

***In the Senate of the United States,***

*December 19, 2018.*

*Resolved*, That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 695), entitled “An Act to amend the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes.”, with the following

**SENATE AMENDMENT TO HOUSE AMENDMENT TO  
SENATE AMENDMENT:**

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

- 1       ***DIVISION A—FURTHER ADDITIONAL***  
2       ***CONTINUING APPROPRIATIONS ACT, 2019***  
3       *SEC. 101. The Continuing Appropriations Act, 2019*  
4       *(division C of Public Law 115–245) is further amended—*  
5               *(1) by striking the date specified in section*  
6       *105(3) and inserting “February 8, 2019”; and*

1           (2) *by adding after section 136 the following:*

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

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

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

22          “*SEC. 140. Section 405(a) of the Pandemic and All-*  
23 *Hazards Preparedness Act (42 U.S.C. 247d–6a note) shall*  
24 *continue in effect through the date specified in section*  
25 *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 RE-***  
 6                    ***BALANCING DEMONSTRATION.***

7            (a) *GENERAL FUNDING.*—*Section 6071(h) of the Def-*  
 8        *icit 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 “and”*  
 12        *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), \$112,000,000*  
 17        *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 para-*  
 25        *graph:*

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 have*  
 4           *an approved MFP demonstration project under this*  
 5           *section as of December 31, 2018.”.*

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

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

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

18           “(10) *SECRETARY.—The term ‘Secretary’ means*  
 19           *the Secretary of Health and Human Services.”.*

20   **SEC. 102. EXTENSION OF PROTECTION FOR MEDICAID RE-**  
 21           **CIPIENTS OF HOME AND COMMUNITY-BASED**  
 22           **SERVICES AGAINST SPOUSAL IMPOVERISH-**  
 23           **MENT.**

24           (a) *IN GENERAL.—Section 2404 of Public Law 111–*  
 25           *148 (42 U.S.C. 1396r–5 note) is amended by striking “the*

1 5-year period that begins on January 1, 2014,” and insert-  
 2 ing “the period beginning on January 1, 2014, and ending  
 3 on March 31, 2019,”.

4 (b) *RULE OF CONSTRUCTION.*—

5 (1) *PROTECTING STATE SPOUSAL INCOME AND*  
 6 *ASSET DISREGARD FLEXIBILITY UNDER WAIVERS AND*  
 7 *PLAN AMENDMENTS.*—Nothing in section 2404 of Pub-  
 8 lic Law 111–148 (42 U.S.C. 1396r–5 note) or section  
 9 1924 of the Social Security Act (42 U.S.C. 1396r–5)  
 10 shall be construed as prohibiting a State from dis-  
 11 regarding an individual’s spousal income and assets  
 12 under a State waiver or plan amendment described  
 13 in paragraph (2) for purposes of making determina-  
 14 tions of eligibility for home and community-based  
 15 services or home and community-based attendant  
 16 services and supports under such waiver or plan  
 17 amendment.

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

21 (A) A waiver or plan amendment to provide  
 22 medical assistance for home and community-  
 23 based services under a waiver or plan amend-  
 24 ment under subsection (c), (d), or (i) of section  
 25 1915 of the Social Security Act (42 U.S.C.

1       1396n) or under section 1115 of such Act (42  
2       U.S.C. 1315).

3               (B) A plan amendment to provide medical  
4       assistance for home and community-based serv-  
5       ices for individuals by reason of being deter-  
6       mined eligible under section 1902(a)(10)(C) of  
7       such Act (42 U.S.C. 1396a(a)(10)(C)) or by rea-  
8       son of section 1902(f) of such Act (42 U.S.C.  
9       1396a(f)) or otherwise on the basis of a reduction  
10      of income based on costs incurred for medical or  
11      other remedial care under which the State dis-  
12      regarded the income and assets of the individ-  
13      ual's spouse in determining the initial and ongo-  
14      ing financial eligibility of an individual for such  
15      services in place of the spousal impoverishment  
16      provisions applied under section 1924 of such  
17      Act (42 U.S.C. 1396r-5).

18              (C) A plan amendment to provide medical  
19      assistance for home and community-based at-  
20      tendant services and supports under section  
21      1915(k) of such Act (42 U.S.C. 1396n(k)).

1 **SEC. 103. REDUCTION IN FMAP AFTER 2020 FOR STATES**  
 2 **WITHOUT ASSET VERIFICATION PROGRAM.**

3 *Section 1940 of the Social Security Act (42 U.S.C.*  
 4 *1396w) is amended by adding at the end the following new*  
 5 *subsection:*

6 “(k) *REDUCTION IN FMAP AFTER 2020 FOR NON-*  
 7 *COMPLIANT STATES.*—

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

13 “(A) *for calendar quarters in 2021 and*  
 14 *2022, by 0.12 percentage points;*

15 “(B) *for calendar quarters in 2023, by 0.25*  
 16 *percentage points;*

17 “(C) *for calendar quarters in 2024, by 0.35*  
 18 *percentage points; and*

19 “(D) *for calendar quarters in 2025 and*  
 20 *each year thereafter, by 0.5 percentage points.*

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

24 “(A) *that is one of the 50 States or the Dis-*  
 25 *trict of Columbia;*

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

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

7   **SEC. 104. MEDICAID IMPROVEMENT FUND.**

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

11   **SEC. 105. BUDGETARY EFFECTS.**

12           (a) *STATUTORY PAYGO SCORECARDS.*—The budgetary  
13   effects of this division shall not be entered on either PAYGO  
14   scorecard maintained pursuant to section 4(d) of the Statu-  
15   tory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

16           (b) *SENATE PAYGO SCORECARDS.*—The budgetary ef-  
17   fects of this division shall not be entered on any PAYGO  
18   scorecard maintained for purposes of section 4106 of H.  
19   Con. Res. 71 (115th Congress).

20           (c) *CLASSIFICATION OF BUDGETARY EFFECTS.*—Not-  
21   withstanding Rule 3 of the Budget Scorekeeping Guidelines  
22   set forth in the joint explanatory statement of the committee  
23   of conference accompanying Conference Report 105–217  
24   and section 250(c)(8) of the Balanced Budget and Emer-



1 *gency Deficit Control Act of 1985, the budgetary effects of*  
2 *this division shall not be estimated—*

3 *(1) for purposes of section 251 of such Act; and*  
4 *(2) for purposes of paragraph (4)(C) of section*  
5 *3 of the Statutory Pay-As-You-Go Act of 2010 as*  
6 *being included in an appropriation Act.*

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

Attest:

*Secretary.*

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H.R. 695

SENATE AMENDMENT TO  
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