

## Calendar No. 31

117TH CONGRESS  
1ST SESSION

# H. R. 1868

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### IN THE SENATE OF THE UNITED STATES

MARCH 22, 2021

Received

MARCH 24, 2021

Read the first time

MARCH 25, 2021

Read the second time and placed on the calendar

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## AN ACT

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

1 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2  
2 U.S.C. 933(d)).

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

7 **SEC. 2. EXTENSION OF TEMPORARY SUSPENSION OF MEDI-**  
8 **CARE SEQUESTRATION.**

9 (a) IN GENERAL.—Section 3709(a) of division A of  
10 the CARES Act (2 U.S.C. 901a note) is amended by strik-  
11 ing “March 31, 2021” and inserting “December 31,  
12 2021”.

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

16 **SEC. 3. TECHNICAL CORRECTIONS.**

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

24 (b) RURAL HEALTH CLINIC PAYMENTS.—

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

4           (A) in subparagraph (A)—

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

7           “(I) with respect to a rural health  
8       clinic that had a per visit payment amount  
9       established for services furnished in  
10      2020—

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

19           “(bb) the limit described in para-  
20      graph (2)(A); and

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

1 “(aa) the per visit payment  
2 amount applicable to such rural  
3 health clinic for rural health clinic  
4 services furnished in 2021; or

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

7 (ii) in clause (ii)(I), by striking  
8 “under clause (i)(I)” and inserting “under  
9 subclause (I) or (II) of clause (i), as appli-  
10 cable,”; and

11 (B) in subparagraph (B)—

12 (i) in the matter preceding clause (i),  
13 by striking “2019, was” and inserting  
14 “2020”;

15 (ii) in clause (i), by inserting “was”  
16 after “(i)”; and

17 (iii) by striking clause (ii) and insert-  
18 ing the following:

19 “(ii)(I) was enrolled under section 1866(j)  
20 (including temporary enrollment during the  
21 emergency period described in section  
22 1135(g)(1)(B) for such period); or

23 “(II) submitted an application for enroll-  
24 ment under section 1866(j) (or requested such  
25 a temporary enrollment for such period) that

1           was received not later than December 31,  
2           2020.”.

3           (2) EFFECTIVE DATE.—The amendments made  
4           by this subsection shall take effect as if included in  
5           the enactment of the Consolidated Appropriations  
6           Act, 2021 (Public Law 116–260).

7           (c) ELIGIBILITY FOR REEMPLOYMENT SERVICES.—  
8           Section 306(a) of the Social Security Act (42 U.S.C.  
9           506(a)) is amended—

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

15           (2) by striking “such individuals” and inserting  
16           “such claimants”.

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

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

1           “(A) IN GENERAL.—In the case of a hos-  
2           pital with high disproportionate share (as de-  
3           fined in subparagraph (B)) located in a State  
4           referenced in subsection (e) of section 4721 of  
5           the Balanced Budget Act of 1997, a payment  
6           adjustment during a State fiscal year shall be  
7           considered consistent with subsection (c) if the  
8           payment adjustment does not exceed 175 per-  
9           cent of the costs of furnishing hospital services  
10          during the year, but only if the Governor of the  
11          State certifies to the satisfaction of the Sec-  
12          retary that the hospital’s applicable minimum  
13          amount is used for health services during the  
14          year. In determining the amount that is used  
15          for such services during a year, there shall be  
16          excluded any amounts received under the Public  
17          Health Service Act, title V, title XVIII, or from  
18          third party payors (not including the State plan  
19          under this title) that are used for providing  
20          such services during the year.

21               “(B)       HOSPITAL       WITH       HIGH  
22          DISPROPORTIONATE    SHARE    DEFINED.—In  
23          subparagraph (A), a hospital is a ‘hospital with  
24          high disproportionate share’ if—

1 “(i) the hospital is owned or operated  
 2 by the State (or by an instrumentality or  
 3 a unit of government within the State);  
 4 and

5 “(ii) the hospital—

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

9 “(II) has the largest number of  
 10 inpatient days attributable to individ-  
 11 uals entitled to benefits under the  
 12 State plan of any hospital in such  
 13 State for the previous fiscal year.

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

Passed the House of Representatives March 19,  
 2021.

Attest: CHERYL L. JOHNSON,  
*Clerk.*

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117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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