

115TH CONGRESS
1ST SESSION

S. 2183

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.

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2017

Mr. HELLER introduced the following bill; which was read twice and referred to the Committee on Finance

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “CHIP Stability Act”.

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

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

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

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

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

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

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

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

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

paragraph (A) (unless otherwise specified in this subclause), that the projected expenditures under the State child health plan and under section 2105(g) (calculated as if the reference under section 2105(g)(4)(A) to ‘2017’ were a reference to ‘2018’ and insofar as the allotments are available to the State under this subsection or subsection (e) or (m)) for such period will exceed the sum of the amounts described in clauses (i) through (iii) of subparagraph (A) for such period, including after application of any amount redistributed under paragraph (1) before such date of enactment to such State. A shortfall State may be an emergency shortfall State under the previous sentence without regard to whether any amounts were redistributed before such date of enactment to such State under paragraph (1) for fiscal year 2018.

“(III) APPLICATION OF QUALIFYING STATE OPTION.—During the

1 period described in subclause (I), sec-
 2 tion 2105(g)(4) shall apply to a quali-
 3 fying State (as defined in section
 4 2105(g)(2)) as if under section
 5 2105(g)(4)—

6 “(aa) the reference to ‘2017’
 7 were a reference to ‘2018’; and

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

13 (2) by adding at the end the following new sub-
 14 paragraph:

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

○