

115TH CONGRESS
2D SESSION

H. R. 7397

To provide further additional continuing appropriations for fiscal year 2019,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 22, 2018

Mr. HOYER introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide further additional continuing appropriations for
fiscal year 2019, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **DIVISION A—FURTHER ADDITIONAL**
4 **CONTINUING APPROPRIATIONS ACT, 2019**

5 SEC. 101. The Continuing Appropriations Act, 2019
6 (division C of Public Law 115–245) is further amended—

7 (1) by striking the date specified in section
8 105(3) and inserting “February 8, 2019”; and

9 (2) by adding after section 136 the following:

1 “SEC. 137. Notwithstanding section 251(a)(1) of the
2 Balanced Budget and Emergency Deficit Control Act of
3 1985 and the timetable in section 254(a) of such Act, the
4 final sequestration report for fiscal year 2019 pursuant
5 to section 254(f)(1) of such Act and any order for fiscal
6 year 2019 pursuant to section 254(f)(5) of such Act shall
7 be issued, for the Congressional Budget Office, 10 days
8 after the date specified in section 105(3), and for the Of-
9 fice of Management and Budget, 15 days after the date
10 specified in section 105(3).

11 “SEC. 138. The authority provided under title XXI
12 of the Homeland Security Act of 2002 (6 U.S.C. 621 et
13 seq.), as amended by section 2(a) of the Protecting and
14 Securing Chemical Facilities from Terrorist Attacks Act
15 of 2014 (Public Law 113–254), shall continue in effect
16 through the date specified in section 105(3).

17 “SEC. 139. Section 319L(e)(1)(A) of the Public
18 Health Service Act (42 U.S.C. 247d–7e(e)(1)(A)) shall
19 continue in effect through the date specified in section
20 105(3) of this Act.

21 “SEC. 140. Section 405(a) of the Pandemic and All
22 Hazards Preparedness Act (42 U.S.C. 247d–6a note) shall
23 continue in effect through the date specified in section
24 105(3) of this Act.”.

1 This division may be cited as the “Further Additional
2 Continuing Appropriations Act, 2019”.

3 **DIVISION B—MEDICAID**
4 **EXTENDERS**

5 **SEC. 101. EXTENSION OF MONEY FOLLOWS THE PERSON**
6 **REBALANCING DEMONSTRATION.**

7 (a) GENERAL FUNDING.—Section 6071(h) of the
8 Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is
9 amended—

10 (1) in paragraph (1)—

11 (A) in subparagraph (D), by striking
12 “and” after the semicolon;

13 (B) in subparagraph (E), by striking the
14 period at the end and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(F) subject to paragraph (3),
17 \$112,000,000 for fiscal year 2019.”;

18 (2) in paragraph (2)—

19 (A) by striking “Amounts made” and in-
20 serting “Subject to paragraph (3), amounts
21 made”; and

22 (B) by striking “September 30, 2016” and
23 inserting “September 30, 2021”; and

24 (3) by adding at the end the following new
25 paragraph:

1 “(3) SPECIAL RULE FOR FY 2019.—Funds ap-
2 propriated under paragraph (1)(F) shall be made
3 available for grants to States only if such States
4 have an approved MFP demonstration project under
5 this section as of December 31, 2018.”.

6 (b) FUNDING FOR QUALITY ASSURANCE AND IM-
7 PROVEMENT; TECHNICAL ASSISTANCE; OVERSIGHT.—
8 Section 6071(f) of the Deficit Reduction Act of 2005 (42
9 U.S.C. 1396a note) is amended by striking paragraph (2)
10 and inserting the following:

11 “(2) FUNDING.—From the amounts appro-
12 priated under subsection (h)(1)(F) for fiscal year
13 2019, \$500,000 shall be available to the Secretary
14 for such fiscal year to carry out this subsection.”.

15 (c) TECHNICAL AMENDMENT.—Section 6071(b) of
16 the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note)
17 is amended by adding at the end the following:

18 “(10) SECRETARY.—The term ‘Secretary’
19 means the Secretary of Health and Human Serv-
20 ices.”.

1 **SEC. 102. EXTENSION OF PROTECTION FOR MEDICAID RE-**
2 **CIPIENTS OF HOME AND COMMUNITY-BASED**
3 **SERVICES AGAINST SPOUSAL IMPOVERISH-**
4 **MENT.**

5 (a) IN GENERAL.—Section 2404 of Public Law 111–
6 148 (42 U.S.C. 1396r–5 note) is amended by striking “the
7 5-year period that begins on January 1, 2014,” and in-
8 serting “the period beginning on January 1, 2014, and
9 ending on March 31, 2019,”.

10 (b) RULE OF CONSTRUCTION.—

11 (1) PROTECTING STATE SPOUSAL INCOME AND
12 ASSET DISREGARD FLEXIBILITY UNDER WAIVERS
13 AND PLAN AMENDMENTS.—Nothing in section 2404
14 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or
15 section 1924 of the Social Security Act (42 U.S.C.
16 1396r–5) shall be construed as prohibiting a State
17 from disregarding an individual’s spousal income
18 and assets under a State waiver or plan amendment
19 described in paragraph (2) for purposes of making
20 determinations of eligibility for home and commu-
21 nity-based services or home and community-based
22 attendant services and supports under such waiver
23 or plan amendment.

24 (2) STATE WAIVER OR PLAN AMENDMENT DE-
25 SCRIBED.—A State waiver or plan amendment de-
26 scribed in this paragraph is any of the following:

1 (A) A waiver or plan amendment to pro-
2 vide medical assistance for home and commu-
3 nity-based services under a waiver or plan
4 amendment under subsection (c), (d), or (i) of
5 section 1915 of the Social Security Act (42
6 U.S.C. 1396n) or under section 1115 of such
7 Act (42 U.S.C. 1315).

8 (B) A plan amendment to provide medical
9 assistance for home and community-based serv-
10 ices for individuals by reason of being deter-
11 mined eligible under section 1902(a)(10)(C) of
12 such Act (42 U.S.C. 1396a(a)(10)(C)) or by
13 reason of section 1902(f) of such Act (42
14 U.S.C. 1396a(f)) or otherwise on the basis of a
15 reduction of income based on costs incurred for
16 medical or other remedial care under which the
17 State disregarded the income and assets of the
18 individual's spouse in determining the initial
19 and ongoing financial eligibility of an individual
20 for such services in place of the spousal improv-
21 erishment provisions applied under section 1924
22 of such Act (42 U.S.C. 1396r-5).

23 (C) A plan amendment to provide medical
24 assistance for home and community-based at-

1 tendant services and supports under section
2 1915(k) of such Act (42 U.S.C. 1396n(k)).

3 **SEC. 103. REDUCTION IN FMAP AFTER 2020 FOR STATES**
4 **WITHOUT ASSET VERIFICATION PROGRAM.**

5 Section 1940 of the Social Security Act (42 U.S.C.
6 1396w) is amended by adding at the end the following
7 new subsection:

8 “(k) REDUCTION IN FMAP AFTER 2020 FOR NON-
9 COMPLIANT STATES.—

10 “(1) IN GENERAL.—With respect to a calendar
11 quarter beginning on or after January 1, 2021, the
12 Federal medical assistance percentage otherwise de-
13 termined under section 1905(b) for a non-compliant
14 State shall be reduced—

15 “(A) for calendar quarters in 2021 and
16 2022, by 0.12 percentage points;

17 “(B) for calendar quarters in 2023, by
18 0.25 percentage points;

19 “(C) for calendar quarters in 2024, by
20 0.35 percentage points; and

21 “(D) for calendar quarters in 2025 and
22 each year thereafter, by 0.5 percentage points.

23 “(2) NON-COMPLIANT STATE DEFINED.—For
24 purposes of this subsection, the term ‘non-compliant
25 State’ means a State—

1 “(A) that is one of the 50 States or the
2 District of Columbia;

3 “(B) with respect to which the Secretary
4 has not approved a State plan amendment sub-
5 mitted under subsection (a)(2); and

6 “(C) that is not operating, on an ongoing
7 basis, an asset verification program in accord-
8 ance with this section.”.

9 **SEC. 104. MEDICAID IMPROVEMENT FUND.**

10 Section 1941(b)(1) of the Social Security Act (42
11 U.S.C. 1396w-1(b)(1)) is amended by striking
12 “\$31,000,000” and inserting “\$6,000,000”.

13 **SEC. 105. BUDGETARY EFFECTS.**

14 (a) **STATUTORY PAYGO SCORECARDS.**—The budg-
15 etary effects of this division shall not be entered on either
16 PAYGO scorecard maintained pursuant to section 4(d) of
17 the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C.
18 933(d)).

19 (b) **SENATE PAYGO SCORECARDS.**—The budgetary
20 effects of this division shall not be entered on any PAYGO
21 scorecard maintained for purposes of section 4106 of H.
22 Con. Res. 71 (115th Congress).

23 (c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—
24 Notwithstanding Rule 3 of the Budget Scorekeeping
25 Guidelines set forth in the joint explanatory statement of

1 the committee of conference accompanying Conference Re-
2 port 105–217 and section 250(c)(8) of the Balanced
3 Budget and Emergency Deficit Control Act of 1985, the
4 budgetary effects of this division shall not be estimated—

5 (1) for purposes of section 251 of such Act; and

6 (2) for purposes of paragraph (4)(C) of section
7 3 of the Statutory Pay-As-You-Go Act of 2010 as
8 being included in an appropriation Act.

9 (d) PAYGO ANNUAL REPORT.—For the purposes of
10 the annual report issued pursuant to section 5 of the Stat-
11 utory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after
12 adjournment of the second session of the 115th Congress,
13 and for determining whether a sequestration order is nec-
14 essary under such section, the debit for the budget year
15 on the 5-year scorecard, if any, and the 10-year scorecard,
16 if any, shall be deducted from such scorecard in 2019 and
17 added to such scorecard in 2020.

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