body under paragraph (2)
21 shall be included in and made part of the case plan
22 for the child.

23 “(4) As long as a child remains placed in a
24 qualified residential treatment program, the State
25 agency shall submit evidence at each status review

1 *and each permanency hearing held with respect to the*
2 *child—*

3 “(A) *demonstrating that ongoing assessment*
4 *of the strengths and needs of the child continues*
5 *to support the determination that the needs of*
6 *the child cannot be met through placement in a*
7 *foster family home, that the placement in a*
8 *qualified residential treatment program provides*
9 *the most effective and appropriate level of care*
10 *for the child in the least restrictive environment,*
11 *and that the placement is consistent with the*
12 *short- and long-term goals for the child, as speci-*
13 *fied in the permanency plan for the child;*

14 “(B) *documenting the specific treatment or*
15 *service needs that will be met for the child in the*
16 *placement and the length of time the child is ex-*
17 *pected to need the treatment or services; and*

18 “(C) *documenting the efforts made by the*
19 *State agency to prepare the child to return home*
20 *or to be placed with a fit and willing relative,*
21 *a legal guardian, or an adoptive parent, or in*
22 *a foster family home.*

23 “(5) *In the case of any child who is placed in*
24 *a qualified residential treatment program for more*
25 *than 12 consecutive months or 18 nonconsecutive*

1 months (or, in the case of a child who has not at-
2 tained age 13, for more than 6 consecutive or non-
3 consecutive months), the State agency shall submit to
4 the Secretary—

5 “(A) the most recent versions of the evidence
6 and documentation specified in paragraph (4);
7 and

8 “(B) the signed approval of the head of the
9 State agency for the continued placement of the
10 child in that setting.”.

11 **SEC. 50743. PROTOCOLS TO PREVENT INAPPROPRIATE DI-**
12 **AGNOSES.**

13 (a) STATE PLAN REQUIREMENT.—Section
14 422(b)(15)(A) of the Social Security Act (42 U.S.C.
15 622(b)(15)(A)) is amended—

16 (1) in clause (vi), by striking “and” after the
17 semicolon;

18 (2) by redesignating clause (vii) as clause (viii);

19 and

20 (3) by inserting after clause (vi) the following:

21 “(vii) the procedures and protocols the
22 State has established to ensure that children
23 in foster care placements are not inappro-
24 priately diagnosed with mental illness,
25 other emotional or behavioral disorders,

1 *medically fragile conditions, or develop-*
2 *mental disabilities, and placed in settings*
3 *that are not foster family homes as a result*
4 *of the inappropriate diagnoses; and”.*

5 **(b) EVALUATION.**—*Section 476 of such Act (42 U.S.C.*
6 *676), as amended by section 50711(d), is further amended*
7 *by adding at the end the following:*

8 **“(e) EVALUATION OF STATE PROCEDURES AND PRO-**
9 **TOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES OF MEN-**
10 **TAL ILLNESS OR OTHER CONDITIONS.**—*The Secretary shall*
11 *conduct an evaluation of the procedures and protocols estab-*
12 *lished by States in accordance with the requirements of sec-*
13 *tion 422(b)(15)(A)(vii). The evaluation shall analyze the ex-*
14 *tent to which States comply with and enforce the procedures*
15 *and protocols and the effectiveness of various State proce-*
16 *dures and protocols and shall identify best practices. Not*
17 *later than January 1, 2020, the Secretary shall submit a*
18 *report on the results of the evaluation to Congress.”.*

19 **SEC. 50744. ADDITIONAL DATA AND REPORTS REGARDING**
20 **CHILDREN PLACED IN A SETTING THAT IS**
21 **NOT A FOSTER FAMILY HOME.**

22 *Section 479A(a)(7)(A) of the Social Security Act (42*
23 *U.S.C. 679b(a)(7)(A)) is amended by striking clauses (i)*
24 *through (vi) and inserting the following:*

1 “(i) with respect to each such place-
2 ment—

3 “(I) the type of the placement set-
4 ting, including whether the placement
5 is shelter care, a group home and if so,
6 the range of the child population in the
7 home, a residential treatment facility,
8 a hospital or institution providing
9 medical, rehabilitative, or psychiatric
10 care, a setting specializing in pro-
11 viding prenatal, post-partum, or par-
12 enting supports, or some other kind of
13 child-care institution and if so, what
14 kind;

15 “(II) the number of children in
16 the placement setting and the age, race,
17 ethnicity, and gender of each of the
18 children;

19 “(III) for each child in the place-
20 ment setting, the length of the place-
21 ment of the child in the setting, wheth-
22 er the placement of the child in the set-
23 ting is the first placement of the child
24 and if not, the number and type of
25 previous placements of the child, and

1 *whether the child has special needs or*
 2 *another diagnosed mental or physical*
 3 *illness or condition; and*

4 *“(IV) the extent of any specialized*
 5 *education, treatment, counseling, or*
 6 *other services provided in the setting;*
 7 *and*

8 *“(ii) separately, the number and ages*
 9 *of children in the placements who have a*
 10 *permanency plan of another planned per-*
 11 *manent living arrangement; and”.*

12 **SEC. 50745. CRIMINAL RECORDS CHECKS AND CHECKS OF**
 13 **CHILD ABUSE AND NEGLECT REGISTRIES FOR**
 14 **ADULTS WORKING IN CHILD-CARE INSTITU-**
 15 **TIONS AND OTHER GROUP CARE SETTINGS.**

16 *(a) STATE PLAN REQUIREMENT.—Section 471(a)(20)*
 17 *of the Social Security Act (42 U.S.C. 671(a)(20)) is amend-*
 18 *ed—*

19 *(1) in subparagraph (A)(ii), by striking “and”*
 20 *after the semicolon;*

21 *(2) in subparagraph (B)(iii), by striking*
 22 *“and” after the semicolon;*

23 *(3) in subparagraph (C), by adding “and” after*
 24 *the semicolon; and*

1 (4) by inserting after subparagraph (C), the fol-
2 lowing new subparagraph:

3 “(D) provides procedures for any child-care
4 institution, including a group home, residential
5 treatment center, shelter, or other congregate care
6 setting, to conduct criminal records checks, in-
7 cluding fingerprint-based checks of national
8 crime information databases (as defined in sec-
9 tion 534(f)(3)(A) of title 28, United States
10 Code), and checks described in subparagraph (B)
11 of this paragraph, on any adult working in a
12 child-care institution, including a group home,
13 residential treatment center, shelter, or other con-
14 gregate care setting, unless the State reports to
15 the Secretary the alternative criminal records
16 checks and child abuse registry checks the State
17 conducts on any adult working in a child-care
18 institution, including a group home, residential
19 treatment center, shelter, or other congregate care
20 setting, and why the checks specified in this sub-
21 paragraph are not appropriate for the State;”.

22 (b) *TECHNICAL AMENDMENTS.*—Subparagraphs (A)
23 and (C) of section 471(a)(20) of the Social Security Act
24 (42 U.S.C. 671(a)(20)) are each amended by striking “sec-
25 tion 534(e)(3)(A)” and inserting “section 534(f)(3)(A)”.

1 **SEC. 50746. EFFECTIVE DATES; APPLICATION TO WAIVERS.**

2 (a) *EFFECTIVE DATES.*—

3 (1) *IN GENERAL.*—Subject to paragraph (2) and
4 subsections (b), (c), and (d), the amendments made by
5 this part shall take effect as if enacted on January 1,
6 2018.

7 (2) *TRANSITION RULE.*—In the case of a State
8 plan under part B or E of title IV of the Social Secu-
9 rity Act which the Secretary of Health and Human
10 Services determines requires State legislation (other
11 than legislation appropriating funds) in order for the
12 plan to meet the additional requirements imposed by
13 the amendments made by this part, the State plan
14 shall not be regarded as failing to comply with the re-
15 quirements of part B or E of title IV of such Act sole-
16 ly on the basis of the failure of the plan to meet the
17 additional requirements before the first day of the
18 first calendar quarter beginning after the close of the
19 first regular session of the State legislature that be-
20 gins after the date of enactment of this Act. For pur-
21 poses of the previous sentence, in the case of a State
22 that has a 2-year legislative session, each year of the
23 session shall be deemed to be a separate regular ses-
24 sion of the State legislature.

1 **(b) LIMITATION ON FEDERAL FINANCIAL PARTICIPA-**
2 **TION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY**
3 **HOMES AND RELATED PROVISIONS.—**

4 **(1) IN GENERAL.—***The amendments made by sec-*
5 *tions 50741(a), 50741(b), 50741(d), and 50742 shall*
6 *take effect on October 1, 2019.*

7 **(2) STATE OPTION TO DELAY EFFECTIVE DATE**
8 **FOR NOT MORE THAN 2 YEARS.—***If a State requests*
9 *a delay in the effective date, the Secretary of Health*
10 *and Human Services shall delay the effective date*
11 *provided for in paragraph (1) with respect to the*
12 *State for the amount of time requested by the State,*
13 *not to exceed 2 years. If the effective date is so delayed*
14 *for a period with respect to a State under the pre-*
15 *ceding sentence, then—*

16 **(A)** *notwithstanding section 50734, the date*
17 *that the amendments made by section 50711(c)*
18 *take effect with respect to the State shall be de-*
19 *layed for the period; and*

20 **(B)** *in applying section 474(a)(6) of the So-*
21 *cial Security Act with respect to the State, “on*
22 *or after the date this paragraph takes effect with*
23 *respect to the State” is deemed to be substituted*
24 *for “after September 30, 2019” in subparagraph*
25 *(A)(i)(I) of such section.*

1 “(iii) To support and retain foster
2 families so they can provide quality family-
3 based settings for children in foster care.”.

4 (b) *SUPPORT FOR FOSTER FAMILY HOMES.*—Section
5 436 of such Act (42 U.S.C. 629f) is amended by adding
6 at the end the following:

7 “(c) *SUPPORT FOR FOSTER FAMILY HOMES.*—Out of
8 any money in the Treasury of the United States not other-
9 wise appropriated, there are appropriated to the Secretary
10 for fiscal year 2018, \$8,000,000 for the Secretary to make
11 competitive grants to States, Indian tribes, or tribal con-
12 sortia to support the recruitment and retention of high-
13 quality foster families to increase their capacity to place
14 more children in family settings, focused on States, Indian
15 tribes, or tribal consortia with the highest percentage of
16 children in non-family settings. The amount appropriated
17 under this subparagraph shall remain available through fis-
18 cal year 2022.”.

19 **SEC. 50752. EXTENSION OF CHILD AND FAMILY SERVICES**
20 **PROGRAMS.**

21 (a) *EXTENSION OF STEPHANIE TUBBS JONES CHILD*
22 *WELFARE SERVICES PROGRAM.*—Section 425 of the Social
23 Security Act (42 U.S.C. 625) is amended by striking “2012
24 through 2016” and inserting “2017 through 2021”.

1 **(b) EXTENSION OF PROMOTING SAFE AND STABLE**
2 **FAMILIES PROGRAM AUTHORIZATIONS.—**

3 **(1) IN GENERAL.—***Section 436(a) of such Act*
4 *(42 U.S.C. 629f(a)) is amended by striking all that*
5 *follows “\$345,000,000” and inserting “for each of fis-*
6 *cal years 2017 through 2021.”.*

7 **(2) DISCRETIONARY GRANTS.—***Section 437(a) of*
8 *such Act (42 U.S.C. 629g(a)) is amended by striking*
9 *“2012 through 2016” and inserting “2017 through*
10 *2021”.*

11 **(c) EXTENSION OF FUNDING RESERVATIONS FOR**
12 **MONTHLY CASEWORKER VISITS AND REGIONAL PARTNER-**
13 **SHIP GRANTS.—***Section 436(b) of such Act (42 U.S.C.*
14 *629f(b)) is amended—*

15 **(1) in paragraph (4)(A), by striking “2012**
16 **through 2016” and inserting “2017 through 2021”;**
17 **and**

18 **(2) in paragraph (5), by striking “2012 through**
19 **2016” and inserting “2017 through 2021”.**

20 **(d) REAUTHORIZATION OF FUNDING FOR STATE**
21 **COURTS.—**

22 **(1) EXTENSION OF PROGRAM.—***Section 438(c)(1)*
23 *of such Act (42 U.S.C. 629h(c)(1)) is amended by*
24 *striking “2012 through 2016” and inserting “2017*
25 *through 2021”.*

1 (2) *EXTENSION OF FEDERAL SHARE.*—Section
2 438(d) of such Act (42 U.S.C. 629h(d)) is amended by
3 striking “2012 through 2016” and inserting “2017
4 through 2021”.

5 (e) *REPEAL OF EXPIRED PROVISIONS.*—Section 438(e)
6 of such Act (42 U.S.C. 629h(e)) is repealed.

7 **SEC. 50753. IMPROVEMENTS TO THE JOHN H. CHAFEE FOS-**
8 **TER CARE INDEPENDENCE PROGRAM AND**
9 **RELATED PROVISIONS.**

10 (a) *AUTHORITY TO SERVE FORMER FOSTER YOUTH*
11 *UP TO AGE 23.*—Section 477 of the Social Security Act
12 (42 U.S.C. 677) is amended—

13 (1) in subsection (a)(5), by inserting “(or 23
14 years of age, in the case of a State with a certifi-
15 cation under subsection (b)(3)(A)(ii) to provide assist-
16 ance and services to youths who have aged out of fos-
17 ter care and have not attained such age, in accord-
18 ance with such subsection)” after “21 years of age”;

19 (2) in subsection (b)(3)(A)—

20 (A) by inserting “(i)” before “A certifi-
21 cation”;

22 (B) by striking “children who have left fos-
23 ter care” and all that follows through the period
24 and inserting “youths who have aged out of fos-

1 *ter care and have not attained 21 years of age.”;*
2 *and*

3 *(C) by adding at the end the following:*

4 *“(i) If the State has elected under section*
5 *475(8)(B) to extend eligibility for foster care to*
6 *all children who have not attained 21 years of*
7 *age, or if the Secretary determines that the State*
8 *agency responsible for administering the State*
9 *plans under this part and part B uses State*
10 *funds or any other funds not provided under this*
11 *part to provide services and assistance for youths*
12 *who have aged out of foster care that are com-*
13 *parable to the services and assistance the youths*
14 *would receive if the State had made such an elec-*
15 *tion, the certification required under clause (i)*
16 *may provide that the State will provide assist-*
17 *ance and services to youths who have aged out*
18 *of foster care and have not attained 23 years of*
19 *age.”; and*

20 *(3) in subsection (b)(3)(B), by striking “children*
21 *who have left foster care” and all that follows through*
22 *the period and inserting “youths who have aged out*
23 *of foster care and have not attained 21 years of age*
24 *(or 23 years of age, in the case of a State with a cer-*
25 *tification under subparagraph (A)(i) to provide as-*

1 *sistance and services to youths who have aged out of*
2 *foster care and have not attained such age, in accord-*
3 *ance with subparagraph (A)(i)).”.*

4 (b) *AUTHORITY TO REDISTRIBUTE UNSPENT*
5 *FUNDS.—Section 477(d) of such Act (42 U.S.C. 677(d)) is*
6 *amended—*

7 (1) *in paragraph (4), by inserting “or does not*
8 *expend allocated funds within the time period speci-*
9 *fied under section 477(d)(3)” after “provided by the*
10 *Secretary”; and*

11 (2) *by adding at the end the following:*

12 “(5) *REDISTRIBUTION OF UNEXPENDED*
13 *AMOUNTS.—*

14 “(A) *AVAILABILITY OF AMOUNTS.—To the*
15 *extent that amounts paid to States under this*
16 *section in a fiscal year remain unexpended by*
17 *the States at the end of the succeeding fiscal*
18 *year, the Secretary may make the amounts*
19 *available for redistribution in the second suc-*
20 *ceeding fiscal year among the States that apply*
21 *for additional funds under this section for that*
22 *second succeeding fiscal year.*

23 “(B) *REDISTRIBUTION.—*

24 “(i) *IN GENERAL.—The Secretary shall*
25 *redistribute the amounts made available*

1 under subparagraph (A) for a fiscal year
2 among eligible applicant States. In this
3 subparagraph, the term ‘eligible applicant
4 State’ means a State that has applied for
5 additional funds for the fiscal year under
6 subparagraph (A) if the Secretary deter-
7 mines that the State will use the funds for
8 the purpose for which originally allotted
9 under this section.

10 “(ii) *AMOUNT TO BE REDISTRIB-*
11 *UTED.—The amount to be redistributed to*
12 *each eligible applicant State shall be the*
13 *amount so made available multiplied by the*
14 *State foster care ratio, (as defined in sub-*
15 *section (c)(4), except that, in such sub-*
16 *section, ‘all eligible applicant States (as de-*
17 *defined in subsection (d)(5)(B)(i))’ shall be*
18 *substituted for ‘all States’).*

19 “(iii) *TREATMENT OF REDISTRIBUTED*
20 *AMOUNT.—Any amount made available to a*
21 *State under this paragraph shall be re-*
22 *garded as part of the allotment of the State*
23 *under this section for the fiscal year in*
24 *which the redistribution is made.*

1 “(C) *TRIBES*.—For purposes of this para-
2 graph, the term ‘State’ includes an Indian tribe,
3 tribal organization, or tribal consortium that re-
4 ceives an allotment under this section.”.

5 (c) *EXPANDING AND CLARIFYING THE USE OF EDU-*
6 *CATION AND TRAINING VOUCHERS*.—

7 (1) *IN GENERAL*.—Section 477(i)(3) of such Act
8 (42 U.S.C. 677(i)(3)) is amended—

9 (A) by striking “on the date” and all that
10 follows through “23” and inserting “to remain
11 eligible until they attain 26”; and

12 (B) by inserting “, but in no event may a
13 youth participate in the program for more than
14 5 years (whether or not consecutive)” before the
15 period.

16 (2) *CONFORMING AMENDMENT*.—Section
17 477(i)(1) of such Act (42 U.S.C. 677(i)(1)) is amend-
18 ed by inserting “who have attained 14 years of age”
19 before the period.

20 (d) *OTHER IMPROVEMENTS*.—Section 477 of such Act
21 (42 U.S.C. 677), as amended by subsections (a), (b), and
22 (c), is amended—

23 (1) in the section heading, by striking “**INDE-**
24 **PENDENCE PROGRAM**” and inserting “**PROGRAM**

1 **FOR SUCCESSFUL TRANSITION TO ADULT-**
2 **HOOD”;**

3 (2) *in subsection (a)—*

4 (A) *in paragraph (1)—*

5 (i) *by striking “identify children who*
6 *are likely to remain in foster care until 18*
7 *years of age and to help these children make*
8 *the transition to self-sufficiency by pro-*
9 *viding services” and inserting “support all*
10 *youth who have experienced foster care at*
11 *age 14 or older in their transition to adult-*
12 *hood through transitional services”;*

13 (ii) *by inserting “and post-secondary*
14 *education” after “high school diploma”; and*

15 (iii) *by striking “training in daily liv-*
16 *ing skills, training in budgeting and finan-*
17 *cial management skills” and inserting*
18 *“training and opportunities to practice*
19 *daily living skills (such as financial lit-*
20 *eracy training and driving instruction)”;*

21 (B) *in paragraph (2), by striking “who are*
22 *likely to remain in foster care until 18 years of*
23 *age receive the education, training, and services*
24 *necessary to obtain employment” and inserting*
25 *“who have experienced foster care at age 14 or*

1 *older achieve meaningful, permanent connections*
2 *with a caring adult”;*

3 (C) *in paragraph (3), by striking “who are*
4 *likely to remain in foster care until 18 years of*
5 *age prepare for and enter postsecondary training*
6 *and education institutions” and inserting “who*
7 *have experienced foster care at age 14 or older*
8 *engage in age or developmentally appropriate*
9 *activities, positive youth development, and exper-*
10 *iential learning that reflects what their peers in*
11 *intact families experience”;* and

12 (D) *by striking paragraph (4) and redesign-*
13 *ating paragraphs (5) through (8) as para-*
14 *graphs (4) through (7);*

15 (3) *in subsection (b)—*

16 (A) *in paragraph (2)(D), by striking “ado-*
17 *lescents” and inserting “youth”;* and

18 (B) *in paragraph (3)—*

19 (i) *in subparagraph (D)—*

20 (I) *by inserting “including train-*
21 *ing on youth development” after “to*
22 *provide training”;* and

23 (II) *by striking “adolescents pre-*
24 *paring for independent living” and all*
25 *that follows through the period and in-*

1 serting “youth preparing for a success-
2 ful transition to adulthood and making
3 a permanent connection with a caring
4 adult.”;

5 (ii) in subparagraph (H), by striking
6 “adolescents” each place it appears and in-
7 serting “youth”; and

8 (iii) in subparagraph (K)—

9 (I) by striking “an adolescent”
10 and inserting “a youth”; and

11 (II) by striking “the adolescent”
12 each place it appears and inserting
13 “the youth”; and

14 (4) in subsection (f), by striking paragraph (2)
15 and inserting the following:

16 “(2) *REPORT TO CONGRESS.*—Not later than Oc-
17 tober 1, 2019, the Secretary shall submit to the Com-
18 mittee on Ways and Means of the House of Represent-
19 atives and the Committee on Finance of the Senate a
20 report on the National Youth in Transition Database
21 and any other databases in which States report out-
22 come measures relating to children in foster care and
23 children who have aged out of foster care or left foster
24 care for kinship guardianship or adoption. The report
25 shall include the following:

1 “(A) A description of the reasons for entry
2 into foster care and of the foster care experiences,
3 such as length of stay, number of placement set-
4 tings, case goal, and discharge reason of 17-year-
5 olds who are surveyed by the National Youth in
6 Transition Database and an analysis of the com-
7 parison of that description with the reasons for
8 entry and foster care experiences of children of
9 other ages who exit from foster care before at-
10 taining age 17.

11 “(B) A description of the characteristics of
12 the individuals who report poor outcomes at ages
13 19 and 21 to the National Youth in Transition
14 Database.

15 “(C) Benchmarks for determining what con-
16 stitutes a poor outcome for youth who remain in
17 or have exited from foster care and plans the ex-
18 ecutive branch will take to incorporate these
19 benchmarks in efforts to evaluate child welfare
20 agency performance in providing services to chil-
21 dren transitioning from foster care.

22 “(D) An analysis of the association between
23 types of placement, number of overall place-
24 ments, time spent in foster care, and other fac-
25 tors, and outcomes at ages 19 and 21.

1 “(E) *An analysis of the differences in out-*
2 *comes for children in and formerly in foster care*
3 *at age 19 and 21 among States.*”.

4 (e) *CLARIFYING DOCUMENTATION PROVIDED TO FOS-*
5 *TER YOUTH LEAVING FOSTER CARE.*—Section 475(5)(I) of
6 such Act (42 U.S.C. 675(5)(I)) is amended by inserting
7 after “*REAL ID Act of 2005*” the following: “, and any
8 official documentation necessary to prove that the child was
9 previously in foster care”.

10 **PART VI—CONTINUING INCENTIVES TO STATES**
11 **TO PROMOTE ADOPTION AND LEGAL GUARD-**
12 **IANSHIP**

13 **SEC. 50761. REAUTHORIZING ADOPTION AND LEGAL**
14 **GUARDIANSHIP INCENTIVE PROGRAMS.**

15 (a) *IN GENERAL.*—Section 473A of the Social Security
16 Act (42 U.S.C. 673b) is amended—

17 (1) *in subsection (b)(4), by striking “2013*
18 *through 2015” and inserting “2016 through 2020”;*

19 (2) *in subsection (h)(1)(D), by striking “2016”*
20 *and inserting “2021”; and*

21 (3) *in subsection (h)(2), by striking “2016” and*
22 *inserting “2021”.*

23 (b) *EFFECTIVE DATE.*—The amendments made by sub-
24 section (a) shall take effect as if enacted on October 1, 2017.

1 **PART VII—TECHNICAL CORRECTIONS**

2 **SEC. 50771. TECHNICAL CORRECTIONS TO DATA EXCHANGE**

3 **STANDARDS TO IMPROVE PROGRAM COORDI-**

4 **NATION.**

5 (a) *IN GENERAL.*—Section 440 of the Social Security
6 Act (42 U.S.C. 629m) is amended to read as follows:

7 **“SEC. 440. DATA EXCHANGE STANDARDS FOR IMPROVED**

8 **INTEROPERABILITY.**

9 “(a) *DESIGNATION.*—The Secretary shall, in consulta-
10 tion with an interagency work group established by the Of-
11 fice of Management and Budget and considering State gov-
12 ernment perspectives, by rule, designate data exchange
13 standards to govern, under this part and part E—

14 “(1) necessary categories of information that
15 State agencies operating programs under State plans
16 approved under this part are required under applica-
17 ble Federal law to electronically exchange with an-
18 other State agency; and

19 “(2) Federal reporting and data exchange re-
20 quired under applicable Federal law.

21 “(b) *REQUIREMENTS.*—The data exchange standards
22 required by paragraph (1) shall, to the extent practicable—

23 “(1) incorporate a widely accepted, non-propri-
24 etary, searchable, computer-readable format, such as
25 the Extensible Markup Language;

1 “(2) contain interoperable standards developed
2 and maintained by intergovernmental partnerships,
3 such as the National Information Exchange Model;

4 “(3) incorporate interoperable standards devel-
5 oped and maintained by Federal entities with author-
6 ity over contracting and financial assistance;

7 “(4) be consistent with and implement applica-
8 ble accounting principles;

9 “(5) be implemented in a manner that is cost-
10 effective and improves program efficiency and effec-
11 tiveness; and

12 “(6) be capable of being continually upgraded as
13 necessary.

14 “(c) *RULE OF CONSTRUCTION.*—Nothing in this sub-
15 section shall be construed to require a change to existing
16 data exchange standards found to be effective and effi-
17 cient.”.

18 (b) *EFFECTIVE DATE.*—Not later than the date that
19 is 24 months after the date of the enactment of this section,
20 the Secretary of Health and Human Services shall issue
21 a proposed rule that—

22 (1) identifies federally required data exchanges,
23 include specification and timing of exchanges to be
24 standardized, and address the factors used in deter-

1 *mining whether and when to standardize data ex-*
 2 *changes; and*

3 *(2) specifies State implementation options and*
 4 *describes future milestones.*

5 **SEC. 50772. TECHNICAL CORRECTIONS TO STATE REQUIRE-**
 6 **MENT TO ADDRESS THE DEVELOPMENTAL**
 7 **NEEDS OF YOUNG CHILDREN.**

8 *Section 422(b)(18) of the Social Security Act (42*
 9 *U.S.C. 622(b)(18)) is amended by striking “such children”*
 10 *and inserting “all vulnerable children under 5 years of*
 11 *age”.*

12 **PART VIII—ENSURING STATES REINVEST SAV-**
 13 **INGS RESULTING FROM INCREASE IN ADOPTI-**
 14 **ON ASSISTANCE**

15 **SEC. 50781. DELAY OF ADOPTION ASSISTANCE PHASE-IN.**

16 *(a) IN GENERAL.—The table in section 473(e)(1)(B)*
 17 *of the Social Security Act (42 U.S.C. 673(e)(1)(B)) is*
 18 *amended by striking the last 2 rows and inserting the fol-*
 19 *lowing:*

<i>“2017 through 2023</i>	<i>2</i>
<i>2024</i>	<i>2 (or, in the case of a child for whom</i> <i>an adoption assistance agreement is</i> <i>entered into under this section on or</i> <i>after July 1, 2024, any age)</i>
<i>2025 or thereafter</i>	<i>any age.”.</i>

20 *(b) EFFECTIVE DATE.—The amendment made by this*
 21 *section shall take effect as if enacted on January 1, 2018.*

1 **SEC. 50782. GAO STUDY AND REPORT ON STATE REINVEST-**
2 **MENT OF SAVINGS RESULTING FROM IN-**
3 **CREASE IN ADOPTION ASSISTANCE.**

4 (a) *STUDY.*—*The Comptroller General of the United*
5 *States shall study the extent to which States are complying*
6 *with the requirements of section 473(a)(8) of the Social Se-*
7 *curity Act (42 U.S.C. 673(a)(8)) relating to the effects of*
8 *phasing out the AFDC income eligibility requirements for*
9 *adoption assistance payments under section 473 of the So-*
10 *cial Security Act, as enacted by section 402 of the Fostering*
11 *Connections to Success and Increasing Adoptions Act of*
12 *2008 (Public Law 110–351; 122 Stat. 3975) and amended*
13 *by section 206 of the Preventing Sex Trafficking and*
14 *Strengthening Families Act (Public Law 113–183; 128*
15 *Stat. 1919). In particular, the Comptroller General shall*
16 *analyze the extent to which States are complying with the*
17 *following requirements under section 473(a)(8)(D) of the*
18 *Social Security Act:*

19 (1) *The requirement to spend an amount equal*
20 *to the amount of the savings (if any) in State expend-*
21 *itures under part E of title IV of the Social Security*
22 *Act resulting from phasing out the AFDC income eli-*
23 *gibility requirements for adoption assistance pay-*
24 *ments under section 473 of such Act to provide to*
25 *children of families any service that may be provided*
26 *under part B or E of title IV of such Act.*

1 (2) *The requirement that a State shall spend not*
2 *less than 30 percent of the amount of any savings de-*
3 *scribed in paragraph (1) on post-adoption services,*
4 *post-guardianship services, and services to support*
5 *and sustain positive permanent outcomes for children*
6 *who otherwise might enter into foster care under the*
7 *responsibility of the State, with at least $\frac{2}{3}$ of the*
8 *spending by the State to comply with the 30 percent*
9 *requirement being spent on post-adoption and post-*
10 *guardianship services.*

11 (b) *REPORT.—The Comptroller General of the United*
12 *States shall submit to the Committee on Finance of the Sen-*
13 *ate, the Committee on Ways and Means of the House of*
14 *Representatives, and the Secretary of Health and Human*
15 *Services a report that contains the results of the study re-*
16 *quired by subsection (a), including recommendations to en-*
17 *sure compliance with laws referred to in subsection (a).*

18 **TITLE VIII—SUPPORTING SO-**
19 **CIAL IMPACT PARTNERSHIPS**
20 **TO PAY FOR RESULTS**

21 **SEC. 50801. SHORT TITLE.**

22 *This subtitle may be cited as the “Social Impact Part-*
23 *nerships to Pay for Results Act”.*

1 **SEC. 50802. SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RE-**
2 **SULTS.**

3 *Title XX of the Social Security Act (42 U.S.C. 1397*
4 *et seq.) is amended—*

5 *(1) in the title heading, by striking “TO*
6 *STATES” and inserting “AND PROGRAMS”; and*

7 *(2) by adding at the end the following:*

8 *“Subtitle C—Social Impact Demonstration Projects*

9 *“PURPOSES*

10 *“SEC. 2051. The purposes of this subtitle are the fol-*
11 *lowing:*

12 *“(1) To improve the lives of families and indi-*
13 *viduals in need in the United States by funding so-*
14 *cial programs that achieve real results.*

15 *“(2) To redirect funds away from programs that,*
16 *based on objective data, are ineffective, and into pro-*
17 *grams that achieve demonstrable, measurable results.*

18 *“(3) To ensure Federal funds are used effectively*
19 *on social services to produce positive outcomes for*
20 *both service recipients and taxpayers.*

21 *“(4) To establish the use of social impact part-*
22 *nerships to address some of our Nation’s most press-*
23 *ing problems.*

24 *“(5) To facilitate the creation of public-private*
25 *partnerships that bundle philanthropic or other pri-*
26 *ivate resources with existing public spending to scale*

1 *up effective social interventions already being imple-*
2 *mented by private organizations, nonprofits, chari-*
3 *table organizations, and State and local governments*
4 *across the country.*

5 *“(6) To bring pay-for-performance to the social*
6 *sector, allowing the United States to improve the im-*
7 *pact and effectiveness of vital social services programs*
8 *while redirecting inefficient or duplicative spending.*

9 *“(7) To incorporate outcomes measurement and*
10 *randomized controlled trials or other rigorous meth-*
11 *odologies for assessing program impact.*

12 *“SOCIAL IMPACT PARTNERSHIP APPLICATION*

13 *“SEC. 2052. (a) NOTICE.—Not later than 1 year after*
14 *the date of the enactment of this subtitle, the Secretary of*
15 *the Treasury, in consultation with the Federal Interagency*
16 *Council on Social Impact Partnerships, shall publish in the*
17 *Federal Register a request for proposals from States or local*
18 *governments for social impact partnership projects in ac-*
19 *cordance with this section.*

20 *“(b) REQUIRED OUTCOMES FOR SOCIAL IMPACT PART-*
21 *NERSHIP PROJECT.—To qualify as a social impact partner-*
22 *ship project under this subtitle, a project must produce one*
23 *or more measurable, clearly defined outcomes that result in*
24 *social benefit and Federal, State, or local savings through*
25 *any of the following:*

1 “(1) Increasing work and earnings by individ-
2 uals in the United States who are unemployed for
3 more than 6 consecutive months.

4 “(2) Increasing employment and earnings of in-
5 dividuals who have attained 16 years of age but not
6 25 years of age.

7 “(3) Increasing employment among individuals
8 receiving Federal disability benefits.

9 “(4) Reducing the dependence of low-income
10 families on Federal means-tested benefits.

11 “(5) Improving rates of high school graduation.

12 “(6) Reducing teen and unplanned pregnancies.

13 “(7) Improving birth outcomes and early child-
14 hood health and development among low-income fami-
15 lies and individuals.

16 “(8) Reducing rates of asthma, diabetes, or other
17 preventable diseases among low-income families and
18 individuals to reduce the utilization of emergency and
19 other high-cost care.

20 “(9) Increasing the proportion of children living
21 in two-parent families.

22 “(10) Reducing incidences and adverse con-
23 sequences of child abuse and neglect.

24 “(11) Reducing the number of youth in foster
25 care by increasing adoptions, permanent guardian-

1 *ship arrangements, reunifications, or placements with*
2 *a fit and willing relative, or by avoiding placing chil-*
3 *dren in foster care by ensuring they can be cared for*
4 *safely in their own homes.*

5 *“(12) Reducing the number of children and*
6 *youth in foster care residing in group homes, child*
7 *care institutions, agency-operated foster homes, or*
8 *other non-family foster homes, unless it is determined*
9 *that it is in the interest of the child’s long-term*
10 *health, safety, or psychological well-being to not be*
11 *placed in a family foster home.*

12 *“(13) Reducing the number of children returning*
13 *to foster care.*

14 *“(14) Reducing recidivism among juvenile of-*
15 *fenders, individuals released from prison, or other*
16 *high-risk populations.*

17 *“(15) Reducing the rate of homelessness among*
18 *our most vulnerable populations.*

19 *“(16) Improving the health and well-being of*
20 *those with mental, emotional, and behavioral health*
21 *needs.*

22 *“(17) Improving the educational outcomes of spe-*
23 *cial-needs or low-income children.*

24 *“(18) Improving the employment and well-being*
25 *of returning United States military members.*

1 “(19) *Increasing the financial stability of low-*
2 *income families.*

3 “(20) *Increasing the independence and employ-*
4 *ability of individuals who are physically or mentally*
5 *disabled.*

6 “(21) *Other measurable outcomes defined by the*
7 *State or local government that result in positive so-*
8 *cial outcomes and Federal savings.*

9 “(c) *APPLICATION REQUIRED.—The notice described*
10 *in subsection (a) shall require a State or local government*
11 *to submit an application for the social impact partnership*
12 *project that addresses the following:*

13 “(1) *The outcome goals of the project.*

14 “(2) *A description of each intervention in the*
15 *project and anticipated outcomes of the intervention.*

16 “(3) *Rigorous evidence demonstrating that the*
17 *intervention can be expected to produce the desired*
18 *outcomes.*

19 “(4) *The target population that will be served by*
20 *the project.*

21 “(5) *The expected social benefits to participants*
22 *who receive the intervention and others who may be*
23 *impacted.*

24 “(6) *Projected Federal, State, and local govern-*
25 *ment costs and other costs to conduct the project.*

1 “(7) *Projected Federal, State, and local govern-*
2 *ment savings and other savings, including an esti-*
3 *mate of the savings to the Federal Government, on a*
4 *program-by-program basis and in the aggregate, if*
5 *the project is implemented and the outcomes are*
6 *achieved as a result of the intervention.*

7 “(8) *If savings resulting from the successful com-*
8 *pletion of the project are estimated to accrue to the*
9 *State or local government, the likelihood of the State*
10 *or local government to realize those savings.*

11 “(9) *A plan for delivering the intervention*
12 *through a social impact partnership model.*

13 “(10) *A description of the expertise of each serv-*
14 *ice provider that will administer the intervention, in-*
15 *cluding a summary of the experience of the service*
16 *provider in delivering the proposed intervention or a*
17 *similar intervention, or demonstrating that the serv-*
18 *ice provider has the expertise necessary to deliver the*
19 *proposed intervention.*

20 “(11) *An explanation of the experience of the*
21 *State or local government, the intermediary, or the*
22 *service provider in raising private and philanthropic*
23 *capital to fund social service investments.*

24 “(12) *The detailed roles and responsibilities of*
25 *each entity involved in the project, including any*

1 *State or local government entity, intermediary, serv-*
2 *ice provider, independent evaluator, investor, or other*
3 *stakeholder.*

4 “(13) *A summary of the experience of the service*
5 *provider in delivering the proposed intervention or a*
6 *similar intervention, or a summary demonstrating*
7 *the service provider has the expertise necessary to de-*
8 *liver the proposed intervention.*

9 “(14) *A summary of the unmet need in the area*
10 *where the intervention will be delivered or among the*
11 *target population who will receive the intervention.*

12 “(15) *The proposed payment terms, the method-*
13 *ology used to calculate outcome payments, the pay-*
14 *ment schedule, and performance thresholds.*

15 “(16) *The project budget.*

16 “(17) *The project timeline.*

17 “(18) *The criteria used to determine the eligi-*
18 *bility of an individual for the project, including how*
19 *selected populations will be identified, how they will*
20 *be referred to the project, and how they will be en-*
21 *rolled in the project.*

22 “(19) *The evaluation design.*

23 “(20) *The metrics that will be used in the eval-*
24 *uation to determine whether the outcomes have been*

1 *achieved as a result of the intervention and how the*
2 *metrics will be measured.*

3 “(21) *An explanation of how the metrics used in*
4 *the evaluation to determine whether the outcomes*
5 *achieved as a result of the intervention are inde-*
6 *pendent, objective indicators of impact and are not*
7 *subject to manipulation by the service provider, inter-*
8 *mediary, or investor.*

9 “(22) *A summary explaining the independence of*
10 *the evaluator from the other entities involved in the*
11 *project and the evaluator’s experience in conducting*
12 *rigorous evaluations of program effectiveness includ-*
13 *ing, where available, well-implemented randomized*
14 *controlled trials on the intervention or similar inter-*
15 *ventions.*

16 “(23) *The capacity of the service provider to de-*
17 *liver the intervention to the number of participants*
18 *the State or local government proposes to serve in the*
19 *project.*

20 “(24) *A description of whether and how the State*
21 *or local government and service providers plan to sus-*
22 *tain the intervention, if it is timely and appropriate*
23 *to do so, to ensure that successful interventions con-*
24 *tinue to operate after the period of the social impact*
25 *partnership.*

1 “(d) *PROJECT INTERMEDIARY INFORMATION RE-*
2 *QUIRED.—The application described in subsection (c) shall*
3 *also contain the following information about any inter-*
4 *mediary for the social impact partnership project (whether*
5 *an intermediary is a service provider or other entity):*

6 “(1) *Experience and capacity for providing or*
7 *facilitating the provision of the type of intervention*
8 *proposed.*

9 “(2) *The mission and goals.*

10 “(3) *Information on whether the intermediary is*
11 *already working with service providers that provide*
12 *this intervention or an explanation of the capacity of*
13 *the intermediary to begin working with service pro-*
14 *viders to provide the intervention.*

15 “(4) *Experience working in a collaborative envi-*
16 *ronment across government and nongovernmental en-*
17 *tities.*

18 “(5) *Previous experience collaborating with pub-*
19 *lic or private entities to implement evidence-based*
20 *programs.*

21 “(6) *Ability to raise or provide funding to cover*
22 *operating costs (if applicable to the project).*

23 “(7) *Capacity and infrastructure to track out-*
24 *comes and measure results, including—*

1 “(A) *capacity to track and analyze program*
2 *performance and assess program impact; and*

3 “(B) *experience with performance-based*
4 *awards or performance-based contracting and*
5 *achieving project milestones and targets.*

6 “(8) *Role in delivering the intervention.*

7 “(9) *How the intermediary would monitor pro-*
8 *gram success, including a description of the interim*
9 *benchmarks and outcome measures.*

10 “(e) *FEASIBILITY STUDIES FUNDED THROUGH OTHER*
11 *SOURCES.—The notice described in subsection (a) shall per-*
12 *mit a State or local government to submit an application*
13 *for social impact partnership funding that contains infor-*
14 *mation from a feasibility study developed for purposes other*
15 *than applying for funding under this subtitle.*

16 “*AWARDING SOCIAL IMPACT PARTNERSHIP AGREEMENTS*

17 “*SEC. 2053. (a) TIMELINE IN AWARDING AGREE-*
18 *MENT.—Not later than 6 months after receiving an applica-*
19 *tion in accordance with section 2052, the Secretary, in con-*
20 *sultation with the Federal Interagency Council on Social*
21 *Impact Partnerships, shall determine whether to enter into*
22 *an agreement for a social impact partnership project with*
23 *a State or local government.*

24 “(b) *CONSIDERATIONS IN AWARDING AGREEMENT.—*
25 *In determining whether to enter into an agreement for a*
26 *social impact partnership project (the application for which*

1 *was submitted under section 2052) the Secretary, in con-*
2 *sultation with the Federal Interagency Council on Social*
3 *Impact Partnerships and the head of any Federal agency*
4 *administering a similar intervention or serving a popu-*
5 *lation similar to that served by the project, shall consider*
6 *each of the following:*

7 “(1) *The recommendations made by the Commis-*
8 *sion on Social Impact Partnerships.*

9 “(2) *The value to the Federal Government of the*
10 *outcomes expected to be achieved if the outcomes speci-*
11 *fied in the agreement are achieved as a result of the*
12 *intervention.*

13 “(3) *The likelihood, based on evidence provided*
14 *in the application and other evidence, that the State*
15 *or local government in collaboration with the inter-*
16 *mediary and the service providers will achieve the*
17 *outcomes.*

18 “(4) *The savings to the Federal Government if*
19 *the outcomes specified in the agreement are achieved*
20 *as a result of the intervention.*

21 “(5) *The savings to the State and local govern-*
22 *ments if the outcomes specified in the agreement are*
23 *achieved as a result of the intervention.*

24 “(6) *The expected quality of the evaluation that*
25 *would be conducted with respect to the agreement.*

1 “(7) *The capacity and commitment of the State*
2 *or local government to sustain the intervention, if ap-*
3 *propriate and timely and if the intervention is suc-*
4 *cessful, beyond the period of the social impact part-*
5 *nership.*

6 “(c) *AGREEMENT AUTHORITY.—*

7 “(1) *AGREEMENT REQUIREMENTS.—In accord-*
8 *ance with this section, the Secretary, in consultation*
9 *with the Federal Interagency Council on Social Im-*
10 *pact Partnerships and the head of any Federal agen-*
11 *cy administering a similar intervention or serving a*
12 *population similar to that served by the project, may*
13 *enter into an agreement for a social impact partner-*
14 *ship project with a State or local government if the*
15 *Secretary, in consultation with the Federal Inter-*
16 *agency Council on Social Impact Partnerships, deter-*
17 *mines that each of the following requirements are met:*

18 “(A) *The State or local government agrees*
19 *to achieve one or more outcomes as a result of*
20 *the intervention, as specified in the agreement*
21 *and validated by independent evaluation, in*
22 *order to receive payment.*

23 “(B) *The Federal payment to the State or*
24 *local government for each specified outcome*
25 *achieved as a result of the intervention is less*

1 *than or equal to the value of the outcome to the*
2 *Federal Government over a period not to exceed*
3 *10 years, as determined by the Secretary, in con-*
4 *sultation with the State or local government.*

5 “(C) *The duration of the project does not*
6 *exceed 10 years.*

7 “(D) *The State or local government has*
8 *demonstrated, through the application submitted*
9 *under section 2052, that, based on prior rigorous*
10 *experimental evaluations or rigorous quasi-ex-*
11 *perimental studies, the intervention can be ex-*
12 *pected to achieve each outcome specified in the*
13 *agreement.*

14 “(E) *The State, local government, inter-*
15 *mediary, or service provider has experience rais-*
16 *ing private or philanthropic capital to fund so-*
17 *cial service investments (if applicable to the*
18 *project).*

19 “(F) *The State or local government has*
20 *shown that each service provider has experience*
21 *delivering the intervention, a similar interven-*
22 *tion, or has otherwise demonstrated the expertise*
23 *necessary to deliver the intervention.*

24 “(2) *PAYMENT.—The Secretary shall pay the*
25 *State or local government only if the independent*

1 *evaluator described in section 2055 determines that*
2 *the social impact partnership project has met the re-*
3 *quirements specified in the agreement and achieved*
4 *an outcome as a result of the intervention, as speci-*
5 *fied in the agreement and validated by independent*
6 *evaluation.*

7 “(d) *NOTICE OF AGREEMENT AWARD.*—*Not later than*
8 *30 days after entering into an agreement under this section*
9 *the Secretary shall publish a notice in the Federal Register*
10 *that includes, with regard to the agreement, the following:*

11 “(1) *The outcome goals of the social impact part-*
12 *nership project.*

13 “(2) *A description of each intervention in the*
14 *project.*

15 “(3) *The target population that will be served by*
16 *the project.*

17 “(4) *The expected social benefits to participants*
18 *who receive the intervention and others who may be*
19 *impacted.*

20 “(5) *The detailed roles, responsibilities, and pur-*
21 *poses of each Federal, State, or local government enti-*
22 *ty, intermediary, service provider, independent eval-*
23 *uator, investor, or other stakeholder.*

1 “(6) *The payment terms, the methodology used to*
2 *calculate outcome payments, the payment schedule,*
3 *and performance thresholds.*

4 “(7) *The project budget.*

5 “(8) *The project timeline.*

6 “(9) *The project eligibility criteria.*

7 “(10) *The evaluation design.*

8 “(11) *The metrics that will be used in the eval-*
9 *uation to determine whether the outcomes have been*
10 *achieved as a result of each intervention and how*
11 *these metrics will be measured.*

12 “(12) *The estimate of the savings to the Federal,*
13 *State, and local government, on a program-by-pro-*
14 *gram basis and in the aggregate, if the agreement is*
15 *entered into and implemented and the outcomes are*
16 *achieved as a result of each intervention.*

17 “(e) *AUTHORITY TO TRANSFER ADMINISTRATION OF*
18 *AGREEMENT.—The Secretary may transfer to the head of*
19 *another Federal agency the authority to administer (includ-*
20 *ing making payments under) an agreement entered into*
21 *under subsection (c), and any funds necessary to do so.*

22 “(f) *REQUIREMENT ON FUNDING USED TO BENEFIT*
23 *CHILDREN.—Not less than 50 percent of all Federal pay-*
24 *ments made to carry out agreements under this section shall*
25 *be used for initiatives that directly benefit children.*

1 “FEASIBILITY STUDY FUNDING

2 “SEC. 2054. (a) REQUESTS FOR FUNDING FOR FEASI-
3 BILITY STUDIES.—The Secretary shall reserve a portion of
4 the amount made available to carry out this subtitle to as-
5 sist States or local governments in developing feasibility
6 studies to apply for social impact partnership funding
7 under section 2052. To be eligible to receive funding to as-
8 sist with completing a feasibility study, a State or local
9 government shall submit an application for feasibility
10 study funding addressing the following:

11 “(1) A description of the outcome goals of the so-
12 cial impact partnership project.

13 “(2) A description of the intervention, including
14 anticipated program design, target population, an es-
15 timate regarding the number of individuals to be
16 served, and setting for the intervention.

17 “(3) Evidence to support the likelihood that the
18 intervention will produce the desired outcomes.

19 “(4) A description of the potential metrics to be
20 used.

21 “(5) The expected social benefits to participants
22 who receive the intervention and others who may be
23 impacted.

24 “(6) Estimated costs to conduct the project.

1 “(7) *Estimates of Federal, State, and local gov-*
2 *ernment savings and other savings if the project is*
3 *implemented and the outcomes are achieved as a re-*
4 *sult of each intervention.*

5 “(8) *An estimated timeline for implementation*
6 *and completion of the project, which shall not exceed*
7 *10 years.*

8 “(9) *With respect to a project for which the State*
9 *or local government selects an intermediary to operate*
10 *the project, any partnerships needed to successfully*
11 *execute the project and the ability of the intermediary*
12 *to foster the partnerships.*

13 “(10) *The expected resources needed to complete*
14 *the feasibility study for the State or local government*
15 *to apply for social impact partnership funding under*
16 *section 2052.*

17 “(b) *FEDERAL SELECTION OF APPLICATIONS FOR FEA-*
18 *SIBILITY STUDY.*—*Not later than 6 months after receiving*
19 *an application for feasibility study funding under sub-*
20 *section (a), the Secretary, in consultation with the Federal*
21 *Interagency Council on Social Impact Partnerships and the*
22 *head of any Federal agency administering a similar inter-*
23 *vention or serving a population similar to that served by*
24 *the project, shall select State or local government feasibility*
25 *study proposals for funding based on the following:*

1 “(1) *The recommendations made by the Commis-*
2 *sion on Social Impact Partnerships.*

3 “(2) *The likelihood that the proposal will achieve*
4 *the desired outcomes.*

5 “(3) *The value of the outcomes expected to be*
6 *achieved as a result of each intervention.*

7 “(4) *The potential savings to the Federal Gov-*
8 *ernment if the social impact partnership project is*
9 *successful.*

10 “(5) *The potential savings to the State and local*
11 *governments if the project is successful.*

12 “(c) *PUBLIC DISCLOSURE.—Not later than 30 days*
13 *after selecting a State or local government for feasibility*
14 *study funding under this section, the Secretary shall cause*
15 *to be published on the website of the Federal Interagency*
16 *Council on Social Impact Partnerships information ex-*
17 *plaining why a State or local government was granted fea-*
18 *sibility study funding.*

19 “(d) *FUNDING RESTRICTION.—*

20 “(1) *FEASIBILITY STUDY RESTRICTION.—The*
21 *Secretary may not provide feasibility study funding*
22 *under this section for more than 50 percent of the es-*
23 *timated total cost of the feasibility study reported in*
24 *the State or local government application submitted*
25 *under subsection (a).*

1 *to pay for all or part of the independent evaluation to deter-*
2 *mine whether the State or local government project has*
3 *achieved a specific outcome as a result of the intervention*
4 *in order for the State or local government to receive outcome*
5 *payments under this subtitle.*

6 “(b) *EVALUATOR QUALIFICATIONS.*—*The head of the*
7 *relevant agency may not enter into an agreement with a*
8 *State or local government unless the head determines that*
9 *the evaluator is independent of the other parties to the*
10 *agreement and has demonstrated substantial experience in*
11 *conducting rigorous evaluations of program effectiveness in-*
12 *cluding, where available and appropriate, well-imple-*
13 *mented randomized controlled trials on the intervention or*
14 *similar interventions.*

15 “(c) *METHODOLOGIES TO BE USED.*—*The evaluation*
16 *used to determine whether a State or local government will*
17 *receive outcome payments under this subtitle shall use ex-*
18 *perimental designs using random assignment or other reli-*
19 *able, evidence-based research methodologies, as certified by*
20 *the Federal Interagency Council on Social Impact Partner-*
21 *ships, that allow for the strongest possible causal inferences*
22 *when random assignment is not feasible.*

23 “(d) *PROGRESS REPORT.*—

24 “(1) *SUBMISSION OF REPORT.*—*The independent*
25 *evaluator shall—*

1 “(A) not later than 2 years after a project
2 has been approved by the Secretary and bian-
3 nually thereafter until the project is concluded,
4 submit to the head of the relevant agency and the
5 Federal Interagency Council on Social Impact
6 Partnerships a written report summarizing the
7 progress that has been made in achieving each
8 outcome specified in the agreement; and

9 “(B) before the scheduled time of the first
10 outcome payment and before the scheduled time
11 of each subsequent payment, submit to the head
12 of the relevant agency and the Federal Inter-
13 agency Council on Social Impact Partnerships a
14 written report that includes the results of the
15 evaluation conducted to determine whether an
16 outcome payment should be made along with in-
17 formation on the unique factors that contributed
18 to achieving or failing to achieve the outcome,
19 the challenges faced in attempting to achieve the
20 outcome, and information on the improved fu-
21 ture delivery of this or similar interventions.

22 “(2) SUBMISSION TO THE SECRETARY AND CON-
23 GRESS.—Not later than 30 days after receipt of the
24 written report pursuant to paragraph (1)(B), the
25 Federal Interagency Council on Social Impact Part-

1 *nerships shall submit the report to the Secretary and*
2 *each committee of jurisdiction in the House of Rep-*
3 *resentatives and the Senate.*

4 “(e) *FINAL REPORT.*—

5 “(1) *SUBMISSION OF REPORT.*—*Within 6 months*
6 *after the social impact partnership project is com-*
7 *pleted, the independent evaluator shall—*

8 “(A) *evaluate the effects of the activities un-*
9 *dertaken pursuant to the agreement with regard*
10 *to each outcome specified in the agreement; and*

11 “(B) *submit to the head of the relevant*
12 *agency and the Federal Interagency Council on*
13 *Social Impact Partnerships a written report that*
14 *includes the results of the evaluation and the*
15 *conclusion of the evaluator as to whether the*
16 *State or local government has fulfilled each obli-*
17 *gation of the agreement, along with information*
18 *on the unique factors that contributed to the suc-*
19 *cess or failure of the project, the challenges faced*
20 *in attempting to achieve the outcome, and infor-*
21 *mation on the improved future delivery of this or*
22 *similar interventions.*

23 “(2) *SUBMISSION TO THE SECRETARY AND CON-*
24 *GRESS.*—*Not later than 30 days after receipt of the*
25 *written report pursuant to paragraph (1)(B), the*

1 “(4) provide subject-matter expertise to the Sec-
2 retary with regard to the projects;

3 “(5) certify to the Secretary that each State or
4 local government that has entered into an agreement
5 with the Secretary for a social impact partnership
6 project under this subtitle and each evaluator selected
7 by the head of the relevant agency under section 2055
8 has access to Federal administrative data to assist the
9 State or local government and the evaluator in evalu-
10 ating the performance and outcomes of the project;

11 “(6) address issues that will influence the future
12 of social impact partnership projects in the United
13 States;

14 “(7) provide guidance to the executive branch on
15 the future of social impact partnership projects in the
16 United States;

17 “(8) prior to approval by the Secretary, certify
18 that each State and local government application for
19 a social impact partnership contains rigorous, inde-
20 pendent data and reliable, evidence-based research
21 methodologies to support the conclusion that the
22 project will yield savings to the State or local govern-
23 ment or the Federal Government if the project out-
24 comes are achieved;

1 “(9) *certify to the Secretary, in the case of each*
2 *approved social impact partnership that is expected*
3 *to yield savings to the Federal Government, that the*
4 *project will yield a projected savings to the Federal*
5 *Government if the project outcomes are achieved, and*
6 *coordinate with the relevant Federal agency to*
7 *produce an after-action accounting once the project is*
8 *complete to determine the actual Federal savings real-*
9 *ized, and the extent to which actual savings aligned*
10 *with projected savings; and*

11 “(10) *provide periodic reports to the Secretary*
12 *and make available reports periodically to Congress*
13 *and the public on the implementation of this subtitle.*

14 “(b) *COMPOSITION OF COUNCIL.—The Council shall*
15 *have 11 members, as follows:*

16 “(1) *CHAIR.—The Chair of the Council shall be*
17 *the Director of the Office of Management and Budget.*

18 “(2) *OTHER MEMBERS.—The head of each of the*
19 *following entities shall designate one officer or em-*
20 *ployee of the entity to be a Council member:*

21 “(A) *The Department of Labor.*

22 “(B) *The Department of Health and*
23 *Human Services.*

24 “(C) *The Social Security Administration.*

25 “(D) *The Department of Agriculture.*

1 “(E) *The Department of Justice.*

2 “(F) *The Department of Housing and*
3 *Urban Development.*

4 “(G) *The Department of Education.*

5 “(H) *The Department of Veterans Affairs.*

6 “(I) *The Department of the Treasury.*

7 “(J) *The Corporation for National and*
8 *Community Service.*

9 “COMMISSION ON SOCIAL IMPACT PARTNERSHIPS

10 “SEC. 2057. (a) *ESTABLISHMENT.—There is estab-*
11 *lished the Commission on Social Impact Partnerships (in*
12 *this section referred to as the ‘Commission’).*

13 “(b) *DUTIES.—The duties of the Commission shall be*
14 *to—*

15 “(1) *assist the Secretary and the Federal Inter-*
16 *agency Council on Social Impact Partnerships in re-*
17 *viewing applications for funding under this subtitle;*

18 “(2) *make recommendations to the Secretary and*
19 *the Federal Interagency Council on Social Impact*
20 *Partnerships regarding the funding of social impact*
21 *partnership agreements and feasibility studies; and*

22 “(3) *provide other assistance and information as*
23 *requested by the Secretary or the Federal Interagency*
24 *Council on Social Impact Partnerships.*

25 “(c) *COMPOSITION.—The Commission shall be com-*
26 *posed of nine members, of whom—*

1 “(1) one shall be appointed by the President,
2 who will serve as the Chair of the Commission;

3 “(2) one shall be appointed by the Majority
4 Leader of the Senate;

5 “(3) one shall be appointed by the Minority
6 Leader of the Senate;

7 “(4) one shall be appointed by the Speaker of the
8 House of Representatives;

9 “(5) one shall be appointed by the Minority
10 Leader of the House of Representatives;

11 “(6) one shall be appointed by the Chairman of
12 the Committee on Finance of the Senate;

13 “(7) one shall be appointed by the ranking mem-
14 ber of the Committee on Finance of the Senate;

15 “(8) one member shall be appointed by the
16 Chairman of the Committee on Ways and Means of
17 the House of Representatives; and

18 “(9) one shall be appointed by the ranking mem-
19 ber of the Committee on Ways and Means of the
20 House of Representatives.

21 “(d) *QUALIFICATIONS OF COMMISSION MEMBERS.*—

22 *The members of the Commission shall—*

23 “(1) be experienced in finance, economics, pay
24 for performance, or program evaluation;

1 “(2) *have relevant professional or personal expe-*
2 *rience in a field related to one or more of the out-*
3 *comes listed in this subtitle; or*

4 “(3) *be qualified to review applications for social*
5 *impact partnership projects to determine whether the*
6 *proposed metrics and evaluation methodologies are*
7 *appropriately rigorous and reliant upon independent*
8 *data and evidence-based research.*

9 “(e) *TIMING OF APPOINTMENTS.—The appointments of*
10 *the members of the Commission shall be made not later than*
11 *120 days after the date of the enactment of this subtitle,*
12 *or, in the event of a vacancy, not later than 90 days after*
13 *the date the vacancy arises. If a member of Congress fails*
14 *to appoint a member by that date, the President may select*
15 *a member of the President’s choice on behalf of the member*
16 *of Congress. Notwithstanding the preceding sentence, if not*
17 *all appointments have been made to the Commission as of*
18 *that date, the Commission may operate with no fewer than*
19 *five members until all appointments have been made.*

20 “(f) *TERM OF APPOINTMENTS.—*

21 “(1) *IN GENERAL.—The members appointed*
22 *under subsection (c) shall serve as follows:*

23 “(A) *Three members shall serve for 2 years.*

24 “(B) *Three members shall serve for 3 years.*

1 “(C) *Three members (one of which shall be*
2 *Chair of the Commission appointed by the Presi-*
3 *dent) shall serve for 4 years.*

4 “(2) *ASSIGNMENT OF TERMS.—The Commission*
5 *shall designate the term length that each member ap-*
6 *pointed under subsection (c) shall serve by unanimous*
7 *agreement. In the event that unanimous agreement*
8 *cannot be reached, term lengths shall be assigned to*
9 *the members by a random process.*

10 “(g) *VACANCIES.—Subject to subsection (e), in the*
11 *event of a vacancy in the Commission, whether due to the*
12 *resignation of a member, the expiration of a member’s term,*
13 *or any other reason, the vacancy shall be filled in the man-*
14 *ner in which the original appointment was made and shall*
15 *not affect the powers of the Commission.*

16 “(h) *APPOINTMENT POWER.—Members of the Commis-*
17 *sion appointed under subsection (c) shall not be subject to*
18 *confirmation by the Senate.*

19 “*LIMITATION ON USE OF FUNDS*

20 “*SEC. 2058. Of the amounts made available to carry*
21 *out this subtitle, the Secretary may not use more than*
22 *\$2,000,000 in any fiscal year to support the review, ap-*
23 *proval, and oversight of social impact partnership projects,*
24 *including activities conducted by—*

25 “(1) *the Federal Interagency Council on Social*
26 *Impact Partnerships; and*

1 “(2) any other agency consulted by the Secretary
2 before approving a social impact partnership project
3 or a feasibility study under section 2054.

4 “NO FEDERAL FUNDING FOR CREDIT ENHANCEMENTS

5 “SEC. 2059. No amount made available to carry out
6 this subtitle may be used to provide any insurance, guar-
7 antee, or other credit enhancement to a State or local gov-
8 ernment under which a Federal payment would be made
9 to a State or local government as the result of a State or
10 local government failing to achieve an outcome specified in
11 an agreement.

12 “AVAILABILITY OF FUNDS

13 “SEC. 2060. Amounts made available to carry out this
14 subtitle shall remain available until 10 years after the date
15 of the enactment of this subtitle.

16 “WEBSITE

17 “SEC. 2061. The Federal Interagency Council on So-
18 cial Impact Partnerships shall establish and maintain a
19 public website that shall display the following:

20 “(1) A copy of, or method of accessing, each no-
21 tice published regarding a social impact partnership
22 project pursuant to this subtitle.

23 “(2) A copy of each feasibility study funded
24 under this subtitle.

25 “(3) For each State or local government that has
26 entered into an agreement with the Secretary for a so-

1 *cial impact partnership project, the website shall con-*
2 *tain the following information:*

3 *“(A) The outcome goals of the project.*

4 *“(B) A description of each intervention in*
5 *the project.*

6 *“(C) The target population that will be*
7 *served by the project.*

8 *“(D) The expected social benefits to partici-*
9 *pants who receive the intervention and others*
10 *who may be impacted.*

11 *“(E) The detailed roles, responsibilities, and*
12 *purposes of each Federal, State, or local govern-*
13 *ment entity, intermediary, service provider,*
14 *independent evaluator, investor, or other stake-*
15 *holder.*

16 *“(F) The payment terms, methodology used*
17 *to calculate outcome payments, the payment*
18 *schedule, and performance thresholds.*

19 *“(G) The project budget.*

20 *“(H) The project timeline.*

21 *“(I) The project eligibility criteria.*

22 *“(J) The evaluation design.*

23 *“(K) The metrics used to determine whether*
24 *the proposed outcomes have been achieved and*
25 *how these metrics are measured.*

1 *project that finances social services using a social im-*
2 *pact partnership model.*

3 “(5) *SOCIAL IMPACT PARTNERSHIP MODEL.*—*The*
4 *term ‘social impact partnership model’ means a*
5 *method of financing social services in which—*

6 “(A) *Federal funds are awarded to a State*
7 *or local government only if a State or local gov-*
8 *ernment achieves certain outcomes agreed on by*
9 *the State or local government and the Secretary;*
10 *and*

11 “(B) *the State or local government coordi-*
12 *nates with service providers, investors (if appli-*
13 *cable to the project), and (if necessary) an inter-*
14 *mediary to identify—*

15 “(i) *an intervention expected to*
16 *produce the outcome;*

17 “(ii) *a service provider to deliver the*
18 *intervention to the target population; and*

19 “(iii) *investors to fund the delivery of*
20 *the intervention.*

21 “(6) *STATE.*—*The term ‘State’ means each State*
22 *of the United States, the District of Columbia, each*
23 *commonwealth, territory or possession of the United*
24 *States, and each federally recognized Indian tribe.*

1 (3) *in subsection (c)—*

2 (A) *in paragraph (1), by striking subpara-*
3 *graphs (B) through (D);*

4 (B) *by striking “(1) IN GENERAL” and all*
5 *that follows through “The Secretary” and insert-*
6 *ing the following:*

7 “(1) *CENTERS.—The Secretary*”; and

8 (C) *in paragraph (1), as amended, by redес-*
9 *ignating clauses (i) through (v) as subpara-*
10 *graphs (A) through (E) and moving the margin*
11 *of each of such redesignated subparagraph 2 ems*
12 *to the left;*

13 (4) *by striking subsection (d) and inserting the*
14 *following:*

15 “(d) *IMPROVING QUALITY OF CARE.—*

16 “(1) *SUPPLEMENTAL AWARDS.—The Secretary*
17 *may award supplemental grant funds to health cen-*
18 *ters funded under this section to implement evidence-*
19 *based models for increasing access to high-quality pri-*
20 *mary care services, which may include models related*
21 *to—*

22 “(A) *improving the delivery of care for in-*
23 *dividuals with multiple chronic conditions;*

24 “(B) *workforce configuration;*

25 “(C) *reducing the cost of care;*

1 “(D) enhancing care coordination;

2 “(E) expanding the use of telehealth and
3 technology-enabled collaborative learning and ca-
4 pacity building models;

5 “(F) care integration, including integration
6 of behavioral health, mental health, or substance
7 use disorder services; and

8 “(G) addressing emerging public health or
9 substance use disorder issues to meet the health
10 needs of the population served by the health cen-
11 ter.

12 “(2) SUSTAINABILITY.—In making supplemental
13 awards under this subsection, the Secretary may con-
14 sider whether the health center involved has submitted
15 a plan for continuing the activities funded under this
16 subsection after supplemental funding is expended.

17 “(3) SPECIAL CONSIDERATION.—The Secretary
18 may give special consideration to applications for
19 supplemental funding under this subsection that seek
20 to address significant barriers to access to care in
21 areas with a greater shortage of health care providers
22 and health services relative to the national average.”;

23 (5) in subsection (e)(1)—

24 (A) in subparagraph (B)—

1 (i) by striking “2 years” and inserting
2 “1 year”; and

3 (ii) by adding at the end the following:

4 “The Secretary shall not make a grant
5 under this paragraph unless the applicant
6 provides assurances to the Secretary that
7 within 120 days of receiving grant funding
8 for the operation of the health center, the
9 applicant will submit, for approval by the
10 Secretary, an implementation plan to meet
11 the requirements of subsection (k)(3). The
12 Secretary may extend such 120-day period
13 for achieving compliance upon a demonstra-
14 tion of good cause by the health center.”;
15 and

16 (B) in subparagraph (C)—

17 (i) in the subparagraph heading, by
18 striking “AND PLANS”;

19 (ii) by striking “or plan (as described
20 in subparagraphs (B) and (C) of subsection
21 (c)(1))”;

22 (iii) by striking “or plan, including
23 the purchase” and inserting the following:
24 “including—

25 “(i) the purchase”;

1 (iv) by inserting “, which may include
2 data and information systems” after “of
3 equipment”;

4 (v) by striking the period at the end
5 and inserting a semicolon; and

6 (vi) by adding at the end the following:

7 “(ii) the provision of training and
8 technical assistance; and

9 “(iii) other activities that—

10 “(I) reduce costs associated with
11 the provision of health services;

12 “(II) improve access to, and
13 availability of, health services provided
14 to individuals served by the centers;

15 “(III) enhance the quality and co-
16 ordination of health services; or

17 “(IV) improve the health status of
18 communities.”;

19 (6) in subsection (e)(5)(B)—

20 (A) in the heading of subparagraph (B), by
21 striking “AND PLANS”; and

22 (B) by striking “and subparagraphs (B)
23 and (C) of subsection (c)(1) to a health center or
24 to a network or plan” and inserting “to a health
25 center or to a network”;

1 (7) *in subsection (e), by adding at the end the*
2 *following:*

3 “(6) *NEW ACCESS POINTS AND EXPANDED SERV-*
4 *ICES.—*

5 “(A) *APPROVAL OF NEW ACCESS POINTS.—*

6 “(i) *IN GENERAL.—The Secretary may*
7 *approve applications for grants under sub-*
8 *paragraph (A) or (B) of paragraph (1) to*
9 *establish new delivery sites.*

10 “(ii) *SPECIAL CONSIDERATION.—In*
11 *carrying out clause (i), the Secretary may*
12 *give special consideration to applicants that*
13 *have demonstrated the new delivery site will*
14 *be located within a sparsely populated area,*
15 *or an area which has a level of unmet need*
16 *that is higher relative to other applicants.*

17 “(iii) *CONSIDERATION OF APPLICA-*
18 *TIONS.—In carrying out clause (i), the Sec-*
19 *retary shall approve applications for grants*
20 *in such a manner that the ratio of the*
21 *medically underserved populations in rural*
22 *areas which may be expected to use the serv-*
23 *ices provided by the applicants involved to*
24 *the medically underserved populations in*
25 *urban areas which may be expected to use*

1 the services provided by the applicants is
2 not less than two to three or greater than
3 three to two.

4 “(iv) *SERVICE AREA OVERLAP.*—If in
5 carrying out clause (i) the applicant pro-
6 poses to serve an area that is currently
7 served by another health center funded
8 under this section, the Secretary may con-
9 sider whether the award of funding to an
10 additional health center in the area can be
11 justified based on the unmet need for addi-
12 tional services within the catchment area.

13 “(B) *APPROVAL OF EXPANDED SERVICE AP-*
14 *PLICATIONS.*—

15 “(i) *IN GENERAL.*—The Secretary may
16 approve applications for grants under sub-
17 paragraph (A) or (B) of paragraph (1) to
18 expand the capacity of the applicant to pro-
19 vide required primary health services de-
20 scribed in subsection (b)(1) or additional
21 health services described in subsection
22 (b)(2).

23 “(ii) *PRIORITY EXPANSION*
24 *PROJECTS.*—In carrying out clause (i), the
25 Secretary may give special consideration to

1 *expanded service applications that seek to*
2 *address emerging public health or behav-*
3 *ioral health, mental health, or substance*
4 *abuse issues through increasing the avail-*
5 *ability of additional health services de-*
6 *scribed in subsection (b)(2) in an area in*
7 *which there are significant barriers to ac-*
8 *cessing care.*

9 “(iii) *CONSIDERATION OF APPLICA-*
10 *TIONS.—In carrying out clause (i), the Sec-*
11 *retary shall approve applications for grants*
12 *in such a manner that the ratio of the*
13 *medically underserved populations in rural*
14 *areas which may be expected to use the serv-*
15 *ices provided by the applicants involved to*
16 *the medically underserved populations in*
17 *urban areas which may be expected to use*
18 *the services provided by such applicants is*
19 *not less than two to three or greater than*
20 *three to two.”;*

21 (8) *in subsection (h)—*

22 (A) *in paragraph (1), by striking “and*
23 *children and youth at risk of homelessness” and*
24 *inserting “, children and youth at risk of home-*

1 *lessness, homeless veterans, and veterans at risk*
2 *of homelessness”*; and

3 *(B) in paragraph (5)—*

4 *(i) by striking subparagraph (B);*

5 *(ii) by redesignating subparagraph (C)*

6 *as subparagraph (B); and*

7 *(iii) in subparagraph (B) (as so redesi-*
8 *gnated)—*

9 *(I) in the subparagraph heading,*

10 *by striking “ABUSE” and inserting*

11 *“USE DISORDER”; and*

12 *(II) by striking “abuse” and in-*

13 *serting “use disorder”;*

14 *(9) in subsection (k)—*

15 *(A) in paragraph (2)—*

16 *(i) in the paragraph heading, by in-*
17 *serting “UNMET” before “NEED”;*

18 *(ii) in the matter preceding subpara-*
19 *graph (A), by inserting “or subsection*
20 *(e)(6)” after “subsection (e)(1)”;*

21 *(iii) in subparagraph (A), by inserting*
22 *“unmet” before “need for health services”;*

23 *(iv) in subparagraph (B), by striking*
24 *“and” at the end;*

1 (v) in subparagraph (C), by striking
2 the period at the end and inserting “; and”;
3 and

4 (vi) by adding after subparagraph (C)
5 the following:

6 “(D) in the case of an application for a
7 grant pursuant to subsection (e)(6), a dem-
8 onstration that the applicant has consulted with
9 appropriate State and local government agen-
10 cies, and health care providers regarding the
11 need for the health services to be provided at the
12 proposed delivery site.”;

13 (B) in paragraph (3)—

14 (i) in the matter preceding subpara-
15 graph (A), by inserting “or subsection
16 (e)(6)” after “subsection (e)(1)(B)”;

17 (ii) in subparagraph (B), by striking
18 “in the catchment area of the center” and
19 inserting “, including other health care pro-
20 viders that provide care within the
21 catchment area, local hospitals, and spe-
22 cialty providers in the catchment area of
23 the center, to provide access to services not
24 available through the health center and to

1 *reduce the non-urgent use of hospital emer-*
2 *gency departments”;*

3 *(iii) in subparagraph (H)(ii), by in-*
4 *serting “who shall be directly employed by*
5 *the center” after “approves the selection of*
6 *a director for the center”;*

7 *(iv) in subparagraph (L), by striking*
8 *“and” at the end;*

9 *(v) in subparagraph (M), by striking*
10 *the period and inserting “; and”; and*

11 *(vi) by inserting after subparagraph*
12 *(M), the following:*

13 *“(N) the center has written policies and*
14 *procedures in place to ensure the appropriate use*
15 *of Federal funds in compliance with applicable*
16 *Federal statutes, regulations, and the terms and*
17 *conditions of the Federal award.”; and*

18 *(C) by striking paragraph (4);*

19 *(10) in subsection (l), by adding at the end the*
20 *following: “Funds expended to carry out activities*
21 *under this subsection and operational support activi-*
22 *ties under subsection (m) shall not exceed 3 percent*
23 *of the amount appropriated for this section for the fis-*
24 *cal year involved.”;*

1 (11) in subsection (q)(4), by adding at the end
2 the following: “A waiver provided by the Secretary
3 under this paragraph may not remain in effect for
4 more than 1 year and may not be extended after such
5 period. An entity may not receive more than one
6 waiver under this paragraph in consecutive years.”;

7 (12) in subsection (r)(3)—

8 (A) by striking “appropriate committees of
9 Congress a report concerning the distribution of
10 funds under this section” and inserting the fol-
11 lowing: “Committee on Health, Education,
12 Labor, and Pensions of the Senate, and the Com-
13 mittee on Energy and Commerce of the House of
14 Representatives, a report including, at a min-
15 imum—

16 “(A) the distribution of funds for carrying
17 out this section”;

18 (B) by striking “populations. Such report
19 shall include an assessment” and inserting the
20 following: “populations;

21 “(B) an assessment”;

22 (C) by striking “and the rationale for any
23 substantial changes in the distribution of funds.”
24 and inserting a semicolon; and

25 (D) by adding at the end the following:

1 “(C) the distribution of awards and funding
2 for new or expanded services in each of rural
3 areas and urban areas;

4 “(D) the distribution of awards and fund-
5 ing for establishing new access points, and the
6 number of new access points created;

7 “(E) the amount of unexpended funding for
8 loan guarantees and loan guarantee authority
9 under title XVI;

10 “(F) the rationale for any substantial
11 changes in the distribution of funds;

12 “(G) the rate of closures for health centers
13 and access points;

14 “(H) the number and reason for any grants
15 awarded pursuant to subsection (e)(1)(B); and

16 “(I) the number and reason for any waivers
17 provided pursuant to subsection (q)(4).”;

18 (13) in subsection (r), by adding at the end the
19 following new paragraph:

20 “(5) FUNDING FOR PARTICIPATION OF HEALTH
21 CENTERS IN ALL OF US RESEARCH PROGRAM.—In ad-
22 dition to any amounts made available pursuant to
23 paragraph (1) of this subsection, section 402A of this
24 Act, or section 10503 of the Patient Protection and
25 Affordable Care Act, there is authorized to be appro-

1 *appropriated, and there is appropriated, out of any monies*
2 *in the Treasury not otherwise appropriated, to the*
3 *Secretary \$25,000,000 for fiscal year 2018 to support*
4 *the participation of health centers in the All of Us*
5 *Research Program under the Precision Medicine Ini-*
6 *tiative under section 498E of this Act.”; and*

7 *(14) by striking subsection (s).*

8 *(c) NATIONAL HEALTH SERVICE CORPS.—Section*
9 *10503(b)(2)(F) of the Patient Protection and Affordable*
10 *Care Act (42 U.S.C. 254b–2(b)(2)(F)), as amended by sec-*
11 *tion 3101 of Public Law 115–96, is amended to read as*
12 *follows:*

13 *“(F) \$310,000,000 for each of fiscal years*
14 *2018 and 2019.”.*

15 *(d) TEACHING HEALTH CENTERS THAT OPERATE*
16 *GRADUATE MEDICAL EDUCATION PROGRAMS.—*

17 *(1) PAYMENTS.—Subsection (a) of section 340H*
18 *of the Public Health Service Act (42 U.S.C. 256h) is*
19 *amended to read as follows:*

20 *“(a) PAYMENTS.—*

21 *“(1) IN GENERAL.—Subject to subsection (h)(2),*
22 *the Secretary shall make payments under this section*
23 *for direct expenses and indirect expenses to qualified*
24 *teaching health centers that are listed as sponsoring*

1 *institutions by the relevant accrediting body for, as*
2 *appropriate—*

3 *“(A) maintenance of filled positions at ex-*
4 *isting approved graduate medical residency*
5 *training programs;*

6 *“(B) expansion of existing approved grad-*
7 *uate medical residency training programs; and*

8 *“(C) establishment of new approved grad-*
9 *uate medical residency training programs.*

10 *“(2) PER RESIDENT AMOUNT.—In making pay-*
11 *ments under paragraph (1), the Secretary shall con-*
12 *sider the cost of training residents at teaching health*
13 *centers and the implications of the per resident*
14 *amount on approved graduate medical residency*
15 *training programs at teaching health centers.*

16 *“(3) PRIORITY.—In making payments under*
17 *paragraph (1)(C), the Secretary shall give priority to*
18 *qualified teaching health centers that—*

19 *“(A) serve a health professional shortage*
20 *area with a designation in effect under section*
21 *332 or a medically underserved community (as*
22 *defined in section 799B); or*

23 *“(B) are located in a rural area (as defined*
24 *in section 1886(d)(2)(D) of the Social Security*
25 *Act).”.*

1 (2) *FUNDING.*—Paragraph (1) of section
2 340H(g) of the Public Health Service Act (42 U.S.C.
3 256h(g)), as amended by section 3101 of Public Law
4 115–96, is amended by striking “and \$30,000,000 for
5 the period of the first and second quarters of fiscal
6 year 2018,” and inserting “and \$126,500,000 for each
7 of fiscal years 2018 and 2019,”.

8 (3) *ANNUAL REPORTING.*—Subsection (h)(1) of
9 section 340H of the Public Health Service Act (42
10 U.S.C. 256h) is amended—

11 (A) by redesignating subparagraph (D) as
12 subparagraph (H); and

13 (B) by inserting after subparagraph (C) the
14 following:

15 “(D) The number of patients treated by
16 residents described in paragraph (4).

17 “(E) The number of visits by patients treat-
18 ed by residents described in paragraph (4).

19 “(F) Of the number of residents described in
20 paragraph (4) who completed their residency
21 training at the end of such residency academic
22 year, the number and percentage of such resi-
23 dents entering primary care practice (meaning
24 any of the areas of practice listed in the defini-

1 *tion of a primary care residency program in sec-*
2 *tion 749A).*

3 *“(G) Of the number of residents described in*
4 *paragraph (4) who completed their residency*
5 *training at the end of such residency academic*
6 *year, the number and percentage of such resi-*
7 *dents who entered practice at a health care facil-*
8 *ity—*

9 *“(i) primarily serving a health profes-*
10 *sional shortage area with a designation in*
11 *effect under section 332 or a medically un-*
12 *derserved community (as defined in section*
13 *799B); or*

14 *“(ii) located in a rural area (as de-*
15 *finied in section 1886(d)(2)(D) of the Social*
16 *Security Act).”.*

17 *(4) REPORT ON TRAINING COSTS.—Not later*
18 *than March 31, 2019, the Secretary of Health and*
19 *Human Services shall submit to the Congress a report*
20 *on the direct graduate expenses of approved graduate*
21 *medical residency training programs, and the indi-*
22 *rect expenses associated with the additional costs of*
23 *teaching residents, of qualified teaching health centers*
24 *(as such terms are used or defined in section 340H*
25 *of the Public Health Service Act (42 U.S.C. 256h)).*

1 (5) *DEFINITION.*—Subsection (j) of section 340H
2 of the Public Health Service Act (42 U.S.C. 256h) is
3 amended—

4 (A) by redesignating paragraphs (2) and
5 (3) as paragraphs (3) and (4), respectively; and

6 (B) by inserting after paragraph (1) the fol-
7 lowing:

8 “(2) *NEW APPROVED GRADUATE MEDICAL RESI-*
9 *DENCY TRAINING PROGRAM.*—The term ‘new approved
10 graduate medical residency training program’ means
11 an approved graduate medical residency training
12 program for which the sponsoring qualified teaching
13 health center has not received a payment under this
14 section for a previous fiscal year (other than pursuant
15 to subsection (a)(1)(C)).”.

16 (6) *TECHNICAL CORRECTION.*—Subsection (f) of
17 section 340H (42 U.S.C. 256h) is amended by strik-
18 ing “hospital” each place it appears and inserting
19 “teaching health center”.

20 (7) *PAYMENTS FOR PREVIOUS FISCAL YEARS.*—
21 The provisions of section 340H of the Public Health
22 Service Act (42 U.S.C. 256h), as in effect on the day
23 before the date of enactment of Public Law 115–96,
24 shall continue to apply with respect to payments

1 *under such section for fiscal years before fiscal year*
2 *2018.*

3 *(e) APPLICATION.—Amounts appropriated pursuant to*
4 *this section for fiscal year 2018 or 2019 are subject to the*
5 *requirements contained in Public Law 115–31 for funds for*
6 *programs authorized under sections 330 through 340 of the*
7 *Public Health Service Act (42 U.S.C. 254b–256).*

8 *(f) CONFORMING AMENDMENTS.—Paragraph (4) of*
9 *section 3014(h) of title 18, United States Code, as amended*
10 *by section 3101 of Public Law 115–96, is amended by strik-*
11 *ing “and section 3101(d) of the CHIP and Public Health*
12 *Funding Extension Act” and inserting “and section*
13 *50901(e) of the Advancing Chronic Care, Extenders, and*
14 *Social Services Act”.*

15 **SEC. 50902. EXTENSION FOR SPECIAL DIABETES PRO-**
16 **GRAMS.**

17 *(a) SPECIAL DIABETES PROGRAM FOR TYPE I DIABE-*
18 *TES.—Section 330B(b)(2)(D) of the Public Health Service*
19 *Act (42 U.S.C. 254c–2(b)(2)(D)), as amended by section*
20 *3102 of Public Law 115–96, is amended to read as follows:*

21 *“(D) \$150,000,000 for each of fiscal years*
22 *2018 and 2019, to remain available until ex-*
23 *pended.”.*

24 *(b) SPECIAL DIABETES PROGRAM FOR INDIANS.—Sub-*
25 *paragraph (D) of section 330C(c)(2) of the Public Health*

1 *Service Act (42 U.S.C. 254c–3(c)(2)), as amended by sec-*
 2 *tion 3102 of Public Law 115–96, is amended to read as*
 3 *follows:*

4 “(D) \$150,000,000 for each of fiscal years
 5 2018 and 2019, to remain available until ex-
 6 pended.”.

7 **TITLE X—MISCELLANEOUS**
 8 **HEALTH CARE POLICIES**

9 **SEC. 51001. HOME HEALTH PAYMENT REFORM.**

10 (a) *BUDGET NEUTRAL TRANSITION TO A 30-DAY UNIT*
 11 *OF PAYMENT FOR HOME HEALTH SERVICES.*—Section
 12 *1895(b) of the Social Security Act (42 U.S.C. 1395fff(b))*
 13 *is amended—*

14 (1) *in paragraph (2)—*

15 (A) *by striking “PAYMENT.—In defining”*
 16 *and inserting “PAYMENT.—*

17 *“(A) IN GENERAL.—In defining”;* and

18 (B) *by adding at the end the following new*
 19 *subparagraph:*

20 “(B) *30-DAY UNIT OF SERVICE.*—For pur-
 21 *poses of implementing the prospective payment*
 22 *system with respect to home health units of serv-*
 23 *ice furnished during a year beginning with*
 24 *2020, the Secretary shall apply a 30-day unit of*

1 *service as the unit of service applied under this*
2 *paragraph.”;*

3 *(2) in paragraph (3)—*

4 *(A) in subparagraph (A), by adding at the*
5 *end the following new clause:*

6 *“(iv) BUDGET NEUTRALITY FOR 2020.—*

7 *With respect to payments for home health*
8 *units of service furnished that end during*
9 *the 12-month period beginning January 1,*
10 *2020, the Secretary shall calculate a stand-*
11 *ard prospective payment amount (or*
12 *amounts) for 30-day units of service (as de-*
13 *scribed in paragraph (2)(B)) for the pro-*
14 *spective payment system under this sub-*
15 *section. Such standard prospective payment*
16 *amount (or amounts) shall be calculated in*
17 *a manner such that the estimated aggregate*
18 *amount of expenditures under the system*
19 *during such period with application of*
20 *paragraph (2)(B) is equal to the estimated*
21 *aggregate amount of expenditures that oth-*
22 *erwise would have been made under the sys-*
23 *tem during such period if paragraph (2)(B)*
24 *had not been enacted. The previous sentence*
25 *shall be applied before (and not affect the*

1 application of) paragraph (3)(B). In calcu-
2 lating such amount (or amounts), the Sec-
3 retary shall make assumptions about behav-
4 ior changes that could occur as a result of
5 the implementation of paragraph (2)(B)
6 and the case-mix adjustment factors estab-
7 lished under paragraph (4)(B) and shall
8 provide a description of such assumptions
9 in the notice and comment rulemaking used
10 to implement this clause.”; and

11 (B) by adding at the end the following new
12 subparagraph:

13 “(D) BEHAVIOR ASSUMPTIONS AND ADJUST-
14 MENTS.—

15 “(i) IN GENERAL.—The Secretary shall
16 annually determine the impact of dif-
17 ferences between assumed behavior changes
18 (as described in paragraph (3)(A)(iv)) and
19 actual behavior changes on estimated aggre-
20 gate expenditures under this subsection with
21 respect to years beginning with 2020 and
22 ending with 2026.

23 “(ii) PERMANENT ADJUSTMENTS.—The
24 Secretary shall, at a time and in a manner
25 determined appropriate, through notice and

1 *comment rulemaking, provide for one or*
2 *more permanent increases or decreases to*
3 *the standard prospective payment amount*
4 *(or amounts) for applicable years, on a pro-*
5 *spective basis, to offset for such increases or*
6 *decreases in estimated aggregate expendi-*
7 *tures (as determined under clause (i)).*

8 “(iii) *TEMPORARY ADJUSTMENTS FOR*
9 *RETROSPECTIVE BEHAVIOR.—The Secretary*
10 *shall, at a time and in a manner deter-*
11 *mined appropriate, through notice and*
12 *comment rulemaking, provide for one or*
13 *more temporary increases or decreases to*
14 *the payment amount for a unit of home*
15 *health services (as determined under para-*
16 *graph (4)) for applicable years, on a pro-*
17 *spective basis, to offset for such increases or*
18 *decreases in estimated aggregate expendi-*
19 *tures (as determined under clause (i)). Such*
20 *a temporary increase or decrease shall*
21 *apply only with respect to the year for*
22 *which such temporary increase or decrease*
23 *is made, and the Secretary shall not take*
24 *into account such a temporary increase or*

1 *decrease in computing such amount under*
2 *this subsection for a subsequent year.”; and*

3 (3) *in paragraph (4)(B)—*

4 (A) *by striking “FACTORS.—The Secretary”*
5 *and inserting “FACTORS.—*

6 *“(i) IN GENERAL.—The Secretary”;*

7 *and*

8 (B) *by adding at the end the following new*
9 *clause:*

10 *“(i) TREATMENT OF THERAPY*
11 *THRESHOLDS.—For 2020 and subsequent*
12 *years, the Secretary shall eliminate the use*
13 *of therapy thresholds (established by the*
14 *Secretary) in case mix adjustment factors*
15 *established under clause (i) for calculating*
16 *payments under the prospective payment*
17 *system under this subsection.”.*

18 (b) *TECHNICAL EXPERT PANEL.—*

19 (1) *IN GENERAL.—During the period beginning*
20 *on January 1, 2018, and ending on December 31,*
21 *2018, the Secretary of Health and Human Services*
22 *shall hold at least one session of a technical expert*
23 *panel, the participants of which shall include home*
24 *health providers, patient representatives, and other*
25 *relevant stakeholders. The technical expert panel shall*

1 *identify and prioritize recommendations with respect*
2 *to the prospective payment system for home health*
3 *services under section 1895(b) of the Social Security*
4 *Act (42 U.S.C. 1395fff(b)), on the following:*

5 *(A) The Home Health Groupings Model, as*
6 *described in the proposed rule “Medicare and*
7 *Medicaid Programs; CY 2018 Home Health Pro-*
8 *spective Payment System Rate Update and Pro-*
9 *posed CY 2019 Case-Mix Adjustment Method-*
10 *ology Refinements; Home Health Value-Based*
11 *Purchasing Model; and Home Health Quality*
12 *Reporting Requirements” (82 Fed. Reg. 35294*
13 *through 35332 (July 28, 2017)).*

14 *(B) Alternative case-mix models to the*
15 *Home Health Groupings Model that were sub-*
16 *mitted during 2017 as comments in response to*
17 *proposed rule making, including patient-focused*
18 *factors that consider the risks of hospitalization*
19 *and readmission to a hospital, improvement or*
20 *maintenance of functionality of individuals to*
21 *increase the capacity for self-care, quality of*
22 *care, and resource utilization.*

23 *(2) INAPPLICABILITY OF FACA.—The provisions*
24 *of the Federal Advisory Committee Act (5 U.S.C.*

1 *App.) shall not apply to the technical expert panel*
2 *under paragraph (1).*

3 (3) *REPORT.—Not later than April 1, 2019, the*
4 *Secretary of Health and Human Services shall sub-*
5 *mit to the Committee on Ways and Means and the*
6 *Committee on Energy and Commerce of the House of*
7 *Representatives and the Committee on Finance of the*
8 *Senate a report on the recommendations of such panel*
9 *described in such paragraph.*

10 (4) *NOTICE AND COMMENT RULEMAKING.—Not*
11 *later than December 31, 2019, the Secretary of Health*
12 *and Human Services shall pursue notice and com-*
13 *ment rulemaking on a case-mix system with respect*
14 *to the prospective payment system for home health*
15 *services under section 1895(b) of the Social Security*
16 *Act (42 U.S.C. 1395fff(b)).*

17 (c) *REPORTS.—*

18 (1) *INTERIM REPORT.—Not later than March 15,*
19 *2022, the Medicare Payment Advisory Commission*
20 *shall submit to Congress an interim report on the ap-*
21 *plication of a 30-day unit of service as the unit of*
22 *service applied under section 1895(b)(2) of the Social*
23 *Security Act (42 U.S.C. 1395fff(b)(2)), as amended by*
24 *subsection (a), including an analysis of the level of*
25 *payments provided to home health agencies as com-*

1 *pared to the cost of delivering home health services,*
2 *and any unintended consequences, including with re-*
3 *spect to behavioral changes and quality.*

4 (2) *FINAL REPORT.*—*Not later than March 15,*
5 *2026, such Commission shall submit to Congress a*
6 *final report on such application and any such con-*
7 *sequences.*

8 **SEC. 51002. INFORMATION TO SATISFY DOCUMENTATION**
9 **OF MEDICARE ELIGIBILITY FOR HOME**
10 **HEALTH SERVICES.**

11 (a) *PART A.*—*Section 1814(a) of the Social Security*
12 *Act (42 U.S.C. 1395f(a)) is amended by inserting before*
13 *“For purposes of paragraph (2)(C),” the following new sen-*
14 *tence: “For purposes of documentation for physician certifi-*
15 *cation and recertification made under paragraph (2) on or*
16 *after January 1, 2019, and made with respect to home*
17 *health services furnished by a home health agency, in addi-*
18 *tion to using documentation in the medical record of the*
19 *physician who so certifies or the medical record of the acute*
20 *or post-acute care facility (in the case that home health*
21 *services were furnished to an individual who was directly*
22 *admitted to the home health agency from such a facility),*
23 *the Secretary may use documentation in the medical record*
24 *of the home health agency as supporting material, as appro-*
25 *priate to the case involved.”.*

1 (b) *PART B.—Section 1835(a) of the Social Security*
2 *Act (42 U.S.C. 1395n(a)) is amended by inserting before*
3 *“For purposes of paragraph (2)(A),” the following new sen-*
4 *tence: “For purposes of documentation for physician certifi-*
5 *cation and recertification made under paragraph (2) on or*
6 *after January 1, 2019, and made with respect to home*
7 *health services furnished by a home health agency, in addi-*
8 *tion to using documentation in the medical record of the*
9 *physician who so certifies or the medical record of the acute*
10 *or post-acute care facility (in the case that home health*
11 *services were furnished to an individual who was directly*
12 *admitted to the home health agency from such a facility),*
13 *the Secretary may use documentation in the medical record*
14 *of the home health agency as supporting material, as appro-*
15 *priate to the case involved.”.*

16 **SEC. 51003. TECHNICAL AMENDMENTS TO PUBLIC LAW 114–**

17 **10.**

18 (a) *MIPS TRANSITION.—Section 1848 of the Social*
19 *Security Act (42 U.S.C. 1395w–4) is amended—*

20 (1) *in subsection (q)—*

21 (A) *in paragraph (1)—*

22 (i) *in subparagraph (B), by striking*
23 *“items and services” and inserting “covered*
24 *professional services (as defined in sub-*
25 *section (k)(3)(A))”;* and

1 (ii) in subparagraph (C)(iv)—

2 (I) by amending subclause (I) to
3 read as follows:

4 “(I) The minimum number (as
5 determined by the Secretary) of—

6 “(aa) for performance peri-
7 ods beginning before January 1,
8 2018, individuals enrolled under
9 this part who are treated by the
10 eligible professional for the per-
11 formance period involved; and

12 “(bb) for performance periods
13 beginning on or after January 1,
14 2018, individuals enrolled under
15 this part who are furnished cov-
16 ered professional services (as de-
17 fined in subsection (k)(3)(A)) by
18 the eligible professional for the
19 performance period involved.”;

20 (II) in subclause (II), by striking
21 “items and services” and inserting
22 “covered professional services (as de-
23 fined in subsection (k)(3)(A))”; and

24 (III) by amending subclause (III)
25 to read as follows:

1 “(III) *The minimum amount (as*
2 *determined by the Secretary) of—*

3 “*(aa) for performance peri-*
4 *ods beginning before January 1,*
5 *2018, allowed charges billed by*
6 *such professional under this part*
7 *for such performance period; and*

8 “*(bb) for performance periods*
9 *beginning on or after January 1,*
10 *2018, allowed charges for covered*
11 *professional services (as defined in*
12 *subsection (k)(3)(A)) billed by*
13 *such professional for such per-*
14 *formance period.”;*

15 *(B) in paragraph (5)(D)—*

16 *(i) in clause (i)(I), by inserting “sub-*
17 *ject to clause (iii),” after “clauses (i) and*
18 *(ii) of paragraph (2)(A),”; and*

19 *(ii) by adding at the end the following*
20 *new clause:*

21 “*(iii) TRANSITION YEARS.—For each of*
22 *the second, third, fourth, and fifth years for*
23 *which the MIPS applies to payments, the*
24 *performance score for the performance cat-*
25 *egory described in paragraph (2)(A)(ii)*

1 *shall not take into account the improvement*
2 *of the professional involved.”;*

3 *(C) in paragraph (5)(E)—*

4 *(i) in clause (i)(I)(bb)—*

5 *(I) in the heading by striking*
6 *“FIRST 2 YEARS” and inserting*
7 *“FIRST 5 YEARS”; and*

8 *(II) by striking “the first and sec-*
9 *ond years” and inserting “each of the*
10 *first through fifth years”;*

11 *(ii) in clause (i)(II)(bb)—*

12 *(I) in the heading, by striking “2*
13 *YEARS” and inserting “5 YEARS”; and*

14 *(II) by striking the second sen-*
15 *tence and inserting the following new*
16 *sentences: “For each of the second,*
17 *third, fourth, and fifth years for which*
18 *the MIPS applies to payments, not less*
19 *than 10 percent and not more than 30*
20 *percent of such score shall be based on*
21 *performance with respect to the cat-*
22 *egory described in clause (ii) of para-*
23 *graph (2)(A). Nothing in the previous*
24 *sentence shall be construed, with re-*
25 *spect to a performance period for a*

1 *year described in the previous sentence,*
2 *as preventing the Secretary from bas-*
3 *ing 30 percent of such score for such*
4 *year with respect to the category de-*
5 *scribed in such clause (i), if the Sec-*
6 *retary determines, based on informa-*
7 *tion posted under subsection (r)(2)(I)*
8 *that sufficient resource use measures*
9 *are ready for adoption for use under*
10 *the performance category under para-*
11 *graph (2)(A)(i) for such performance*
12 *period.”;*

13 *(D) in paragraph (6)(D)—*

14 *(i) in clause (i), in the second sentence,*
15 *by striking “Such performance threshold”*
16 *and inserting “Subject to clauses (iii) and*
17 *(iv), such performance threshold”;*

18 *(ii) in clause (ii)—*

19 *(I) in the first sentence, by insert-*
20 *ing “(beginning with 2019 and ending*
21 *with 2024)” after “for each year of the*
22 *MIPS”; and*

23 *(II) in the second sentence, by in-*
24 *serting “subject to clause (iii),” after*
25 *“For each such year,”;*

1 (iii) in clause (iii)—

2 (I) in the heading, by striking “2”
3 and inserting “5”; and

4 (II) in the first sentence, by strik-
5 ing “two years” and inserting “five
6 years”; and

7 (iv) by adding at the end the following
8 new clause:

9 “(iv) *ADDITIONAL SPECIAL RULE FOR*
10 *THIRD, FOURTH AND FIFTH YEARS OF*
11 *MIPS.—For purposes of determining MIPS*
12 *adjustment factors under subparagraph (A),*
13 *in addition to the requirements specified in*
14 *clause (iii), the Secretary shall increase the*
15 *performance threshold with respect to each*
16 *of the third, fourth, and fifth years to which*
17 *the MIPS applies to ensure a gradual and*
18 *incremental transition to the performance*
19 *threshold described in clause (i) (as esti-*
20 *mated by the Secretary) with respect to the*
21 *sixth year to which the MIPS applies.”;*

22 (E) in paragraph (6)(E)—

23 (i) by striking “In the case of items
24 and services” and inserting “In the case of

1 covered professional services (as defined in
2 subsection (k)(3)(A)); and

3 (ii) by striking “under this part with
4 respect to such items and services” and in-
5 serting “under this part with respect to
6 such covered professional services”; and

7 (F) in paragraph (7), in the first sentence,
8 by striking “items and services” and inserting
9 “covered professional services (as defined in sub-
10 section (k)(3)(A))”;

11 (2) in subsection (r)(2), by adding at the end the
12 following new subparagraph:

13 “(I) INFORMATION.—The Secretary shall,
14 not later than December 31st of each year (begin-
15 ning with 2018), post on the Internet website of
16 the Centers for Medicare & Medicaid Services in-
17 formation on resource use measures in use under
18 subsection (q), resource use measures under de-
19 velopment and the time-frame for such develop-
20 ment, potential future resource use measure top-
21 ics, a description of stakeholder engagement, and
22 the percent of expenditures under part A and
23 this part that are covered by resource use meas-
24 ures.”; and

1 (3) in subsection (s)(5)(B), by striking “section
2 1833(z)(2)(C)” and inserting “section 1833(z)(3)(D)”.

3 (b) *PHYSICIAN-FOCUSED PAYMENT MODEL TECHNICAL*
4 *ADVISORY COMMITTEE PROVISION OF INITIAL PROPOSAL*
5 *FEEDBACK*.—Section 1868(c)(2)(C) of the Social Security
6 Act (42 U.S.C. 1395ee(c)(2)(C)) is amended to read as fol-
7 lows:

8 “(C) *COMMITTEE REVIEW OF MODELS SUB-*
9 *MITTED*.—The Committee, on a periodic basis—

10 “(i) shall review models submitted
11 under subparagraph (B);

12 “(ii) may provide individuals and
13 stakeholder entities who submitted such
14 models with—

15 “(I) initial feedback on such mod-
16 els regarding the extent to which such
17 models meet the criteria described in
18 subparagraph (A); and

19 “(II) an explanation of the basis
20 for the feedback provided under sub-
21 clause (I); and

22 “(iii) shall prepare comments and rec-
23 ommendations regarding whether such mod-
24 els meet the criteria described in subpara-

1 *graph (A) and submit such comments and*
2 *recommendations to the Secretary.”.*

3 **SEC. 51004. EXPANDED ACCESS TO MEDICARE INTENSIVE**
4 **CARDIAC REHABILITATION PROGRAMS.**

5 *Section 1861(eee)(4)(B) of the Social Security Act (42*
6 *U.S.C. 1395x(eee)(4)(B)) is amended—*

7 *(1) in clause (v), by striking “or” at the end;*

8 *(2) in clause (vi), by striking the period at the*
9 *end and inserting a semicolon; and*

10 *(3) by adding at the end the following new*
11 *clauses:*

12 *“(vii) stable, chronic heart failure (defined*
13 *as patients with left ventricular ejection fraction*
14 *of 35 percent or less and New York Heart Asso-*
15 *ciation (NYHA) class II to IV symptoms despite*
16 *being on optimal heart failure therapy for at*
17 *least 6 weeks); or*

18 *“(viii) any additional condition for which*
19 *the Secretary has determined that a cardiac re-*
20 *habilitation program shall be covered, unless the*
21 *Secretary determines, using the same process*
22 *used to determine that the condition is covered*
23 *for a cardiac rehabilitation program, that such*
24 *coverage is not supported by the clinical evi-*
25 *dence.”.*

1 **SEC. 51005. EXTENSION OF BLENDED SITE NEUTRAL PAY-**
2 **MENT RATE FOR CERTAIN LONG-TERM CARE**
3 **HOSPITAL DISCHARGES; TEMPORARY AD-**
4 **JUSTMENT TO SITE NEUTRAL PAYMENT**
5 **RATES.**

6 (a) *EXTENSION.*—Section 1886(m)(6)(B)(i) of the So-
7 cial Security Act (42 U.S.C. 1395ww(m)(6)(B)(i)) is
8 amended—

9 (1) in subclause (I), by striking “fiscal year
10 2016 or fiscal year 2017” and inserting “fiscal years
11 2016 through 2019”; and

12 (2) in subclause (II), by striking “2018” and in-
13 serting “2020”.

14 (b) *TEMPORARY ADJUSTMENT TO SITE NEUTRAL PAY-*
15 *MENT RATES.*—Section 1886(m)(6)(B) of the Social Secu-
16 rity Act (42 U.S.C. 1395ww(m)(6)(B)) is amended—

17 (1) in clause (ii), in the matter preceding sub-
18 clause (I), by striking “In this paragraph” and in-
19 serting “Subject to clause (iv), in this paragraph”;
20 and

21 (2) by adding at the end the following new
22 clause:

23 “(iv) *ADJUSTMENT.*—For each of fiscal
24 years 2018 through 2026, the amount that
25 would otherwise apply under clause (ii)(I)
26 for the year (determined without regard to

1 *this clause) shall be reduced by 4.6 per-*
 2 *cent.”.*

3 **SEC. 51006. RECOGNITION OF ATTENDING PHYSICIAN AS-**
 4 **SISTANTS AS ATTENDING PHYSICIANS TO**
 5 **SERVE HOSPICE PATIENTS.**

6 *(a) RECOGNITION OF ATTENDING PHYSICIAN ASSIST-*
 7 *ANTS AS ATTENDING PHYSICIANS TO SERVE HOSPICE PA-*
 8 *TIENTS.—*

9 *(1) IN GENERAL.—Section 1861(dd)(3)(B) of the*
 10 *Social Security Act (42 U.S.C. 1395x(dd)(3)(B)) is*
 11 *amended—*

12 *(A) by striking “or nurse” and inserting “,*
 13 *the nurse”; and*

14 *(B) by inserting “, or the physician assist-*
 15 *ant (as defined in such subsection)” after “sub-*
 16 *section (aa)(5))”.*

17 *(2) CLARIFICATION OF HOSPICE ROLE OF PHYSI-*
 18 *CIAN ASSISTANTS.—Section 1814(a)(7)(A)(i)(I) of the*
 19 *Social Security Act (42 U.S.C. 1395f(a)(7)(A)(i)(I))*
 20 *is amended by inserting “or a physician assistant”*
 21 *after “a nurse practitioner”.*

22 *(b) EFFECTIVE DATE.—The amendments made by this*
 23 *section shall apply to items and services furnished on or*
 24 *after January 1, 2019.*

1 **SEC. 51007. EXTENSION OF ENFORCEMENT INSTRUCTION**
2 **ON SUPERVISION REQUIREMENTS FOR OUT-**
3 **PATIENT THERAPEUTIC SERVICES IN CRIT-**
4 **ICAL ACCESS AND SMALL RURAL HOSPITALS**
5 **THROUGH 2017.**

6 *Section 1 of Public Law 113–198, as amended by sec-*
7 *tion 1 of Public Law 114–112 and section 16004(a) of the*
8 *21st Century Cures Act (Public Law 114–255), is amend-*
9 *ed—*

10 *(1) in the section heading, by striking “2016”*
11 *and inserting “2017”; and*

12 *(2) by striking “and 2016” and inserting “2016,*
13 *and 2017”.*

14 **SEC. 51008. ALLOWING PHYSICIAN ASSISTANTS, NURSE**
15 **PRACTITIONERS, AND CLINICAL NURSE SPE-**
16 **CIALISTS TO SUPERVISE CARDIAC, INTEN-**
17 **SIVE CARDIAC, AND PULMONARY REHABILI-**
18 **TATION PROGRAMS.**

19 *(a) CARDIAC AND INTENSIVE CARDIAC REHABILITA-*
20 *TION PROGRAMS.—Section 1861(eee) of the Social Security*
21 *Act (42 U.S.C. 1395x(eee)) is amended—*

22 *(1) in paragraph (1)—*

23 *(A) by striking “physician-supervised”; and*

24 *(B) by inserting “under the supervision of*
25 *a physician (as defined in subsection (r)(1)) or*
26 *a physician assistant, nurse practitioner, or*

1 *clinical nurse specialist (as those terms are de-*
2 *defined in subsection (aa)(5))” before the period at*
3 *the end;*

4 (2) in paragraph (2)—

5 (A) in subparagraph (A)(iii), by striking
6 *the period at the end and inserting a semicolon;*
7 *and*

8 (B) in subparagraph (B), by striking “a
9 *physician” and inserting “a physician (as de-*
10 *defined in subsection (r)(1)) or a physician assist-*
11 *ant, nurse practitioner, or clinical nurse spe-*
12 *cialist (as those terms are defined in subsection*
13 *(aa)(5))”;* and

14 (3) in paragraph (4)(A), in the matter preceding
15 *clause (i)—*

16 (A) by striking “*physician-supervised*”; and

17 (B) by inserting “*under the supervision of*
18 *a physician (as defined in subsection (r)(1)) or*
19 *a physician assistant, nurse practitioner, or*
20 *clinical nurse specialist (as those terms are de-*
21 *defined in subsection (aa)(5))” after “paragraph*
22 *(3)”.*

23 (b) *PULMONARY REHABILITATION PROGRAMS.—Sec-*
24 *tion 1861(fff)(1) of the Social Security Act (42 U.S.C.*
25 *1395x(fff)(1)) is amended—*

1 (1) by striking “physician-supervised”; and

2 (2) by inserting “under the supervision of a phy-
3 sician (as defined in subsection (r)(1)) or a physician
4 assistant, nurse practitioner, or clinical nurse spe-
5 cialist (as those terms are defined in subsection
6 (aa)(5))” before the period at the end.

7 (c) *EFFECTIVE DATE.*—The amendments made by this
8 section shall apply to items and services furnished on or
9 after January 1, 2024.

10 **SEC. 51009. TRANSITIONAL PAYMENT RULES FOR CERTAIN**
11 **RADIATION THERAPY SERVICES UNDER THE**
12 **PHYSICIAN FEE SCHEDULE.**

13 Section 1848 of the Social Security Act (42 U.S.C.
14 1395w-4) is amended—

15 (1) in subsection (b)(11), by striking “2017 and
16 2018” and inserting “2017, 2018, and 2019”; and

17 (2) in subsection (c)(2)(K)(iv), by striking “2017
18 and 2018” and inserting “2017, 2018, and 2019”.

19 **TITLE XI—PROTECTING SEN-**
20 **IORS’ ACCESS TO MEDICARE**
21 **ACT**

22 **SEC. 52001. REPEAL OF THE INDEPENDENT PAYMENT ADVI-**
23 **SORY BOARD.**

24 (a) *REPEAL.*—Section 1899A of the Social Security
25 Act (42 U.S.C. 1395kkk) is repealed.

1 **(b) CONFORMING AMENDMENTS.**—

2 **(1) LOBBYING COOLING-OFF PERIOD.**—*Para-*
3 *graph (3) of section 207(c) of title 18, United States*
4 *Code, is repealed.*

5 **(2) GAO STUDY AND REPORT.**—*Section 3403(b)*
6 *of the Patient Protection and Affordable Care Act (42*
7 *U.S.C. 1395kkk-1) is repealed.*

8 **(3) MEDPAC REVIEW AND COMMENT.**—*Section*
9 *1805(b) of the Social Security Act (42 U.S.C. 1395b-*
10 *6(b)) is amended—*

11 **(A)** *by striking paragraph (4);*

12 **(B)** *by redesignating paragraphs (5)*
13 *through (8) as paragraphs (4) through (7), re-*
14 *spectively; and*

15 **(C)** *by redesignating the paragraph (9) that*
16 *was redesignated by section 3403(c)(1) of the Pa-*
17 *tient Protection and Affordable Care Act (Public*
18 *Law 111-148) as paragraph (8).*

19 **(4) NAME CHANGE.**—*Section 10320(b) of the Pa-*
20 *tient Protection and Affordable Care Act (Public Law*
21 *111-148) is repealed.*

22 **(5) RULE OF CONSTRUCTION.**—*Section 10320(c)*
23 *of the Patient Protection and Affordable Care Act*
24 *(Public Law 111-148) is repealed.*

1 **TITLE XII—OFFSETS**

2 **SEC. 53101. MODIFYING REDUCTIONS IN MEDICAID DSH AL-**
 3 **LOTMENTS.**

4 *Section 1923(f)(7)(A) of the Social Security Act (42*
 5 *U.S.C. 1396r-4(f)(7)(A)) is amended—*

6 *(1) in clause (i), in the matter preceding sub-*
 7 *clause (I), by striking “2018” and inserting “2020”;*
 8 *and*

9 *(2) in clause (ii), by striking subclauses (I)*
 10 *through (VIII) and inserting the following:*

11 *“(I) \$4,000,000,000 for fiscal year*
 12 *2020; and*

13 *“(II) \$8,000,000,000 for each of*
 14 *fiscal years 2021 through 2025.”.*

15 **SEC. 53102. THIRD PARTY LIABILITY IN MEDICAID AND**
 16 **CHIP.**

17 *(a) MODIFICATION OF THIRD PARTY LIABILITY RULES*
 18 *RELATED TO SPECIAL TREATMENT OF CERTAIN TYPES OF*
 19 *CARE AND PAYMENTS.—*

20 *(1) IN GENERAL.—Section 1902(a)(25)(E) of the*
 21 *Social Security Act (42 U.S.C. 1396a(a)(25)(E)) is*
 22 *amended, in the matter preceding clause (i), by strik-*
 23 *ing “prenatal or”.*

1 (2) *EFFECTIVE DATE.*—*The amendment made by*
2 *paragraph (1) shall take effect on the date of enact-*
3 *ment of this Act.*

4 (b) *DELAY IN EFFECTIVE DATE AND REPEAL OF CER-*
5 *TAIN BIPARTISAN BUDGET ACT OF 2013 AMENDMENTS.*—

6 (1) *REPEAL.*—*Effective as of September 30,*
7 *2017, subsection (b) of section 202 of the Bipartisan*
8 *Budget Act of 2013 (Public Law 113–67; 127 Stat.*
9 *1177; 42 U.S.C. 1396a note) (including any amend-*
10 *ments made by such subsection) is repealed and the*
11 *provisions amended by such subsection shall be ap-*
12 *plied and administered as if such amendments had*
13 *never been enacted.*

14 (2) *DELAY IN EFFECTIVE DATE.*—*Subsection (c)*
15 *of section 202 of the Bipartisan Budget Act of 2013*
16 *(Public Law 113–67; 127 Stat. 1177; 42 U.S.C.*
17 *1396a note) is amended to read as follows:*

18 “(c) *EFFECTIVE DATE.*—*The amendments made by*
19 *subsection (a) shall take effect on October 1, 2019.”.*

20 (3) *EFFECTIVE DATE; TREATMENT.*—*The repeal*
21 *and amendment made by this subsection shall take ef-*
22 *fect as if enacted on September 30, 2017, and shall*
23 *apply with respect to any open claims, including*
24 *claims pending, generated, or filed, after such date.*
25 *The amendments made by subsections (a) and (b) of*

1 *section 202 of the Bipartisan Budget Act of 2013*
2 *(Public Law 113–67; 127 Stat. 1177; 42 U.S.C.*
3 *1396a note) that took effect on October 1, 2017, are*
4 *null and void and section 1902(a)(25) of the Social*
5 *Security Act (42 U.S.C. 1396a(a)(25)) shall be ap-*
6 *plied and administered as if such amendments had*
7 *not taken effect on such date.*

8 *(c) GAO STUDY AND REPORT.—Not later than 18*
9 *months after the date of enactment of this Act, the Comp-*
10 *troller General of the United States shall submit a report*
11 *to the Committee on Energy and Commerce of the House*
12 *of Representatives and the Committee on Finance of the*
13 *Senate on the impacts of the amendments made by sub-*
14 *sections (a)(1) and (b)(2), including—*

15 *(1) the impact, or potential effect, of such*
16 *amendments on access to prenatal and preventive pe-*
17 *diatric care (including early and periodic screening,*
18 *diagnostic, and treatment services) covered under*
19 *State plans under such title (or waivers of such*
20 *plans);*

21 *(2) the impact, or potential effect, of such*
22 *amendments on access to services covered under such*
23 *plans or waivers for individuals on whose behalf child*
24 *support enforcement is being carried out by a State*
25 *agency under part D of title IV of such Act; and*

1 (3) *the impact, or potential effect, on providers*
2 *of services under such plans or waivers of delays in*
3 *payment or related issues that result from such*
4 *amendments.*

5 (d) *APPLICATION TO CHIP.*—

6 (1) *IN GENERAL.*—*Section 2107(e)(1) of the So-*
7 *cial Security Act (42 U.S.C. 1397gg(e)(1)) is amend-*
8 *ed—*

9 (A) *by redesignating subparagraphs (B)*
10 *through (R) as subparagraphs (C) through (S),*
11 *respectively; and*

12 (B) *by inserting after subparagraph (A) the*
13 *following new subparagraph:*

14 “(B) *Section 1902(a)(25) (relating to third*
15 *party liability).*”.

16 (2) *MANDATORY REPORTING.*—*Section*
17 *1902(a)(25)(I)(i) of the Social Security Act (42*
18 *U.S.C. 1396a(a)(25)(I)(i)) is amended—*

19 (A) *by striking “medical assistance under*
20 *the State plan” and inserting “medical assist-*
21 *ance under a State plan (or under a waiver of*
22 *the plan)”;*

23 (B) *by striking “(and, at State option,*
24 *child” and inserting “and child”; and*

1 (C) by striking “title XXI” and inserting
2 “title XXI”.

3 **SEC. 53103. TREATMENT OF LOTTERY WINNINGS AND**
4 **OTHER LUMP-SUM INCOME FOR PURPOSES**
5 **OF INCOME ELIGIBILITY UNDER MEDICAID.**

6 (a) *IN GENERAL.*—Section 1902 of the Social Security
7 Act (42 U.S.C. 1396a) is amended—

8 (1) in subsection (a)(17), by striking “(e)(14),
9 (e)(14)” and inserting “(e)(14), (e)(15)”; and

10 (2) in subsection (e)(14), by adding at the end
11 the following new subparagraph:

12 “(K) *TREATMENT OF CERTAIN LOTTERY*
13 *WINNINGS AND INCOME RECEIVED AS A LUMP*
14 *SUM.*—

15 “(i) *IN GENERAL.*—In the case of an
16 individual who is the recipient of qualified
17 lottery winnings (pursuant to lotteries oc-
18 curring on or after January 1, 2018) or
19 qualified lump sum income (received on or
20 after such date) and whose eligibility for
21 medical assistance is determined based on
22 the application of modified adjusted gross
23 income under subparagraph (A), a State
24 shall, in determining such eligibility, in-

1 *clude such winnings or income (as applica-*
2 *ble) as income received—*

3 *“(I) in the month in which such*
4 *winnings or income (as applicable) is*
5 *received if the amount of such*
6 *winnings or income is less than*
7 *\$80,000;*

8 *“(II) over a period of 2 months if*
9 *the amount of such winnings or income*
10 *(as applicable) is greater than or equal*
11 *to \$80,000 but less than \$90,000;*

12 *“(III) over a period of 3 months*
13 *if the amount of such winnings or in-*
14 *come (as applicable) is greater than or*
15 *equal to \$90,000 but less than*
16 *\$100,000; and*

17 *“(IV) over a period of 3 months*
18 *plus 1 additional month for each incre-*
19 *ment of \$10,000 of such winnings or*
20 *income (as applicable) received, not to*
21 *exceed a period of 120 months (for*
22 *winnings or income of \$1,260,000 or*
23 *more), if the amount of such winnings*
24 *or income is greater than or equal to*
25 *\$100,000.*

1 “(ii) *COUNTING IN EQUAL INSTALL-*
2 *MENTS.—For purposes of subclauses (II),*
3 *(III), and (IV) of clause (i), winnings or*
4 *income to which such subclause applies*
5 *shall be counted in equal monthly install-*
6 *ments over the period of months specified*
7 *under such subclause.*

8 “(iii) *HARDSHIP EXEMPTION.—An in-*
9 *dividual whose income, by application of*
10 *clause (i), exceeds the applicable eligibility*
11 *threshold established by the State, shall con-*
12 *tinue to be eligible for medical assistance to*
13 *the extent that the State determines, under*
14 *procedures established by the State (in ac-*
15 *cordance with standards specified by the*
16 *Secretary), that the denial of eligibility of*
17 *the individual would cause an undue med-*
18 *ical or financial hardship as determined on*
19 *the basis of criteria established by the Sec-*
20 *retary.*

21 “(iv) *NOTIFICATIONS AND ASSISTANCE*
22 *REQUIRED IN CASE OF LOSS OF ELIGI-*
23 *BILITY.—A State shall, with respect to an*
24 *individual who loses eligibility for medical*

1 *assistance under the State plan (or a waiver*
2 *of such plan) by reason of clause (i)—*

3 *“(I) before the date on which the*
4 *individual loses such eligibility, inform*
5 *the individual—*

6 *“(aa) of the individual’s op-*
7 *portunity to enroll in a qualified*
8 *health plan offered through an*
9 *Exchange established under title I*
10 *of the Patient Protection and Af-*
11 *fordable Care Act during the spe-*
12 *cial enrollment period specified in*
13 *section 9801(f)(3) of the Internal*
14 *Revenue Code of 1986 (relating to*
15 *loss of Medicaid or CHIP cov-*
16 *erage); and*

17 *“(bb) of the date on which*
18 *the individual would no longer be*
19 *considered ineligible by reason of*
20 *clause (i) to receive medical as-*
21 *sistance under the State plan or*
22 *under any waiver of such plan*
23 *and be eligible to reapply to re-*
24 *ceive such medical assistance; and*

1 “(II) provide technical assistance
2 to the individual seeking to enroll in
3 such a qualified health plan.

4 “(v) QUALIFIED LOTTERY WINNINGS
5 DEFINED.—In this subparagraph, the term
6 ‘qualified lottery winnings’ means winnings
7 from a sweepstakes, lottery, or pool de-
8 scribed in paragraph (3) of section 4402 of
9 the Internal Revenue Code of 1986 or a lot-
10 tery operated by a multistate or multijuris-
11 dictional lottery association, including
12 amounts awarded as a lump sum payment.

13 “(vi) QUALIFIED LUMP SUM INCOME
14 DEFINED.—In this subparagraph, the term
15 ‘qualified lump sum income’ means income
16 that is received as a lump sum from mone-
17 tary winnings from gambling (as defined by
18 the Secretary and including gambling ac-
19 tivities described in section 1955(b)(4) of
20 title 18, United States Code).”.

21 (b) RULES OF CONSTRUCTION.—

22 (1) INTERCEPTION OF LOTTERY WINNINGS AL-
23 LOWED.—Nothing in the amendment made by sub-
24 section (a)(2) shall be construed as preventing a State
25 from intercepting the State lottery winnings awarded

1 *to an individual in the State to recover amounts paid*
2 *by the State under the State Medicaid plan under*
3 *title XIX of the Social Security Act (42 U.S.C. 1396*
4 *et seq.) for medical assistance furnished to the indi-*
5 *vidual.*

6 (2) *APPLICABILITY LIMITED TO ELIGIBILITY OF*
7 *RECIPIENT OF LOTTERY WINNINGS OR LUMP SUM IN-*
8 *COME.—Nothing in the amendment made by sub-*
9 *section (a)(2) shall be construed, with respect to a de-*
10 *termination of household income for purposes of a de-*
11 *termination of eligibility for medical assistance under*
12 *the State plan under title XIX of the Social Security*
13 *Act (42 U.S.C. 1396 et seq.) (or a waiver of such*
14 *plan) made by applying modified adjusted gross in-*
15 *come under subparagraph (A) of section 1902(e)(14)*
16 *of such Act (42 U.S.C. 1396a(e)(14)), as limiting the*
17 *eligibility for such medical assistance of any indi-*
18 *vidual that is a member of the household other than*
19 *the individual who received qualified lottery winnings*
20 *or qualified lump-sum income (as defined in subpara-*
21 *graph (K) of such section 1902(e)(14), as added by*
22 *subsection (a)(2) of this section).*

1 **SEC. 53104. REBATE OBLIGATION WITH RESPECT TO LINE**
2 **EXTENSION DRUGS.**

3 (a) *IN GENERAL.*—Section 1927(c)(2)(C) of the Social
4 Security Act (42 U.S.C. 1396r–8(c)(2)(C)) is amended by
5 striking “(C) TREATMENT OF NEW FORMULATIONS.—In the
6 case” and all that follows through the period at the end
7 of the first sentence and inserting the following:

8 “(C) TREATMENT OF NEW FORMULA-
9 TIONS.—

10 “(i) *IN GENERAL.*—In the case of a
11 drug that is a line extension of a single
12 source drug or an innovator multiple source
13 drug that is an oral solid dosage form, the
14 rebate obligation for a rebate period with
15 respect to such drug under this subsection
16 shall be the greater of the amount described
17 in clause (ii) for such drug or the amount
18 described in clause (iii) for such drug.

19 “(ii) *AMOUNT 1.*—For purposes of
20 clause (i), the amount described in this
21 clause with respect to a drug described in
22 clause (i) and rebate period is the amount
23 computed under paragraph (1) for such
24 drug, increased by the amount computed
25 under subparagraph (A) and, as applicable,

1 *subparagraph (B) for such drug and rebate*
2 *period.*

3 “(iii) *AMOUNT 2.—For purposes of*
4 *clause (i), the amount described in this*
5 *clause with respect to a drug described in*
6 *clause (i) and rebate period is the amount*
7 *computed under paragraph (1) for such*
8 *drug, increased by the product of—*

9 “(I) *the average manufacturer*
10 *price for the rebate period of the line*
11 *extension of a single source drug or an*
12 *innovator multiple source drug that is*
13 *an oral solid dosage form;*

14 “(II) *the highest additional rebate*
15 *(calculated as a percentage of average*
16 *manufacturer price) under this para-*
17 *graph for the rebate period for any*
18 *strength of the original single source*
19 *drug or innovator multiple source*
20 *drug; and*

21 “(III) *the total number of units of*
22 *each dosage form and strength of the*
23 *line extension product paid for under*
24 *the State plan in the rebate period (as*
25 *reported by the State).”.*

1 (b) *EFFECTIVE DATE.*—*The amendments made sub-*
2 *section (a) shall apply with respect to rebate periods begin-*
3 *ning on or after October 1, 2018.*

4 **SEC. 53105. MEDICAID IMPROVEMENT FUND.**

5 *Section 1941(b) of the Social Security Act (42 U.S.C.*
6 *1396w–1(b)) is amended—*

7 (1) *in paragraph (1), by striking “\$5,000,000”*
8 *and inserting “\$0”; and*

9 (2) *in paragraph (3)(A), by striking*
10 *“\$980,000,000” and inserting “\$0”.*

11 **SEC. 53106. PHYSICIAN FEE SCHEDULE UPDATE.**

12 *Section 1848(d)(18) of the Social Security Act (42*
13 *U.S.C. 1395w–4(d)(18)) is amended by striking “para-*
14 *graph (1)(C)” and all that follows and inserting the fol-*
15 *lowing: “paragraph (1)(C)—*

16 *“(A) for 2016 and each subsequent year*
17 *through 2018 shall be 0.5 percent; and*

18 *“(B) for 2019 shall be 0.25 percent.”.*

19 **SEC. 53107. PAYMENT FOR OUTPATIENT PHYSICAL THER-**
20 **APY SERVICES AND OUTPATIENT OCCUPA-**
21 **TIONAL THERAPY SERVICES FURNISHED BY A**
22 **THERAPY ASSISTANT.**

23 *Section 1834 of the Social Security Act (42 U.S.C.*
24 *1395m) is amended by adding at the end the following new*
25 *subsection:*

1 “(v) *PAYMENT FOR OUTPATIENT PHYSICAL THERAPY*
2 *SERVICES AND OUTPATIENT OCCUPATIONAL THERAPY*
3 *SERVICES FURNISHED BY A THERAPY ASSISTANT.*—

4 “(1) *IN GENERAL.*—*In the case of an outpatient*
5 *physical therapy service or outpatient occupational*
6 *therapy service furnished on or after January 1,*
7 *2022, for which payment is made under section 1848*
8 *or subsection (k), that is furnished in whole or in*
9 *part by a therapy assistant (as defined by the Sec-*
10 *retary), the amount of payment for such service shall*
11 *be an amount equal to 85 percent of the amount of*
12 *payment otherwise applicable for the service under*
13 *this part. Nothing in the preceding sentence shall be*
14 *construed to change applicable requirements with re-*
15 *spect to such services.*

16 “(2) *USE OF MODIFIER.*—

17 “(A) *ESTABLISHMENT.*—*Not later than*
18 *January 1, 2019, the Secretary shall establish a*
19 *modifier to indicate (in a form and manner*
20 *specified by the Secretary), in the case of an out-*
21 *patient physical therapy service or outpatient*
22 *occupational therapy service furnished in whole*
23 *or in part by a therapy assistant (as so defined),*
24 *that the service was furnished by a therapy as-*
25 *stant.*

1 “(B) *REQUIRED USE.*—Each request for
2 payment, or bill submitted, for an outpatient
3 physical therapy service or outpatient occupa-
4 tional therapy service furnished in whole or in
5 part by a therapy assistant (as so defined) on or
6 after January 1, 2020, shall include the modifier
7 established under subparagraph (A) for each
8 such service.

9 “(3) *IMPLEMENTATION.*—The Secretary shall im-
10 plement this subsection through notice and comment
11 rulemaking.”.

12 **SEC. 53108. REDUCTION FOR NON-EMERGENCY ESRD AMBU-**
13 **LANCE TRANSPORTS.**

14 Section 1834(l)(15) of the Social Security Act (42.
15 U.S.C. 1395m(l)(15)) is amended by striking “on or after
16 October 1, 2013” and inserting “during the period begin-
17 ning on October 1, 2013, and ending on September 30,
18 2018, and by 23 percent for such services furnished on or
19 after October 1, 2018”.

20 **SEC. 53109. HOSPITAL TRANSFER POLICY FOR EARLY DIS-**
21 **CHARGES TO HOSPICE CARE.**

22 (a) *IN GENERAL.*—Section 1886(d)(5)(J) of the Social
23 Security Act (42 U.S.C. 1395ww(d)(5)(J)) is amended—
24 (1) in clause (ii)—

1 (A) in subclause (III), by striking “or” at
2 the end;

3 (B) by redesignating subclause (IV) as sub-
4 clause (V); and

5 (C) by inserting after subclause (III) the
6 following new subclause:

7 “(IV) for discharges occurring on or after Octo-
8 ber 1, 2018, is provided hospice care by a hospice pro-
9 gram; or”; and

10 (2) in clause (iv)—

11 (A) by inserting after the first sentence the
12 following new sentence: “The Secretary shall in-
13 clude in the proposed rule published for fiscal
14 year 2019, a description of the effect of clause
15 (i)(IV).”; and

16 (B) in subclause (I), by striking “and
17 (III)” and inserting “(III), and, in the case of
18 proposed and final rules for fiscal year 2019 and
19 subsequent fiscal years, (IV)”.

20 (b) *MEDPAC EVALUATION AND REPORT.*—

21 (1) *EVALUATION.*—The Medicare Payment Advi-
22 sory Commission (in this subsection referred to as the
23 “Commission”) shall conduct an evaluation of the ef-
24 fects of the amendments made by subsection (a), in-
25 cluding the effects on—

1 (A) *the numbers of discharges of patients*
2 *from an inpatient hospital setting to a hospice*
3 *program;*

4 (B) *the lengths of stays of patients in an in-*
5 *patient hospital setting who are discharged to a*
6 *hospice program;*

7 (C) *spending under the Medicare program*
8 *under title XVIII of the Social Security Act; and*

9 (D) *other areas determined appropriate by*
10 *the Commission.*

11 (2) *CONSIDERATION.*—*In conducting the evalua-*
12 *tion under paragraph (1), the Commission shall con-*
13 *sider factors such as whether the timely access to hos-*
14 *pice care by patients admitted to a hospital has been*
15 *affected through changes to hospital policies or behav-*
16 *iors made as a result of such amendments.*

17 (3) *PRELIMINARY RESULTS.*—*Not later than*
18 *March 15, 2020, the Commission shall provide Con-*
19 *gress with preliminary results on the evaluation being*
20 *conducted under paragraph (1).*

21 (4) *REPORT.*—*Not later than March 15, 2021,*
22 *the Commission shall submit to Congress a report on*
23 *the evaluation conducted under paragraph (1).*

1 **SEC. 53110. MEDICARE PAYMENT UPDATE FOR HOME**
2 **HEALTH SERVICES.**

3 *Section 1895(b)(3)(B) of the Social Security Act (42*
4 *U.S.C. 1395fff(b)(3)(B)) is amended—*

5 *(1) in clause (iii), in the last sentence, by insert-*
6 *ing before the period at the end the following: “and*
7 *for 2020 shall be 1.5 percent”; and*

8 *(2) in clause (vi), by inserting “and 2020” after*
9 *“except 2018”.*

10 **SEC. 53111. MEDICARE PAYMENT UPDATE FOR SKILLED**
11 **NURSING FACILITIES.**

12 *Section 1888(e)(5)(B) of the Social Security Act (42*
13 *U.S.C. 1395yy(e)(5)(B)) is amended—*

14 *(1) in clause (i), by striking “and (iii)” and in-*
15 *serting “, (iii), and (iv)”;*

16 *(2) in clause (ii), by striking “clause (iii)” and*
17 *inserting “clauses (iii) and (iv)”;* and

18 *(3) by adding at the end the following new*
19 *clause:*

20 *“(iv) SPECIAL RULE FOR FISCAL YEAR*
21 *2019.—For fiscal year 2019 (or other simi-*
22 *lar annual period specified in clause (i)),*
23 *the skilled nursing facility market basket*
24 *percentage, after application of clause (ii),*
25 *is equal to 2.4 percent.”.*

1 **SEC. 53112. PREVENTING THE ARTIFICIAL INFLATION OF**
2 **STAR RATINGS AFTER THE CONSOLIDATION**
3 **OF MEDICARE ADVANTAGE PLANS OFFERED**
4 **BY THE SAME ORGANIZATION.**

5 *Section 1853(o)(4) of the Social Security Act (42*
6 *U.S.C. 1395w-23(o)(4)) is amended by adding at the end*
7 *the following new subparagraph:*

8 *“(D) SPECIAL RULE TO PREVENT THE ARTI-*
9 *FICIAL INFLATION OF STAR RATINGS AFTER THE*
10 *CONSOLIDATION OF MEDICARE ADVANTAGE PLANS*
11 *OFFERED BY A SINGLE ORGANIZATION.—*

12 *“(i) IN GENERAL.—If—*

13 *“(I) a Medicare Advantage orga-*
14 *nization has entered into more than*
15 *one contract with the Secretary with*
16 *respect to the offering of Medicare Ad-*
17 *vantage plans; and*

18 *“(II) on or after January 1, 2019,*
19 *the Secretary approves a request from*
20 *the organization to consolidate the*
21 *plans under one or more contract (in*
22 *this subparagraph referred to as a*
23 *‘closed contract’) with the plans offered*
24 *under a separate contract (in this sub-*
25 *paragraph referred to as the ‘con-*
26 *tinuing contract’);*

1 *with respect to the continuing contract, the*
2 *Secretary shall adjust the quality rating*
3 *under the 5-star rating system and any*
4 *quality increase under this subsection and*
5 *rebate amounts under section 1854 to reflect*
6 *an enrollment-weighted average of scores or*
7 *ratings for the continuing and closed con-*
8 *tracts, as determined appropriate by the*
9 *Secretary.*

10 “(i) *APPLICATION.—An adjustment*
11 *under clause (i) shall apply for any year*
12 *for which the quality rating of the con-*
13 *tinuing contract is based primarily on a*
14 *measurement period that is prior to the*
15 *first year in which a closed contract is no*
16 *longer offered.”.*

17 **SEC. 53113. SUNSETTING EXCLUSION OF BIOSIMILARS**
18 **FROM MEDICARE PART D COVERAGE GAP DIS-**
19 **COUNT PROGRAM.**

20 *Section 1860D–14A(g)(2)(A) of the Social Security*
21 *Act (42 U.S.C. 1395w–114a(g)(2)(A)) is amended by insert-*
22 *ing “, with respect to a plan year before 2019,” after “other*
23 *than”.*

1 **SEC. 53114. ADJUSTMENTS TO MEDICARE PART B AND PART**
 2 **D PREMIUM SUBSIDIES FOR HIGHER INCOME**
 3 **INDIVIDUALS.**

4 (a) *IN GENERAL.*—Section 1839(i)(3)(C)(i) of the So-
 5 cial Security Act (42 U.S.C. 1395r(i)(3)(C)(i)) is amend-
 6 ed—

7 (1) in subclause (II), in the matter preceding the
 8 table, by striking “years beginning with”; and

9 (2) by adding at the end the following new sub-
 10 clause:

11 “(III) Subject to paragraph (5),
 12 for years beginning with 2019:

<i>If the modified adjusted gross income is:</i>	<i>The applicable percentage is:</i>
<i>More than \$85,000 but not more than \$107,000</i>	<i>35 percent</i>
<i>More than \$107,000 but not more than \$133,500</i>	<i>50 percent</i>
<i>More than \$133,500 but not more than \$160,000</i>	<i>65 percent</i>
<i>More than \$160,000 but less than \$500,000</i>	<i>80 percent</i>
<i>At least \$500,000</i>	<i>85 percent.”.</i>

13 (b) *JOINT RETURNS.*—Section 1839(i)(3)(C)(ii) of the
 14 Social Security Act (42 U.S.C. 1395r(i)(3)(C)(ii)) is
 15 amended by inserting before the period the following: “ex-
 16 cept, with respect to the dollar amounts applied in the last
 17 row of the table under subclause (III) of such clause (and
 18 the second dollar amount specified in the second to last row
 19 of such table), clause (i) shall be applied by substituting
 20 dollar amounts which are 150 percent of such dollar
 21 amounts for the calendar year”.

1 (c) *INFLATION ADJUSTMENT.*—Section 1839(i)(5) of
 2 the Social Security Act (42 U.S.C. 1395r(i)(5)) is amend-
 3 ed—

4 (1) in subparagraph (A), by striking “In the
 5 case” and inserting “Subject to subparagraph (C), in
 6 the case”;

7 (2) in subparagraph (B), by striking “subpara-
 8 graph (A)” and inserting “subparagraph (A) or (C)”;
 9 and

10 (3) by adding at the end the following new sub-
 11 paragraph:

12 “(C) *TREATMENT OF ADJUSTMENTS FOR*
 13 *CERTAIN HIGHER INCOME INDIVIDUALS.*—

14 “(i) *IN GENERAL.*—Subparagraph (A)
 15 shall not apply with respect to each dollar
 16 amount in paragraph (3) of \$500,000.

17 “(ii) *ADJUSTMENT BEGINNING 2028.*—
 18 In the case of any calendar year beginning
 19 after 2027, each dollar amount in para-
 20 graph (3) of \$500,000 shall be increased by
 21 an amount equal to—

22 “(I) such dollar amount, multi-
 23 plied by

24 “(II) the percentage (if any) by
 25 which the average of the Consumer

1 *Price Index for all urban consumers*
2 *(United States city average) for the 12-*
3 *month period ending with August of*
4 *the preceding calendar year exceeds*
5 *such average for the 12-month period*
6 *ending with August 2026.”.*

7 **SEC. 53115. MEDICARE IMPROVEMENT FUND.**

8 *Section 1898(b)(1) of the Social Security Act (42*
9 *U.S.C. 1395iii(b)(1)) is amended by striking*
10 *“\$220,000,000” and inserting “\$0”.*

11 **SEC. 53116. CLOSING THE DONUT HOLE FOR SENIORS.**

12 *(a) CLOSING DONUT HOLE SOONER.—Section 1860D–*
13 *2(b)(2)(D) of the Social Security Act (42 U.S.C. 1395w–*
14 *102(b)(2)(D))—*

15 *(1) in clause (i), by amending subclause (I) to*
16 *read as follows:*

17 *“(I) equal to the difference be-*
18 *tween—*

19 *“(aa) the applicable gap per-*
20 *centage (specified in clause (ii)*
21 *for the year); and*

22 *“(bb) the discount percentage*
23 *specified in section 1860D–*
24 *14A(g)(4)(A) for such applicable*

1 *drugs (or, in the case of a year*
2 *after 2018, 50 percent); or”;* and

3 *(2) in clause (ii)—*

4 *(A) in subclause (IV), by adding “and” at*
5 *the end;*

6 *(B) by striking subclause (V); and*

7 *(C) in subclause (VI)—*

8 *(i) by striking “2020” and inserting*
9 *“2019”; and*

10 *(ii) by redesignating such subclause as*
11 *subclause (V).*

12 *(b) LOWERING DISCOUNTED PRICE.—Section 1860D–*
13 *14A(g)(4)(A) of the Social Security Act (42 U.S.C. 1395w–*
14 *114a(g)(4)(A)) is amended by inserting “(or, with respect*
15 *to a plan year after plan year 2018, 30 percent)” after “50*
16 *percent”.*

17 **SEC. 53117. MODERNIZING CHILD SUPPORT ENFORCEMENT**
18 **FEES.**

19 *(a) IN GENERAL.—Section 454(6)(B)(ii) of the Social*
20 *Security Act (42 U.S.C. 654(6)(B)(ii)) is amended—*

21 *(1) by striking “\$25” and inserting “\$35”; and*

22 *(2) by striking “\$500” each place it appears and*
23 *inserting “\$550”.*

24 *(b) EFFECTIVE DATE.—*

1 (1) *IN GENERAL.*—*The amendments made by*
2 *subsection (a) shall take effect on the 1st day of the*
3 *1st fiscal year that begins on or after the date of the*
4 *enactment of this Act, and shall apply to payments*
5 *under part D of title IV of the Social Security Act*
6 *(42 U.S.C. 651 et seq.) for calendar quarters begin-*
7 *ning on or after such 1st day.*

8 (2) *DELAY PERMITTED IF STATE LEGISLATION*
9 *REQUIRED.*—*If the Secretary of Health and Human*
10 *Services determines that State legislation (other than*
11 *legislation appropriating funds) is required in order*
12 *for a State plan developed pursuant to part D of title*
13 *IV of the Social Security Act (42 U.S.C. 651 et seq.)*
14 *to meet the requirements imposed by the amendment*
15 *made by subsection (a), the plan shall not be regarded*
16 *as failing to meet such requirements before the 1st*
17 *day of the 1st calendar quarter beginning after the*
18 *first regular session of the State legislature that be-*
19 *gins after the date of the enactment of this Act. For*
20 *purposes of the preceding sentence, if the State has a*
21 *2-year legislative session, each year of the session is*
22 *deemed to be a separate regular session of the State*
23 *legislature.*

1 **SEC. 53118. INCREASING EFFICIENCY OF PRISON DATA RE-**
2 **PORTING.**

3 (a) *IN GENERAL.*—Section 1611(e)(1)(I)(i)(II) of the
4 Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(II)) is
5 amended by striking “30 days” each place it appears and
6 inserting “15 days”.

7 (b) *EFFECTIVE DATE.*—The amendments made by sub-
8 section (a) shall apply with respect to any payment made
9 by the Commissioner of Social Security pursuant to section
10 1611(e)(1)(I)(i)(II) of the Social Security Act (42 U.S.C.
11 1382(e)(1)(I)(i)(II)) (as amended by such subsection) on or
12 after the date that is 6 months after the date of enactment
13 of this Act.

14 **SEC. 53119. PREVENTION AND PUBLIC HEALTH FUND.**

15 Section 4002(b) of the Patient Protection and Afford-
16 able Care Act (42 U.S.C. 300u–11(b)), as amended by sec-
17 tion 3103 of Public Law 115–96, is amended by striking
18 paragraphs (4) through (9) and inserting the following:

19 “(4) for fiscal year 2019, \$900,000,000;

20 “(5) for each of fiscal years 2020 and 2021,
21 \$950,000,000;

22 “(6) for each of fiscal years 2022 and 2023,
23 \$1,000,000,000;

24 “(7) for each of fiscal years 2024 and 2025,
25 \$1,300,000,000;

1 “(8) for each of fiscal years 2026 and 2027,
2 \$1,800,000,000; and

3 “(9) for fiscal year 2028 and each fiscal year
4 thereafter, \$2,000,000,000.”.

5 ***DIVISION F—IMPROVEMENTS TO***
6 ***AGRICULTURE PROGRAMS***

7 *SEC. 60101. (a) TREATMENT OF SEED COTTON.—*

8 (1) *DESIGNATION OF SEED COTTON AS A COV-*
9 *ERED COMMODITY.—Section 1111(6) of the Agricul-*
10 *tural Act of 2014 (7 U.S.C. 9011(6)) is amended—*

11 (A) *by striking “The term” and inserting*
12 *the following:*

13 “(A) *IN GENERAL.—The term*”; and

14 (B) *by adding at the end the following:*

15 “(B) *INCLUSION.—Effective beginning with*
16 *the 2018 crop year, the term ‘covered commodity’*
17 *includes seed cotton.*”.

18 (2) *REFERENCE PRICE FOR SEED COTTON.—Sec-*
19 *tion 1111(18) of the Agricultural Act of 2014 (7*
20 *U.S.C. 9011(18)) is amended by adding at the end*
21 *the following:*

22 “(O) *For seed cotton, \$0.367 per pound.*”.

23 (3) *DEFINITION OF SEED COTTON.—Section 1111*
24 *of the Agricultural Act of 2014 (7 U.S.C. 9011) is*
25 *amended—*

1 (A) by redesignating paragraphs (20)
2 through (24) as paragraphs (21) through (25),
3 respectively; and

4 (B) by inserting after paragraph (19) the
5 following:

6 “(20) *SEED COTTON*.—The term ‘seed cotton’
7 means unginmed upland cotton that includes both lint
8 and seed.”.

9 (4) *PAYMENT YIELD*.—Section 1113 of the Agri-
10 cultural Act of 2014 (7 U.S.C. 9013) is amended by
11 adding at the end the following:

12 “(e) *PAYMENT YIELD FOR SEED COTTON*.—

13 “(1) *PAYMENT YIELD*.—Subject to paragraph
14 (2), the payment yield for seed cotton for a farm shall
15 be equal to 2.4 times the payment yield for upland
16 cotton for the farm established under section
17 1104(e)(3) of the Food, Conservation, and Energy Act
18 of 2008 (7 U.S.C. 8714(e)(3)) (as in effect on Sep-
19 tember 30, 2013).

20 “(2) *UPDATE*.—At the sole discretion of the
21 owner of a farm with a yield for upland cotton de-
22 scribed in paragraph (1), the owner of the farm shall
23 have a 1-time opportunity to update the payment
24 yield for upland cotton for the farm, as provided in

1 *subsection (d), for the purpose of calculating the pay-*
2 *ment yield for seed cotton under paragraph (1).”.*

3 *(5) PAYMENT ACRES.—Section 1114(b) of the Ag-*
4 *ricultural Act of 2014 (7 U.S.C. 9014(b)) is amended*
5 *by adding at the end the following:*

6 *“(4) SEED COTTON.—*

7 *“(A) IN GENERAL.—Not later than 90 days*
8 *after the date of enactment of this paragraph, the*
9 *Secretary shall require the owner of a farm to al-*
10 *locate all generic base acres on the farm under*
11 *subparagraph (B) or (C), or both.*

12 *“(B) NO RECENT HISTORY OF COVERED*
13 *COMMODITIES.—In the case of a farm on which*
14 *no covered commodities (including seed cotton)*
15 *were planted or were prevented from being plant-*
16 *ed at any time during the 2009 through 2016*
17 *crop years, the owner of such farm shall allocate*
18 *generic base acres on the farm to unassigned*
19 *crop base for which no payments may be made*
20 *under section 1116 or 1117.*

21 *“(C) RECENT HISTORY OF COVERED COM-*
22 *MODITIES.—In the case of a farm not described*
23 *in subparagraph (B), the owner of such farm*
24 *shall allocate generic base acres on the farm—*

1 “(i) subject to subparagraph (D), to
2 seed cotton base acres in a quantity equal
3 to the greater of—

4 “(I) 80 percent of the generic base
5 acres on the farm; or

6 “(II) the average number of seed
7 cotton acres planted or prevented from
8 being planted on the farm during the
9 2009 through 2012 crop years (not to
10 exceed the total generic base acres on
11 the farm); or

12 “(ii) to base acres for covered commod-
13 ities (including seed cotton), by applying
14 subparagraphs (B), (D), (E), and (F) of
15 section 1112(a)(3).

16 “(D) TREATMENT OF RESIDUAL GENERIC
17 BASE ACRES.—In the case of a farm on which
18 generic base acres are allocated under subpara-
19 graph (C)(i), the residual generic base acres shall
20 be allocated to unassigned crop base for which no
21 payments may be made under section 1116 or
22 1117.

23 “(E) EFFECT OF FAILURE TO ALLOCATE.—
24 In the case of a farm not described in subpara-
25 graph (B) for which the owner of the farm fails

1 to make an election under subparagraph (C), the
2 owner of the farm shall be deemed to have elected
3 to allocate all generic base acres in accordance
4 with subparagraph (C)(i).”.

5 (6) *RECORDKEEPING REGARDING UNASSIGNED*
6 *CROP BASE.*—Section 1114 of the Agricultural Act of
7 2014 (7 U.S.C. 9014) is amended by adding at the
8 end the following:

9 “(f) *UNASSIGNED CROP BASE.*—The Secretary shall
10 maintain information on generic base acres on a farm allo-
11 cated as unassigned crop base under subsection (b)(4).”.

12 (7) *SPECIAL ELECTION PERIOD FOR PRICE LOSS*
13 *COVERAGE OR AGRICULTURE RISK COVERAGE.*—Sec-
14 tion 1115 of the Agricultural Act of 2014 (7 U.S.C.
15 9015) is amended—

16 (A) in subsection (a), by striking “For” and
17 inserting “Except as provided in subsection (g),
18 for”; and

19 (B) by adding at the end the following:

20 “(g) *SPECIAL ELECTION.*—

21 “(1) *IN GENERAL.*—In the case of acres allocated
22 to seed cotton on a farm, all of the producers on the
23 farm shall be given the opportunity to make a new
24 1-time election under subsection (a) to reflect the des-

1 *ignation of seed cotton as a covered commodity for*
2 *that crop year under section 1111(6)(B).*

3 *“(2) EFFECT OF FAILURE TO MAKE UNANIMOUS*
4 *ELECTION.—If all the producers on a farm fail to*
5 *make a unanimous election under paragraph (1), the*
6 *producers on the farm shall be deemed to have elected*
7 *price loss coverage under section 1116 for acres allo-*
8 *cated on the farm to seed cotton.”.*

9 *(8) EFFECTIVE PRICE.—Section 1116 of the Ag-*
10 *ricultural Act of 2014 (7 U.S.C. 9016) is amended by*
11 *adding at the end the following:*

12 *“(h) EFFECTIVE PRICE FOR SEED COTTON.—*

13 *“(1) IN GENERAL.—The effective price for seed*
14 *cotton under subsection (b) shall be equal to the mar-*
15 *keting year average price for seed cotton, as cal-*
16 *culated under paragraph (2).*

17 *“(2) CALCULATION.—The marketing year aver-*
18 *age price for seed cotton for a crop year shall be equal*
19 *to the quotient obtained by dividing—*

20 *“(A) the sum obtained by adding—*

21 *“(i) the product obtained by multi-*
22 *plying—*

23 *“(I) the upland cotton lint mar-*
24 *keting year average price; and*

1 “(II) the total United States up-
2 land cotton lint production, measured
3 in pounds; and

4 “(ii) the product obtained by multi-
5 plying—

6 “(I) the cottonseed marketing year
7 average price; and

8 “(II) the total United States cot-
9 tonseed production, measured in
10 pounds; by

11 “(B) the sum obtained by adding—

12 “(i) the total United States upland cot-
13 ton lint production, measured in pounds;
14 and

15 “(ii) the total United States cottonseed
16 production, measured in pounds.”.

17 (9) *DEEMED LOAN RATE FOR SEED COTTON.*—
18 Section 1202 of the Agricultural Act of 2014 (7
19 U.S.C. 9032) is amended by adding at the end the fol-
20 lowing:

21 “(c) *SEED COTTON.*—

22 “(1) *IN GENERAL.*—For purposes of section
23 1116(b)(2) and paragraphs (1)(B)(ii) and
24 (2)(A)(ii)(II) of section 1117(b), the loan rate for seed
25 cotton shall be deemed to be equal to \$0.25 per pound.

1 “(2) *EFFECT.*—*Nothing in this subsection au-*
2 *thorizes any nonrecourse marketing assistance loan*
3 *under this subtitle for seed cotton.*”.

4 (10) *LIMITATION ON STACKED INCOME PROTEC-*
5 *TION PLAN FOR PRODUCERS OF UPLAND COTTON.*—
6 *Section 508B of the Federal Crop Insurance Act (7*
7 *U.S.C. 1508b) is amended by adding at the end the*
8 *following:*

9 “(f) *LIMITATION.*—*Effective beginning with the 2019*
10 *crop year, a farm shall not be eligible for the Stacked In-*
11 *come Protection Plan for upland cotton for a crop year for*
12 *which the farm is enrolled in coverage for seed cotton*
13 *under—*

14 “(1) *price loss coverage under section 1116 of the*
15 *Agricultural Act of 2014 (7 U.S.C. 9016); or*

16 “(2) *agriculture risk coverage under section 1117*
17 *of that Act (7 U.S.C. 9017).*”.

18 (11) *TECHNICAL CORRECTION.*—*Section*
19 *1114(b)(2) of the Agricultural Act of 2014 (7 U.S.C.*
20 *9014(b)(2)) is amended by striking “paragraphs*
21 *(1)(B) and (2)(B)” and inserting “paragraphs (1)*
22 *and (2)”.*

23 (12) *ADMINISTRATION.*—*The Secretary of Agri-*
24 *culture shall carry out the amendments made by this*

1 subsection in accordance with section 1601 of the Ag-
2 ricultural Act of 2014 (7 U.S.C. 9091).

3 (13) APPLICATION.—Except as provided in para-
4 graph (10), the amendments made by this subsection
5 shall apply beginning with the 2018 crop year.

6 (b) MARGIN PROTECTION PROGRAM FOR DAIRY PRO-
7 DUCERS.—

8 (1) MONTHLY CALCULATION OF ACTUAL DAIRY
9 PRODUCTION MARGIN.—

10 (A) DEFINITIONS.—Section 1401 of the Ag-
11 ricultural Act of 2014 (7 U.S.C. 9051) is amend-
12 ed—

13 (i) by striking paragraph (4); and
14 (ii) by redesignating paragraphs (5)
15 through (11) as paragraphs (4) through
16 (10), respectively.

17 (B) CALCULATION OF ACTUAL DAIRY PRO-
18 DUCATION MARGIN.—Section 1402(b)(1) of the Ag-
19 ricultural Act of 2014 (7 U.S.C. 9052(b)(1)) is
20 amended by striking “consecutive 2-month pe-
21 riod” each place it appears and inserting
22 “month”.

23 (C) MARGIN PROTECTION PAYMENTS.—Sec-
24 tion 1406 of the Agricultural Act of 2014 (7
25 U.S.C. 9056) is amended—

1 (i) by striking “consecutive 2-month
2 period” each place it appears and inserting
3 “month”; and

4 (ii) in subsection (c)(2)(B), by striking
5 “6” and inserting “12”.

6 (2) *PARTICIPATION OF DAIRY OPERATIONS IN*
7 *MARGIN PROTECTION PROGRAM.—Section 1404 of the*
8 *Agricultural Act of 2014 (7 U.S.C. 9054) is amend-*
9 *ed—*

10 (A) *in subsection (b)—*

11 (i) in paragraph (1), by inserting “,
12 including the establishment of a date each
13 calendar year by which a dairy operation
14 shall register for the calendar year” before
15 the period at the end;

16 (ii) by redesignating paragraphs (2)
17 and (3) as paragraphs (3) and (4), respec-
18 tively; and

19 (iii) by inserting after paragraph (1)
20 the following:

21 “(2) *EXTENSION OF ELECTION PERIOD FOR 2018*
22 *CALENDAR YEAR.—The Secretary shall extend the*
23 *election period for the 2018 calendar year by not less*
24 *than 90 days after the date of enactment of the Bi-*
25 *partisan Budget Act of 2018 or such additional pe-*

1 *riod as the Secretary determines is necessary for*
2 *dairy operations to make new elections to participate*
3 *for that calendar year, including dairy operations*
4 *that elected to so participate before that date of enact-*
5 *ment.”; and*

6 *(B) in subsection (c), by adding at the end*
7 *the following:*

8 *“(4) EXEMPTION.—A limited resource, begin-*
9 *ning, veteran, or socially disadvantaged farmer, as*
10 *defined by the Secretary, shall be exempt from the ad-*
11 *ministrative fee under this subsection.”.*

12 *(3) PRODUCTION HISTORY OF PARTICIPATING*
13 *DAIRY OPERATIONS.—Section 1405(a) of the Agricul-*
14 *tural Act of 2014 (7 U.S.C. 9055(a)) is amended by*
15 *adding at the end the following:*

16 *“(3) CONTINUED APPLICABILITY OF BASE PRO-*
17 *DUCTION HISTORY.—A production history established*
18 *for a dairy operation under paragraph (1) shall be*
19 *the base production history for the dairy operation in*
20 *subsequent years (as adjusted under paragraph (2)).”.*

21 *(4) PREMIUMS FOR MARGIN PROTECTION PRO-*
22 *GRAM.—Section 1407 of the Agricultural Act of 2014*
23 *(7 U.S.C. 9057) is amended—*

24 *(A) in subsection (b)—*

1 (i) by striking the subsection heading
2 and inserting the following: “TIER I: PRE-
3 MIUM PER HUNDREDWEIGHT FOR FIRST
4 5,000,000 POUNDS OF PRODUCTION.—”;

5 (ii) in paragraph (1), by striking
6 “4,000,000” and inserting “5,000,000”; and

7 (iii) in paragraph (2)—

8 (I) by striking “\$0.010” and in-
9 serting “None”;

10 (II) by striking “\$0.025” and in-
11 serting “None”;

12 (III) by striking “\$0.040” and in-
13 serting “\$0.009”;

14 (IV) by striking “\$0.055” and in-
15 serting “\$0.016”;

16 (V) by striking “\$0.090” and in-
17 serting “\$0.040”;

18 (VI) by striking “\$0.217” and in-
19 serting “\$0.063”;

20 (VII) by striking “\$0.300” and
21 inserting “\$0.087”; and

22 (VIII) by striking “\$0.475” and
23 inserting “\$0.142”; and

24 (B) in subsection (c)—

1 (i) by striking the subsection heading
2 and inserting the following: “TIER II: PRE-
3 MIUM PER HUNDREDWEIGHT FOR PRODUC-
4 TION IN EXCESS OF 5,000,000 POUNDS.—”;
5 and

6 (ii) in paragraph (1), by striking
7 “4,000,000” and inserting “5,000,000”.

8 (5) APPLICATION.—The amendments made by
9 this subsection shall apply beginning with the 2018
10 calendar year.

11 (c) LIMITATION ON CROP INSURANCE LIVESTOCK-RE-
12 LATED EXPENDITURES.—

13 (1) IN GENERAL.—Section 523(b) of the Federal
14 Crop Insurance Act (7 U.S.C. 1523(b)) is amended by
15 striking paragraph (10).

16 (2) CONFORMING AMENDMENTS.—Section 516 of
17 the Federal Crop Insurance Act (7 U.S.C. 1516) is
18 amended in subsections (a)(2)(C) and (b)(1)(D) by
19 striking “subsections (a)(3)(E)(ii) and (b)(10) of sec-
20 tion 523” each place it appears and inserting “sub-
21 section (a)(3)(E)(ii) of that section”.

22 SEC. 60102. (a) Section 1240B of the Food Security
23 Act of 1985 (16 U.S.C. 3839aa–2) is amended by striking
24 subsection (a) and inserting the following:

1 “(a) *ESTABLISHMENT.*—During each of the 2002
2 through 2019 fiscal years, the Secretary shall provide pay-
3 ments to producers that enter into contracts with the Sec-
4 retary under the program.”.

5 (b) Section 1241 of the Food Security Act of 1985 (16
6 U.S.C. 3841) is amended—

7 (1) in subsection (a)—

8 (A) in the matter preceding paragraph (1),
9 by striking “2018” and inserting “2018 (and fis-
10 cal year 2019 in the case of the program speci-
11 fied in paragraph (5))”; and

12 (B) in paragraph (5)(E), by striking “fiscal
13 year 2018” and inserting “each of fiscal years
14 2018 through 2019”; and

15 (2) in subsection (b), by striking “2018” and in-
16 serting “2018 (and fiscal year 2019 in the case of the
17 program specified in subsection (a)(5))”.

18 This division may be cited as the “Improvements to
19 Agriculture Programs Act of 2018”.

20 ***DIVISION G—BUDGETARY*** 21 ***EFFECTS***

22 ***SEC. 70101. BUDGETARY EFFECTS.***

23 (a) *IN GENERAL.*—The budgetary effects of division A,
24 subdivision 2 of division B, and division C and each suc-
25 ceeding division shall not be entered on either PAYGO

1 *scorecard maintained pursuant to section 4(d) of the Statu-*
2 *tory Pay-As-You-Go Act of 2010.*

3 (b) *SENATE PAYGO SCORECARDS.*—*The budgetary ef-*
4 *fects of division A, subdivision 2 of division B, and division*
5 *C and each succeeding division shall not be entered on any*
6 *PAYGO scorecard maintained for purposes of section 4106*
7 *of H. Con. Res. 71 (115th Congress).*

8 (c) *CLASSIFICATION OF BUDGETARY EFFECTS.*—*Not-*
9 *withstanding Rule 3 of the Budget Scorekeeping Guidelines*
10 *set forth in the joint explanatory statement of the committee*
11 *of conference accompanying Conference Report 105–217*
12 *and section 250(c)(8) of the Balanced Budget and Emer-*
13 *gency Deficit Control Act of 1985, the budgetary effects of*
14 *division A, subdivision 2 of division B, and division C and*
15 *each succeeding division shall not be estimated—*

16 (1) *for purposes of section 251 of such Act; and*

17 (2) *for purposes of paragraph (4)(C) of section*

18 *3 of the Statutory Pay-As-You-Go Act of 2010 as*

19 *being included in an appropriation Act.*

Attest:

Secretary.

115TH CONGRESS
2^D SESSION

H.R. 1892

**SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE AMENDMENT**