

117TH CONGRESS
1ST SESSION

H. R. 1868

To prevent across-the-board direct spending cuts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2021

Mr. YARMUTH (for himself, Mr. NEAL, Mr. PALLONE, and Mr. DAVID SCOTT of Georgia) introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committees on Energy and Commerce, and Ways and Means, 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 prevent across-the-board direct spending cuts, 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 **SECTION 1. PREVENTING PAYGO SEQUESTRATION.**

4 (a) STATUTORY PAYGO SCORECARDS.—The budg-
5 etary effects of this Act and the American Rescue Plan
6 Act of 2021 (Public Law 117–2) shall not be counted on
7 either PAYGO scorecard maintained pursuant to section
8 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2
9 U.S.C. 933(d)).

1 (b) SENATE PAYGO SCORECARDS.—The budgetary
 2 effects of this Act shall not be counted on any PAYGO
 3 scorecard maintained for purposes of section 4106 of H.
 4 Con. Res. 71 (115th Congress).

5 **SEC. 2. EXTENSION OF TEMPORARY SUSPENSION OF MEDI-**
 6 **CARE SEQUESTRATION.**

7 (a) IN GENERAL.—Section 3709(a) of division A of
 8 the CARES Act (2 U.S.C. 901a note) is amended by strik-
 9 ing “March 31, 2021” and inserting “December 31,
 10 2021”.

11 (b) EFFECTIVE DATE.—The amendment made by
 12 subsection (a) shall take effect as if enacted as part of
 13 the CARES Act (Public Law 116–136).

14 **SEC. 3. TECHNICAL CORRECTIONS.**

15 (a) DISREGARD OF CERTAIN ADDITIONAL COM-
 16 PENSATION FOR PURPOSES OF MEDICAID AND CHIP.—
 17 Section 2104(h) of the CARES Act (15 U.S.C. 9023(h))
 18 is amended by striking “Federal pandemic unemployment
 19 compensation” and inserting “Federal Pandemic Unem-
 20 ployment Compensation or Mixed Earner Unemployment
 21 Compensation”.

22 (b) RURAL HEALTH CLINIC PAYMENTS.—

23 (1) IN GENERAL.—Section 1833(f)(3) of the
 24 Social Security Act (42 U.S.C. 1395l(f)(3)) is
 25 amended—

1 (A) in subparagraph (A)—

2 (i) in clause (i), by striking subclauses
3 (I) and (II) and inserting the following:

4 “(I) with respect to a rural health
5 clinic that had a per visit payment amount
6 established for services furnished in
7 2020—

8 “(aa) the per visit payment
9 amount applicable to such rural
10 health clinic for rural health clinic
11 services furnished in 2020, increased
12 by the percentage increase in the MEI
13 applicable to primary care services
14 furnished as of the first day of 2021;
15 or

16 “(bb) the limit described in para-
17 graph (2)(A); and

18 “(II) with respect to a rural health
19 clinic that did not have a per visit payment
20 amount established for services furnished
21 in 2020—

22 “(aa) the per visit payment
23 amount applicable to such rural
24 health clinic for rural health clinic
25 services furnished in 2021; or

1 “(bb) the limit described in para-
2 graph (2)(A); and”; and

3 (ii) in clause (ii)(I), by striking
4 “under clause (i)(I)” and inserting “under
5 subclause (I) or (II) of clause (i), as appli-
6 cable,”; and

7 (B) in subparagraph (B)—

8 (i) in the matter preceding clause (i),
9 by striking “2019, was” and inserting
10 “2020”;

11 (ii) in clause (i), by inserting “was”
12 after “(i)”; and

13 (iii) by striking clause (ii) and insert-
14 ing the following:

15 “(ii)(I) was enrolled under section 1866(j)
16 (including temporary enrollment during the
17 emergency period described in section
18 1135(g)(1)(B) for such period); or

19 “(II) submitted an application for enroll-
20 ment under section 1866(j) (or requested such
21 a temporary enrollment for such period) that
22 was received not later than December 31,
23 2020.”.

24 (2) EFFECTIVE DATE.—The amendments made
25 by this subsection shall take effect as if included in

1 the enactment of the Consolidated Appropriations
2 Act, 2021 (Public Law 116–260).

3 (c) ELIGIBILITY FOR REEMPLOYMENT SERVICES.—
4 Section 306(a) of the Social Security Act (42 U.S.C.
5 506(a)) is amended—

6 (1) by striking “individuals referred to reem-
7 ployment services as described in section 303(j)”
8 and inserting “claimants for unemployment com-
9 pensation, including claimants referred to reemploy-
10 ment services as described in section 303(j),”; and

11 (2) by striking “such individuals” and inserting
12 “such claimants”.

13 (d) ADDITIONAL AMOUNT FOR CERTAIN HOSPITALS
14 WITH HIGH DISPROPORTIONATE SHARE.—Effective as
15 if included in the enactment of section 203(a) of title II
16 of division CC of Public Law 116–260, subsection (g) of
17 section 1923 of the Social Security Act (42 U.S.C. 1396r–
18 4) amended by such section 203(a) is amended by adding
19 at the end the following new paragraph:

20 “(3) ADDITIONAL AMOUNT FOR CERTAIN HOS-
21 PITALS WITH HIGH DISPROPORTIONATE SHARE.—

22 “(A) IN GENERAL.—In the case of a hos-
23 pital with high disproportionate share (as de-
24 fined in subparagraph (B)) located in a State
25 referenced in subsection (e) of section 4721 of

1 the Balanced Budget Act of 1997, a payment
2 adjustment during a State fiscal year shall be
3 considered consistent with subsection (c) if the
4 payment adjustment does not exceed 175 per-
5 cent of the costs of furnishing hospital services
6 during the year, but only if the Governor of the
7 State certifies to the satisfaction of the Sec-
8 retary that the hospital's applicable minimum
9 amount is used for health services during the
10 year. In determining the amount that is used
11 for such services during a year, there shall be
12 excluded any amounts received under the Public
13 Health Service Act, title V, title XVIII, or from
14 third party payors (not including the State plan
15 under this title) that are used for providing
16 such services during the year.

17 “(B) HOSPITAL WITH HIGH
18 DISPROPORTIONATE SHARE DEFINED.—In
19 subparagraph (A), a hospital is a ‘hospital with
20 high disproportionate share’ if—

21 “(i) the hospital is owned or operated
22 by the State (or by an instrumentality or
23 a unit of government within the State);
24 and

25 “(ii) the hospital—

1 “(I) meets the requirement de-
2 scribed in subparagraphs (A) or (B)
3 of subsection (b)(1); or

4 “(II) has the largest number of
5 inpatient days attributable to individ-
6 uals entitled to benefits under the
7 State plan of any hospital in such
8 State for the previous fiscal year.

9 “(C) APPLICABLE MINIMUM AMOUNT DE-
10 FINED.—In subparagraph (A), the ‘applicable
11 minimum amount’ for a hospital for a fiscal
12 year is equal to the difference between the
13 amount of the hospital’s payment adjustment
14 for the fiscal year and the costs to the hospital
15 of furnishing hospital services described in
16 paragraph (1)(A) during the fiscal year.”.

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