

115TH CONGRESS  
1ST SESSION

# H. R. 4515

To amend title XXI of the Social Security Act to provide for a special rule during the first quarter of fiscal year 2018 for the redistribution of certain Children's Health Insurance Program allocations for certain shortfall States.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2017

Mr. COSTELLO of Pennsylvania (for himself, Mr. EMMER, Mr. WALDEN, and Mr. BURGESS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XXI of the Social Security Act to provide for a special rule during the first quarter of fiscal year 2018 for the redistribution of certain Children's Health Insurance Program allocations for certain shortfall States.

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

1 **SECTION 1. CHIP ALLOCATION REDISTRIBUTION SPECIAL**  
2 **RULE FOR CERTAIN SHORTFALL STATES**  
3 **DURING FIRST QUARTER OF FISCAL YEAR**  
4 **2018.**

5 Section 2104(f)(2) of the Social Security Act (42  
6 U.S.C. 1397dd(f)(2)) is amended—

7 (1) by amending subparagraph (B) to read as  
8 follows:

9 “(B) DETERMINATION OF REDISTRIBUTED  
10 AMOUNTS IF INSUFFICIENT AMOUNTS AVAIL-  
11 ABLE.—

12 “(i) PRORATION RULE.—Subject to  
13 clause (ii), if the amounts available for re-  
14 distribution under paragraph (1) for a fis-  
15 cal year are less than the total amounts of  
16 the estimated shortfalls determined for the  
17 year under subparagraph (A), the amount  
18 to be redistributed under such paragraph  
19 for each shortfall State shall be reduced  
20 proportionally.

21 “(ii) SPECIAL RULE FOR FIRST QUAR-  
22 TER OF FISCAL YEAR 2018.—

23 “(I) IN GENERAL.—For the pe-  
24 riod beginning on October 1, 2017,  
25 and ending December 31, 2017, with  
26 respect to any amounts available for

1 redistribution under paragraph (1) for  
2 fiscal year 2018, the Secretary shall  
3 redistribute under such paragraph  
4 such amounts to each emergency  
5 shortfall State (as defined in sub-  
6 clause (II)) in such amount as is  
7 equal to the amount of the shortfall  
8 described in subclause (II) for such  
9 State and period (as may be adjusted  
10 under subparagraph (C)) before the  
11 Secretary may redistribute such  
12 amounts to any shortfall State that is  
13 not an emergency shortfall State. In  
14 the case of any amounts redistributed  
15 under this subclause to a State that is  
16 not an emergency shortfall State, such  
17 amounts shall be determined in ac-  
18 cordance with clause (i).

19 “(II) EMERGENCY SHORTFALL  
20 STATE DEFINED.—For purposes of  
21 this clause, the term ‘emergency  
22 shortfall State’ means, with respect to  
23 the period beginning October 1, 2017,  
24 and ending December 31, 2017, a  
25 shortfall State for which the Secretary

1 estimates, in accordance with sub-  
2 paragraph (A) (unless otherwise speci-  
3 fied in this subclause), that the pro-  
4 jected expenditures under the State  
5 child health plan and under section  
6 2105(g) (calculated as if the reference  
7 under section 2105(g)(4)(A) to ‘2017’  
8 were a reference to ‘2018’ and insofar  
9 as the allotments are available to the  
10 State under this subsection or sub-  
11 section (e) or (m)) for such period will  
12 exceed the sum of the amounts de-  
13 scribed in clauses (i) through (iii) of  
14 subparagraph (A) for such period, in-  
15 cluding after application of any  
16 amount redistributed under paragraph  
17 (1) before such date of enactment to  
18 such State. A shortfall State may be  
19 an emergency shortfall State under  
20 the previous sentence without regard  
21 to whether any amounts were redis-  
22 tributed before such date of enact-  
23 ment to such State under paragraph  
24 (1) for fiscal year 2018.

1                   “(III) APPLICATION OF QUALI-  
2                   FYING STATE OPTION.—During the  
3                   period described in subclause (I), sec-  
4                   tion 2105(g)(4) shall apply to a quali-  
5                   fying State (as defined in section  
6                   2105(g)(2)) as if under section  
7                   2105(g)(4)—

8                                 “(aa) the reference to ‘2017’  
9                                 were a reference to ‘2018’; and

10                                “(bb) the reference to ‘under  
11                                subsections (e) and (m) of such  
12                                section’ were a reference to  
13                                ‘under subsections (e), (f), and  
14                                (m) of such section.’”; and

15                   (2) by adding at the end the following new sub-  
16                   paragraph:

17                                “(D) RULE OF CONSTRUCTION.—Nothing  
18                                in this paragraph may be construed as pre-  
19                                venting a commonwealth or territory described  
20                                in subsection (c)(3) from being treated as a  
21                                shortfall State or an emergency shortfall  
22                                State.”.

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