

In the House of Representatives, U. S.,

December 21, 2017.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1370) entitled “An Act to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes.”, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

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

1 ***DIVISION A—FURTHER ADDITIONAL***

2 ***CONTINUING APPROPRIATIONS ACT, 2018***

3 *SEC. 1001. The Continuing Appropriations Act, 2018*

4 *(division D of Public Law 115–56) is further amended—*

5 *(1) by striking the date specified in section*

6 *106(3) and inserting “January 19, 2018”; and*

7 *(2) by adding after section 142 the following:*

8 *“SEC. 143. Notwithstanding section 104, amounts*

9 *made available by section 111 for ‘Department of Home-*

10 *land Security—Coast Guard—Retired Pay’ may be obli-*

11 *gated to carry out Retired Pay Reform, as authorized by*

12 *part 1 of subtitle D of title VI of the National Defense Au-*

1 *thorization Act for Fiscal Year 2016 (Public Law 114–92,*
2 *as amended), and the matter under such heading in divi-*
3 *sion F of the Consolidated Appropriations Act, 2017 (Pub-*
4 *lic Law 115–31; 131 Stat. 409) shall be applied during the*
5 *period covered by this Act by inserting ‘payment of continu-*
6 *ation pay under section 356 of title 37, United States Code,’*
7 *after ‘payment for career status bonuses,’.*

8 “*SEC. 144. In addition to amounts provided by section*
9 *101, amounts are provided for ‘Department of Health and*
10 *Human Services—Indian Health Service—Indian Health*
11 *Services’ at a rate for operations of \$11,761,000 and*
12 *amounts are provided for ‘Department of Health and*
13 *Human Services—Indian Health Service—Indian Health*
14 *Facilities’ at a rate for operations of \$1,104,000, for an*
15 *additional amount for costs of staffing and operating newly*
16 *constructed facilities; and such amounts may be appor-*
17 *tioned up to the rate for operations necessary to staff and*
18 *operate newly constructed facilities.*

19 “*SEC. 145. Amounts made available by section 101 for*
20 *‘Department of Health and Human Services—Administra-*
21 *tion for Children and Families—Refugee and Entrant As-*
22 *sistance’ may be apportioned up to the rate for operations*
23 *necessary to maintain program operations for carrying out*
24 *section 235 of the William Wilberforce Trafficking Victims*
25 *Protection Reauthorization Act of 2008 (8 U.S.C. 1232)*

1 *and section 462 of the Homeland Security Act of 2002 (6*
2 *U.S.C. 279) at the level provided in fiscal year 2017.*

3 “*SEC. 146. Notwithstanding section 101, amounts are*
4 *provided for the purposes described in the third paragraph*
5 *under the heading ‘Department of Health and Human*
6 *Services—Office of the Secretary—Public Health and So-*
7 *cial Services Emergency Fund’ at a rate for operations of*
8 *\$112,000,000; and such amounts may be apportioned up*
9 *to the rate for operations necessary to prepare for or re-*
10 *spond to an influenza pandemic.*”

11 “*SEC. 147. Notwithstanding section 251(a)(1) of the*
12 *Balanced Budget and Emergency Deficit Control Act of*
13 *1985 and the timetable in section 254(a) of such Act, the*
14 *final sequestration report for fiscal year 2018 pursuant to*
15 *section 254(f)(1) of such Act and any order for fiscal year*
16 *2018 pursuant to section 254(f)(5) of such Act shall be*
17 *issued, for the Congressional Budget Office, 10 days after*
18 *the date specified in section 106(3), and for the Office of*
19 *Management and Budget, 15 days after the date specified*
20 *in section 106(3).”.*

21 *SEC. 1002. (a) Notwithstanding the dates specified in*
22 *section 403(b) of the FISA Amendments Act of 2008 (Public*
23 *Law 110–261; 122 Stat. 2474), the amendments made by*
24 *such section shall not take effect until the date specified in*

1 *section 106(3) of the Continuing Appropriations Act, 2018*
 2 *(division D of Public Law 115–56), as amended.*

3 *(b) If during the period beginning on the date of the*
 4 *enactment of this Act and ending on the date specified in*
 5 *section 106(3) of the Continuing Appropriations Act, 2018*
 6 *(division D of Public Law 115–56), as amended, any Act*
 7 *amending the dates specified in section 403(b) of the FISA*
 8 *Amendments Act of 2008 (Public Law 110–261; 122 Stat.*
 9 *2474) is enacted, this section shall be repealed.*

10 *This division may be cited as the “Further Additional*
 11 *Continuing Appropriations Act, 2018”.*

12 ***DIVISION B—MISSILE DEFENSE***

13 *The following sums are appropriated, out of any*
 14 *money in the Treasury not otherwise appropriated, for the*
 15 *fiscal year ending September 30, 2018, and for other pur-*
 16 *poses, namely:*

17 ***TITLE I—MISSILE DEFEAT AND DEFENSE***

18 ***ENHANCEMENTS***

19 ***DEPARTMENT OF DEFENSE***

20 ***OPERATION AND MAINTENANCE***

21 ***OPERATION AND MAINTENANCE, NAVY***

22 *For an additional amount for “Operation and Mainte-*
 23 *nance, Navy” for necessary costs to repair damage to the*
 24 *U.S.S. John S. McCain and the U.S.S. Fitzgerald,*
 25 *\$673,500,000: Provided, That such amount is designated by*

1 *the Congress as an emergency requirement pursuant to sec-*
2 *tion 251(b)(2)(A)(i) of the Balanced Budget and Emergency*
3 *Deficit Control Act of 1985.*

4 *OPERATION AND MAINTENANCE, AIR FORCE*

5 *For an additional amount for “Operation and Mainte-*
6 *nance, Air Force” for necessary costs to detect, defeat, and*
7 *defend against the use of ballistic missiles, \$18,750,000:*
8 *Provided, That such amount is designated by the Congress*
9 *as an emergency requirement pursuant to section*
10 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
11 *Deficit Control Act of 1985.*

12 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

13 *For an additional amount for “Operation and Mainte-*
14 *nance, Defense-Wide” for necessary costs to detect, defeat,*
15 *and defend against the use of ballistic missiles, \$23,735,000:*
16 *Provided, That such amount is designated by the Congress*
17 *as an emergency requirement pursuant to section*
18 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
19 *Deficit Control Act of 1985.*

20 *PROCUREMENT*

21 *MISSILE PROCUREMENT, ARMY*

22 *For an additional amount for “Missile Procurement,*
23 *Army” for necessary costs to detect, defeat, and defend*
24 *against the use of ballistic missiles, \$884,000,000, to remain*
25 *available until September 30, 2020: Provided, That such*

1 amount is designated by the Congress as an emergency re-
2 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 *MISSILE PROCUREMENT, AIR FORCE*

5 *For an additional amount for “Missile Procurement,*
6 *Air Force” for necessary costs to detect, defeat, and defend*
7 *against the use of ballistic missiles, \$12,000,000 to remain*
8 *available until September 30, 2020: Provided, That such*
9 *amount is designated by the Congress as an emergency re-*
10 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
11 *anced Budget and Emergency Deficit Control Act of 1985.*

12 *OTHER PROCUREMENT, AIR FORCE*

13 *For an additional amount for “Other Procurement,*
14 *Air Force” for necessary costs to detect, defeat, and defend*
15 *against the use of ballistic missiles, \$288,055,000 to remain*
16 *available until September 30, 2020: Provided, That such*
17 *amount is designated by the Congress as an emergency re-*
18 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
19 *anced Budget and Emergency Deficit Control Act of 1985.*

20 *PROCUREMENT, DEFENSE-WIDE*

21 *For an additional amount for “Procurement, Defense-*
22 *Wide” for necessary costs to detect, defeat, and defend*
23 *against the use of ballistic missiles, \$1,239,140,000 to re-*
24 *main available until September 30, 2020: Provided, That*
25 *such amount is designated by the Congress as 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 *RESEARCH, DEVELOPMENT, TEST AND*
4 *EVALUATION*

5 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

6 *For an additional amount for “Research, Develop-*
7 *ment, Test and Evaluation, Army” for necessary costs to*
8 *detect, defeat, and defend against the use of ballistic mis-*
9 *siles, \$20,700,000 to remain available until September 30,*
10 *2019: Provided, That such amount is designated by the*
11 *Congress as an emergency requirement pursuant to section*
12 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
13 *Deficit Control Act of 1985.*

14 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

15 *For an additional amount for “Research, Develop-*
16 *ment, Test and Evaluation, Navy” for necessary costs to*
17 *detect, defeat, and defend against the use of ballistic mis-*
18 *siles, \$60,000,000 to remain available until September 30,*
19 *2019: Provided, That such amount is designated by the*
20 *Congress as an emergency requirement pursuant to section*
21 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
22 *Deficit Control Act of 1985.*

1 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
2 *FORCE*

3 *For an additional amount for “Research, Develop-*
4 *ment, Test and Evaluation, Air Force” for necessary costs*
5 *to detect, defeat, and defend against the use of ballistic mis-*
6 *siles, \$255,744,000 to remain available until September 30,*
7 *2019: Provided, That such amount is designated by the*
8 *Congress as 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 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
12 *DEFENSE-WIDE*

13 *For an additional amount for “Research, Develop-*
14 *ment, Test and Evaluation, Defense-Wide” for necessary*
15 *costs to detect, defeat, and defend against the use of ballistic*
16 *missiles, \$1,010,220,000 to remain available until Sep-*
17 *tember 30, 2019: Provided, That such amount is designated*
18 *by the Congress as an emergency requirement pursuant to*
19 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
20 *gency Deficit Control Act of 1985.*

1 *TITLE II—MISSILE CONSTRUCTION*2 *ENHANCEMENTS*3 *DEPARTMENT OF DEFENSE*4 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

5 *For an additional amount for “Military Construction,*
6 *Defense-Wide”, \$200,000,000, to remain available until*
7 *September 30, 2022, to carry out construction of a missile*
8 *field in Alaska: Provided, That such funds may be obligated*
9 *or expended for planning and design and military construc-*
10 *tion projects not otherwise authorized by law: Provided fur-*
11 *ther, That such amount is designated by the Congress as*
12 *an emergency requirement pursuant to section*
13 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
14 *Deficit Control Act of 1985.*

15 *TITLE III—GENERAL PROVISIONS*

16 *SEC. 2001. Notwithstanding any other provision of*
17 *law, funds made available in this division are in addition*
18 *to amounts appropriated or otherwise made available for*
19 *the Department of Defense for fiscal year 2018.*

20 *SEC. 2002. (a) Funds made available in title I of this*
21 *division shall be allocated to programs, projects, and activi-*
22 *ties in accordance with the detailed congressional budget*
23 *justifications submitted by the Department of Defense to ac-*
24 *company the Fiscal Year 2018 Budget Amendments re-*
25 *quested by the President on November 6, 2017: Provided,*

1 *That changes to the allocation of such funds shall be subject*
2 *to the reprogramming requirements set forth in the annual*
3 *appropriations Act.*

4 *(b) Funds made available in this division may be obli-*
5 *gated and expended notwithstanding sections 102 and 104*
6 *of division D of Public Law 115–56.*

7 *SEC. 2003. Each amount designated in this division*
8 *by the Congress as an emergency requirement pursuant to*
9 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
10 *gency Deficit Control Act of 1985 shall be available only*
11 *if the President subsequently so designates all such amounts*
12 *and transmits such designations to the Congress.*

13 *This division may be cited as the “Department of De-*
14 *fense Missile Defeat and Defense Enhancements Appropria-*
15 *tions Act, 2018”.*

1 ***DIVISION C—HEALTH***
2 ***PROVISIONS***
3 ***TITLE I—PUBLIC HEALTH***
4 ***EXTENDERS***

5 ***SEC. 3101. EXTENSION FOR COMMUNITY HEALTH CENTERS,***
6 ***THE NATIONAL HEALTH SERVICE CORPS, AND***
7 ***TEACHING HEALTH CENTERS THAT OPERATE***
8 ***GME PROGRAMS.***

9 (a) *COMMUNITY HEALTH CENTERS FUNDING.*—*Sec-*
10 *tion 10503(b)(1) of the Patient Protection and Affordable*
11 *Care Act (42 U.S.C. 254b–2(b)(1)) is amended—*

12 (1) *in subparagraph (D), by striking “and” at*
13 *the end; and*

14 (2) *by inserting after subparagraph (E) the fol-*
15 *lowing:*

16 *“(F) \$550,000,000 for the period of the first*
17 *and second quarters of fiscal year 2018; and”.*

18 (b) *NATIONAL HEALTH SERVICE CORPS.*—*Section*
19 *10503(b)(2) of the Patient Protection and Affordable Care*
20 *Act (42 U.S.C. 254b–2(b)(2)) is amended—*

21 (1) *in subparagraph (D), by striking “and” at*
22 *the end;*

23 (2) *in subparagraph (E), by striking the period*
24 *at the end and inserting “; and”; and*

1 (3) *by inserting after subparagraph (E) the fol-*
2 *lowing:*

3 “(F) \$65,000,000 for period of the first and
4 second quarters of fiscal year 2018.”.

5 (c) *TEACHING HEALTH CENTERS THAT OPERATE*
6 *GRADUATE MEDICAL EDUCATION PROGRAMS.*—Subsection
7 (g) of section 340H of the Public Health Service Act (42
8 U.S.C. 256h) is amended—

9 (1) *by striking “To carry out” and inserting the*
10 *following:*

11 “(1) *IN GENERAL.*—*To carry out*”;

12 (2) *by striking “and \$15,000,000 for the first*
13 *quarter of fiscal year 2018” and inserting “and*
14 *\$30,000,000 for the period of the first and second*
15 *quarters of fiscal year 2018, to remain available until*
16 *expended*”; and

17 (3) *by adding at the end the following:*

18 “(2) *ADMINISTRATIVE EXPENSES.*—*Of the*
19 *amount made available to carry out this section for*
20 *any fiscal year, the Secretary may not use more than*
21 *5 percent of such amount for the expenses of admin-*
22 *istering this section.*”.

23 (d) *APPLICATION.*—*Amounts appropriated pursuant*
24 *to this section are subject to the requirements contained in*
25 *Public Law 115–31 for funds for programs authorized*

1 *under sections 330 through 340 of the Public Health Service*
 2 *Act (42 U.S.C. 254b–256).*

3 (e) *CONFORMING AMENDMENTS.*—Section 3014(h) of
 4 *title 18, United States Code, is amended—*

5 (1) *in paragraph (1), by striking “section*
 6 *10503(b)(1)(E) of the Patient Protection and Afford-*
 7 *able Care Act (42 U.S.C. 254b-2(b)(1)(E)), as amend-*
 8 *ed by section 221 of the Medicare Access and CHIP*
 9 *Reauthorization Act of 2015” and inserting “sub-*
 10 *paragraphs (E) and (F) of section 10503(b)(1) of the*
 11 *Patient Protection and Affordable Care Act (42*
 12 *U.S.C. 254b-2(b)(1))”;* and

13 (2) *in paragraph (4), by inserting “and section*
 14 *3101(d) of the CHIP and Public Health Funding Ex-*
 15 *tension Act” after “section 221(c) of the Medicare Ac-*
 16 *cess and CHIP Reauthorization Act of 2015”.*

17 **SEC. 3102. EXTENSION FOR SPECIAL DIABETES PROGRAMS.**

18 (a) *SPECIAL DIABETES PROGRAM FOR TYPE I DIABE-*
 19 *TES.*—Section 330B(b)(2) of the *Public Health Service Act*
 20 *(42 U.S.C. 254c–2(b)(2)) is amended—*

21 (1) *in subparagraph (B), by striking “and” at*
 22 *the end;*

23 (2) *in subparagraph (C), by striking the period*
 24 *at the end and inserting “; and”;* and

1 (3) by inserting after subparagraph (C) the fol-
2 lowing:

3 “(D) \$37,500,000 for the period of the first
4 and second quarters of fiscal year 2018, to re-
5 main available until expended.”.

6 (b) *SPECIAL DIABETES PROGRAM FOR INDIANS.*—Sub-
7 paragraph (D) of section 330C(c)(2) of the *Public Health*
8 *Service Act* (42 U.S.C. 254c–3(c)(2)) is amended by insert-
9 ing “and \$37,500,000 for the second quarter of fiscal year
10 2018” before the period at the end.

11 **SEC. 3103. PREVENTION AND PUBLIC HEALTH FUND.**

12 Section 4002(b) of the *Patient Protection and Afford-*
13 *able Care Act* (42 U.S.C. 300u–11(b)) is amended—

14 (1) in paragraph (3), by striking “each of fiscal
15 years 2018 and 2019” and inserting “fiscal year
16 2018”;

17 (2) by redesignating paragraphs (4) through (8)
18 as paragraphs (5) through (9);

19 (3) by inserting after paragraph (3) the fol-
20 lowing new paragraph:

21 “(4) for fiscal year 2019, \$800,000,000;”;

22 (4) in paragraph (5), as so redesignated, by
23 striking “\$1,000,000,000” and inserting
24 “\$800,000,000”; and

1 (5) *in paragraph (6), as so redesignated, by*
 2 *striking “\$1,500,000,000” and inserting*
 3 *“\$1,250,000,000”.*

4 ***TITLE II—CHILDREN’S HEALTH***
 5 ***INSURANCE PROGRAM (CHIP)***

6 ***SEC. 3201. FUNDING EXTENSION OF THE CHILDREN’S***
 7 ***HEALTH INSURANCE PROGRAM.***

8 (a) *APPROPRIATION; TOTAL ALLOTMENT.—Section*
 9 *2104(a) of the Social Security Act (42 U.S.C. 1397dd(a))*
 10 *is amended—*

11 (1) *in paragraph (19), by striking “and”;*

12 (2) *in paragraph (20), by striking the period at*
 13 *the end and inserting “; and”; and*

14 (3) *by adding at the end the following new para-*
 15 *graph:*

16 “(21) *for fiscal year 2018, for purposes of mak-*
 17 *ing 1 semi-annual allotment—*

18 “(A) *\$2,850,000,000 for the period begin-*
 19 *ning on October 1, 2017, and ending on March*
 20 *31, 2018.”.*

21 (b) *ALLOTMENTS.—*

22 (1) *IN GENERAL.—Section 2104(m) of the Social*
 23 *Security Act (42 U.S.C. 1397dd(m)) is amended—*

1 (A) in paragraph (2)(B)(ii), in the matter
2 preceding subclause (I), by inserting “and para-
3 graph (10)” after “clauses (iii) and (iv)”;

4 (B) in paragraph (5)—

5 (i) by striking “or (4)” and inserting
6 “(4), or (10)”; and

7 (ii) by striking “or 2017” and insert-
8 ing “, 2017, or 2018”;

9 (C) in paragraph (9)—

10 (i) in the heading, by striking “FISCAL
11 YEARS 2015 AND 2017” and inserting “CER-
12 TAIN FISCAL YEARS”;

13 (ii) by striking “or (4)” and inserting
14 “, (4), or (10)”; and

15 (iii) by striking “or fiscal year 2017”
16 and inserting “, 2017, or 2018”; and

17 (D) by adding at the end the following new
18 paragraph:

19 “(10) FOR FISCAL YEAR 2018.—

20 “(A) FIRST HALF.—

21 “(i) IN GENERAL.—Subject to para-
22 graphs (5) and (7), from the amount made
23 available under subparagraph (A) of para-
24 graph (21) of subsection (a) for the semi-an-
25 nual period described in such subpara-

1 *graph, the Secretary shall compute a State*
 2 *allotment for each State (including the Dis-*
 3 *trict of Columbia and each commonwealth*
 4 *and territory) for such semi-annual period*
 5 *in an amount equal to 1/2 of the amount de-*
 6 *scribed in clause (i) for the State.*

7 “(i) *FULL YEAR AMOUNT BASED ON*
 8 *GROWTH FACTOR UPDATED AMOUNT.—The*
 9 *amount described in this clause for a State*
 10 *is equal to the sum of—*

11 “(I) *the sum of the 2 semi-annual*
 12 *allotments made to the State under*
 13 *paragraph (4) for fiscal year 2017;*
 14 *and*

15 “(II) *the amount of any payments*
 16 *made to the State under subsection (n)*
 17 *for fiscal year 2017,*
 18 *multiplied by the allotment increase factor*
 19 *under paragraph (6) for fiscal year 2018.”.*

20 (2) *CONFORMING AMENDMENTS.—Section*
 21 *2104(m)(2) of such Act (42 U.S.C. 1397dd(m)(2)) is*
 22 *amended—*

23 (A) *in the paragraph heading, by striking*
 24 *“2010 THROUGH 2016” and inserting “BEGINNING*
 25 *WITH FISCAL YEAR 2010”;* and

1 (B) by striking “the allotment increase fac-
2 tor under paragraph (5)” each place it appears
3 and inserting “the allotment increase factor
4 under paragraph (6)”.

5 (3) *APPLICATION OF REGULAR EXPENDITURE*
6 *RULES.—Amounts allotted to a State under section*
7 *2104(m)(10)(A) of the Social Security Act (42 U.S.C.*
8 *1397dd(m)(10)(A)) (as added by paragraph (1)) shall*
9 *be subject to the same requirements of title XXI of*
10 *such Act and applicable regulations of the Secretary*
11 *of Health and Human Services as apply to other al-*
12 *lotments made to States for a fiscal year under sec-*
13 *tion 2104 of such Act.*

14 (c) *EXTENSION OF CHIP ALLOCATION REDISTRIBU-*
15 *TION SPECIAL RULE FOR CERTAIN SHORTFALL STATES.—*

16 (1) *IN GENERAL.—Section 2104(f)(2)(B)(ii) of*
17 *the Social Security Act (42 U.S.C. 1397dd(f)(2)(B)),*
18 *as amended by section 201 of Public Law 115–90, is*
19 *amended—*

20 (A) *in the clause heading, by striking*
21 *“FIRST QUARTER” and inserting “FIRST HALF”;*

22 (B) *by redesignating subclause (III) as sub-*
23 *clause (VI); and*

24 (C) *by striking subclauses (I) and (II) and*
25 *inserting the following:*

1 “(I) *IN GENERAL.*—*For each*
2 *month beginning during the period be-*
3 *ginning on October 1, 2017, and end-*
4 *ing March 31, 2018, subject to the suc-*
5 *ceeding subclauses of this clause, the*
6 *Secretary shall redistribute any*
7 *amounts available for redistribution*
8 *under paragraph (1) for fiscal year*
9 *2018, to each State that is an emer-*
10 *gency shortfall State for the month (as*
11 *defined in subclause (II)) such amount*
12 *as the Secretary determines will elimi-*
13 *nate the estimated shortfall described*
14 *in subclause (II) for such State for the*
15 *month (as may be adjusted under sub-*
16 *paragraph (C)) before the Secretary*
17 *may redistribute such amounts to any*
18 *shortfall State that is not an emer-*
19 *gency shortfall State. In the case of*
20 *any amounts redistributed under this*
21 *subclause to a State that is not an*
22 *emergency shortfall State, such*
23 *amounts shall be determined in accord-*
24 *ance with clause (i).*

1 “(II) *EMERGENCY SHORTFALL*
2 *STATE DEFINED.*—For purposes of this
3 *clause, the term ‘emergency shortfall*
4 *State’ means, with respect to a month*
5 *beginning during the period beginning*
6 *October 1, 2017, and ending March 31,*
7 *2018, a shortfall State for which the*
8 *Secretary estimates, in accordance*
9 *with subparagraph (A) (unless other-*
10 *wise specified in this subclause) and on*
11 *a monthly basis using the most recent*
12 *data available to the Secretary as of*
13 *such month, that the projected expendi-*
14 *tures under the State child health plan*
15 *and under section 2105(g) (calculated*
16 *as if the reference under section*
17 *2105(g)(4)(A) to ‘2017’ were a ref-*
18 *erence to ‘2018’ and insofar as the al-*
19 *lotments are available to the State*
20 *under this subsection or subsection (e)*
21 *or (m)) for such month will exceed the*
22 *sum of the amounts described in*
23 *clauses (i) through (iii) of subpara-*
24 *graph (A) for such month, including*
25 *after application of any amount redis-*

1 *tributed under paragraph (1) for a*
2 *previous month for fiscal year 2018 in*
3 *accordance with this clause, to such*
4 *State. A shortfall State may be an*
5 *emergency shortfall State under the*
6 *previous sentence without regard to*
7 *whether any amounts were redistrib-*
8 *uted to such State under paragraph (1)*
9 *for a previous month in fiscal year*
10 *2018.*

11 *“(III) FUNDS REDISTRIBUTED IN*
12 *THE ORDER IN WHICH STATES REAL-*
13 *IZE FUNDING SHORTFALLS.—The Sec-*
14 *retary shall redistribute the amounts*
15 *available for redistribution under*
16 *paragraph (1) to emergency shortfall*
17 *States described in subclause (II) in*
18 *the order in which such States realize*
19 *monthly funding shortfalls under this*
20 *title for fiscal year 2018. The Secretary*
21 *shall only make redistributions under*
22 *this clause to the extent that such*
23 *amounts are available for such redis-*
24 *tributions.*

1 “(IV) *PRORATION RULE.*—If the
2 *amounts available for redistribution*
3 *under paragraph (1) for a month dur-*
4 *ing the period described in subclause*
5 *(I) are less than the total amounts of*
6 *the estimated shortfalls determined for*
7 *the month for emergency shortfall*
8 *States described in subclause (II), the*
9 *amount computed under subclause (I)*
10 *for each emergency shortfall State shall*
11 *be reduced proportionally.*

12 “(V) *UNOBLIGATED REDISTRIB-*
13 *UTED FUNDS.*—The Secretary shall
14 *withhold any funds redistributed under*
15 *paragraph (1) for fiscal year 2018 be-*
16 *fore January 1, 2018, but which have*
17 *not been obligated for amounts ex-*
18 *pended by a State as of that date, and*
19 *shall redistribute such funds in accord-*
20 *ance with the preceding subclauses of*
21 *this clause.”.*

22 (2) *RULE OF CONSTRUCTION.*—Nothing in the
23 *amendments made by paragraph (1) shall be con-*
24 *strued as authorizing the Secretary of Health and*
25 *Human Services to de-obligate any funds redistrib-*

1 *uted under clause (ii) of section 2104(f)(2)(B) of the*
 2 *Social Security Act (42 U.S.C. 1397dd(f)(2)(B)) that*
 3 *have been obligated for amounts expended by an*
 4 *emergency shortfall State described in such clause as*
 5 *of January 1, 2018.*

6 *This division may be cited as the “CHIP and Public*
 7 *Health Funding Extension Act”.*

8 ***DIVISION D—OTHER MATTERS***

9 ***SEC. 4001. VA CHOICE.***

10 *There is appropriated, out of any funds in the Treas-*
 11 *ury not otherwise appropriated, \$2,100,000,000, to remain*
 12 *available until expended, to be deposited in the Veterans*
 13 *Choice Fund under section 802 of the Veterans Access,*
 14 *Choice, and Accountability Act of 2014 (Public Law 113–*
 15 *146; 38 U.S.C. 1701 note).*

16 ***DIVISION E—BUDGETARY*** 17 ***EFFECTS***

18 ***SEC. 5001. BUDGETARY EFFECTS.***

19 *(a) IN GENERAL.—The budgetary effects of division C*
 20 *and each succeeding division shall not be entered on either*
 21 *PAYGO scorecard maintained pursuant to section 4(d) of*
 22 *the Statutory Pay-As-You-Go Act of 2010.*

23 *(b) SENATE PAYGO SCORECARDS.—The budgetary ef-*
 24 *fects of division C and each succeeding division shall not*

1 *be entered on any PAYGO scorecard maintained for pur-*
2 *poses of section 4106 of H. Con. Res. 71 (115th Congress).*

3 *(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Not-*
4 *withstanding Rule 3 of the Budget Scorekeeping Guidelines*
5 *set forth in the joint explanatory statement of the committee*
6 *of conference accompanying Conference Report 105–217*
7 *and section 250(c)(8) of the Balanced Budget and Emer-*
8 *gency Deficit Control Act of 1985, the budgetary effects of*
9 *division C and each succeeding division shall not be esti-*
10 *mated—*

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

12 *(2) for purposes of paragraph (4)(C) of section*
13 *3 of the Statutory Pay-As-You-Go Act of 2010 as*
14 *being included in an appropriation Act.*

15 **SEC. 5002. BUDGETARY EFFECTS OF RECONCILIATION ACT.**

16 *(a) DEFINITION OF RECONCILIATION ACT.—In this*
17 *section, the term “reconciliation Act” means an Act enacted*
18 *into law before, on, or after the date of enactment of this*
19 *Act that was considered pursuant to the reconciliation in-*
20 *structions in H. Con. Res. 71 (115th Congress), the concur-*
21 *rent resolution on the budget for fiscal year 2018.*

22 *(b) PAYGO SCORECARD.—The budgetary effects of the*
23 *reconciliation Act 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 (2 U.S.C. 933(d)).*

Attest:

Clerk.

115TH CONGRESS
1ST SESSION

H.R. 1370

**HOUSE AMENDMENT TO
SENATE AMENDMENT**