Pennsylvania may never be the same: Now, Jones, helped seal the fate of the game; 14-year veteran Donald Scott "Bag O'Bones" moments of the fourth quarter when Brandon Jenkins, took charge in the waning led by All-Pros Fletcher Cox and Malcolm Johnson and Jason Kelce, provided peerless routine, have waited for this moment for 58 years; Whereas this Eagles team, written off by the rest of the world after suffering numerous injuries to key players, took the field in Minneapolis as the underdog, as they had been in every previous playoff game, despite having the best record in the National Football League; Whereas quarterback Nicholas Edward Foles, stepping in for injured star quarterback Carson James Wentz, commanded the field with an uncanny precision, calmness, and leadership that earned him recognition as the Most Valuable Player of the Super Bowl; Whereas head coach Doug Pederson displayed an emotional intelligence, creativity, and aggressiveness exemplified by Mr. TOOMEY (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

Resolved, That the Senate—
(1) congratulates the entire Philadelphia Eagles organization on their triumph in Super Bowl LII;
(2) commends the Philadelphia Eagles fans for their devotion, enthusiasm, and persistency over the past 58 years; and
(3) requests that the Secretary of the Senate prepare a copy of this resolution for presentation to—
(A) the owner of the Philadelphia Eagles, Jeffrey Robert Lurie; and
(B) the head coach of the Philadelphia Eagles, Douglas Irving Pederson.

AMENDMENTS SUBMITTED AND PROPOSED
SA 2026. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, which was ordered to lie on the table.
SA 1927. Mr. Daines submitted an amendment intended to be proposed by him to the bill H.R. 695, of 1993 to establish a voluntary 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; which was ordered to lie on the table:
SA 1928. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 695, supra; which was ordered to lie on the table.
SA 1929. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table.
SA 1930. Mr. McCONNELL proposed an amendment to the bill H.R. 1892, supra.
SA 1931. Mr. McCONNELL proposed an amendment to amendment SA 1930 proposed by Mr. McCONNELL to the bill H.R. 1892, supra.
SA 1932. Mr. McCONNELL proposed an amendment to the bill H.R. 1892, supra.
SA 1933. Mr. McCONNELL proposed an amendment to amendment SA 1932 proposed by Mr. McCONNELL to the bill H.R. 1892, supra.
SA 1934. Mr. McCONNELL proposed an amendment to amendment SA 1932 proposed by Mr. McCONNELL to the amendment SA 1932 proposed by Mr. McCONNELL to the bill H.R. 1892, supra.

TEXT OF AMENDMENTS
SA 2026. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table:

SEC. 1. EXTENSION OF THE MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAM

Section 151(1)(B)(I) of the Social Security Act (42 U.S.C. 111(1)(B)(I) is amended by striking "fiscal year 2017" and inserting "each of fiscal years 2017 through 2018".

SA 1927. Mr. Daines submitted an amendment intended to be proposed by him to the bill H.R. 695, of 1993 to establish a voluntary 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; which was ordered to lie on the table:

(a) to kill, render nonviable, or remove or discharge of any aquatic nuisance species" means a non-indigenous species (including a pathogen, microbe, or virus) that threatens the diversity or abundance of native species or the ecological stability of waters of the United States, or commercial, agricultural, aquicultural, or recreational activities dependent on such waters.

(b) BALLAST WATER.— (A) IN GENERAL.—The term "ballast water" means any water and suspended matter taken on board a commercial vessel—

(1) control or maintain trim, draught, stability, or stresses of the commercial vessel, regardless of how such water and matter is carried; or

(2) serving the cleaning, maintenance, or other operation of a ballast tank or ballast water management system of the commercial vessel.

(c) EXCLUSIONS.—The term "ballast water" does not include any substance that is added to water described in subparagraph (A) that is directly related to the operation of a properly functioning ballast water management system.

(d) BALLAST WATER DISCHARGE STANDARD.— The term "ballast water discharge standard" means

(1) the numerical ballast water discharge standard set forth in section 151.2903 of title 33, Code of Federal Regulations, or section 151.511 of such title (as in effect on the date of the enactment of this Act); or

(2) if the standard described in subparagraph (A) has been revised under section 151.2903, such revised standard.

(e) BALLAST WATER MANAGEMENT SYSTEM.— The term "ballast water management system" means any system, including all ballast water treatment equipment and all associated control and monitoring equipment, that processes ballast water—

(A) to kill, render nonviable, or remove or discharge of any aquatic nuisance species; or

(B) to avoid the uptake or discharge of ororganisms.
(6) BEST AVAILABLE TECHNOLOGY ECONOMICALLY ACHIEVABLE.—The term ‘‘best available technology economically achievable’’ has the meaning given that term in sections 301(b)(2)(A) and 313(b)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1311(b)(2)(A) and 1313(b)(2)(B)) as such term applies to a mobile point source.

(7) WET BIODECIDE.—The term ‘‘wet biocide’’ means a substance or organism that is introduced into or produced by a ballast water management system to kill or eliminate aquatic nuisance species as part of the process used to comply with a ballast water discharge standard.

(8) CAPTAIN OF THE PORT ZONE.—The term ‘‘Captain of the Port Zone’’ means a Captain of the Port Zone established by the Secretary pursuant to sections 93, 93, and 633 of title 46 United States Code.

(9) COMMERCIAL VESSEL.—

(A) IN GENERAL.—The term ‘‘commercial vessel’’ means—

(i) a vessel (as defined in section 3 of title 1, United States Code) that is engaged in commercial service (as defined in section 2101(5) of title 46, United States Code); or

(ii) a vessel that is within the scope of the General Permit or Small Vessel General Permit on the day before the date of enactment of this Act.

(B) EXCLUSIONS.—The term ‘‘commercial vessel’’ does not include—

(i) a recreational vessel; or

(ii) a vessel used for defense purposes, or a vessel of the armed forces (as defined in section 92, 93, and 633 of title 46 United States Code).

(10) COMMERCIAL SERVICE.—The term ‘‘commercial service’’ means—

(i) the operation, managing, or chartering by demise of a commercial vessel.

(ii) a vessel of the armed forces (as defined in section 92, 93, and 633 of title 46 United States Code).

(iii) a vessel (as defined in section 3 of title 1, United States Code) that is engaged in commercial service (as defined in section 2101(5) of title 46, United States Code); or

(iv) a vessel that is within the scope of the General Permit or Small Vessel General Permit on the day before the date of enactment of this Act.

(11)ballsaltantank.—The term ‘‘empty ballast tank’’ means a tank—

(A) intended to hold ballast water that has been drained to the limit of the functional or operational capabilities of such tank, such as loss of suction, and otherwise recorded as empty on a vessel log; and

(B) that contains unpumpable residual ballast water and sediments.

(12)EXCHANGE.—The term ‘‘exchange’’ means, with respect to ballast water, to replace the water in a ballast water tank using one of the following methods:

(A) Flow-through exchange, in which ballast water is flushed out by pumping in mid-ocean water at the bottom of the tank and continuously overfilling the tank from the top until 3 full volumes of water has been changed to minimize the number of original organisms remaining in the tank.

(B) Empty and refill exchange, in which ballast water taken on in ports, estuarine waters, or territorial waters is pumped out until the pump loss suction, after which the ballast tank is refilled with mid-ocean water.


(14)GREAT LAKES STATES.—The term ‘‘Great Lakes States’’ includes—

(i) the addition of as much mid-ocean water into each empty ballast tank of a commercial vessel as is safe for such vessel and crew and the mixing of the flushwater with residual water and sediment through the motion of such vessel; and

(ii) the discharge of the mixed water, such that the resultant residual water remaining in the tank has the highest salinity possible, and is at least 30 parts per thousand; and

(B) may require more than one fill-mix-empty sequence, particularly if only small amounts of water account for a large percentage of the draft of the vessel at one time.


(36)TREATMENT OF EXISTING BALLAST WASTE FACILITIES.—

(a) EFFECT ON EXISTING REGULATIONS.—Any regulation issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 1478 et seq.) that is in effect on the day before the date of the enactment of this Act, and that relates
to a matter subject to regulation under this title, shall remain in full force and effect unless or until superseded by a new regulation issued under this title relating to such matter.

(b) APPLICATION OF OTHER REGULATIONS.—

(1) IN GENERAL.—The regulations issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (U.S.C. 1470d) as well as the regulations issued pursuant to Federal law for the management of ballast water and sediments, or otherwise required to be discharged from such vessel originated solely from waters located between the parallel 43 degrees north latitude, inclusive of the Gulf of California.

(2) SEC. 04. BALLAST WATER DISCHARGE REQUIREMENTS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Except as provided in paragraph (7), and subject to sections 151.2035 and 151.2036 of title 33, Code of Federal Regulations (as in effect on the date of the enactment of this Act), an owner or operator may discharge ballast water into navigable waters of the United States from a commercial vessel covered under subsection (b) only if the owner or operator discharges the ballast water in accordance with requirements established by this title or the Secretary.

(2) COMMERCIAL VESSELS ENTERING THE GREAT LAKES SYSTEM.—If a commercial vessel enters the Great Lakes through the mouth of the Saint Lawrence River, the owner or operator shall—

(A) comply with the applicable requirements of—

(i) paragraph (1);

(ii) part C of part 151 of title 33, Code of Federal Regulations (or similar successor regulations); and

(iii) section 401.30 of such title (or similar successor regulations); and

(B) attempt operating—

(i) outside the exclusive economic zone of the United States or Canada, conduct a complete ballast water exchange in an area that is 200 nautical miles or more from any shore before the owner or operator may discharge ballast water while operating in the Saint Lawrence River or the Great Lakes, subject to any requirements that the Secretary determines necessary with regard to such exchange or any ballast water management system that is to be used in conjunction with such exchange; or that any discharge of ballast water complies with the requirements under paragraph (1); or

(ii) exclusively within the territorial waters or exclusive economic zone of the United States or Canada, conduct a complete ballast water exchange outside the Saint Lawrence River and the Great Lakes in an area that is 200 nautical miles or more from any shore before the owner or operator may discharge ballast water while operating in the Saint Lawrence River or the Great Lakes, subject to any requirements that the Secretary determines necessary with regard to such exchange or any ballast water management system that is to be used in conjunction with such exchange; or that any discharge of ballast water complies with the requirements under paragraph (1); or

(C) EXEMPTIONS.—Subparagraph (A) shall not apply to a commercial vessel that has a ballast water management system approved and monitored by the Secretary as having no residual ballast water while in waters subject to such requirements; or

(D) except where ballast tanks on the commercial vessel are sealed and certified by the Secretary so there is no discharge or uptake and subsequent discharge of ballast waters subject to such requirements.

(b) ADDITIONAL EXEMPTIONS.—The requirements of paragraphs (3) and (4) shall not apply to a commercial vessel if the commercial vessel uses a method of ballast water management approved by the Coast Guard under section 162.060 of title 46, Code of Federal Regulations (or similar successor regulations).

(c) SAFETY EXEMPTION.—Notwithstanding paragraphs (1) through (6), an owner or operator of a commercial vessel may discharge ballast water into navigable waters of the United States from a commercial vessel if—

(A) the ballast water is discharged accidentally as the result of damage to the commercial vessel or its equipment and—

(i) all reasonable precautions to prevent or minimize the discharge were taken; and

(ii) the owner or operator did not willfully or recklessly cause such damage; or

(C) the ballast water is discharged solely for the purpose of averting or minimizing a discharge from the commercial vessel of a pollutant that would violate a Federal or State law.

(d) LOGBOOK REQUIREMENTS.—Section 11301(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(3) When a commercial vessel does not carry out ballast water management requirements as applicable and pursuant to regulations promulgated and issued by the Secretary, the owner or operator of such vessel fails to carry out ballast water management requirements due to an allowed safety exemption, a statement about the failure to comply and the circumstances under which the failure occurred, made immediately thereafter when practicable to do so.")"

(e) LIMITATION OF REQUIREMENTS.—In establishing requirements under this subsection, the Secretary may not require the installation of a ballast water management system on a commercial vessel that—

(A) is not subject to discharge;
(ii) have been certified by the Secretary; and
(iii) have been noted in the commercial vessel logbook.

(2) CREATION.—Except as provided in paragraphs (2) and (3), subsection (a) shall apply to any commercial vessel that is designed, constructed, or adapted to carry ballast water in a flow-through system for such vessel.

(3) VESSELS OPERATING EXCLUSIVELY WITHIN THE GREAT LAKES AND SAINT LAWRENCE RIVER.—
(A) IN GENERAL.—A commercial vessel that operates exclusively within the Great Lakes and Saint Lawrence River shall be subject to subsection (a).
(B) TRANSITION.—Notwithstanding subparagrah (A), a commercial vessel that operates exclusively within the Great Lakes and Saint Lawrence River that is not required to comply with the ballast water discharge standards under the date of enactment of this Act shall transition into compliance with subsection (a) under the special rules established in subparagraph (C) of this subsection.

(C) SPECIAL RULES.—The Secretary shall require a class of commercial vessels described in subparagraph (B) of this subsection to comply with subsection (a) only if the Secretary—
(i) approves a ballast water management system for such class of commercial vessels under section 85 of this title or subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulation);
(ii) determines that such ballast water management system meets the operationally practicable criteria described in section 86 with respect to such class of commercial vessels complying with the ballast water discharge standard;
(iii) determines that requiring such class of commercial vessels to comply with the ballast water discharge standard is operationally practicable for such class of commercial vessels; and
(iv) in coordination with the Administrator, conducts a probabilistic assessment of the potential impact to the environment and the costs to industry of compliance with subsection (a) by such class of commercial vessels and determines that such benefits exceed such costs.

(D) RECONSIDERATION.—If the Secretary determines under subparagraph (C)(iv) that such benefits do not exceed such costs, the Secretary, in coordination with the Administrator, shall reconsider the determination of the Secretary under that subparagraph—
(i) if a petition is received from a Governor of a Great Lakes State that—
(A) includes new data or science not considered during such determination; and
(B) is submitted more than 1 year after the date of such determination; or
(ii) not later than 5 years after the date of such determination.

(E) COMPLIANCE DEADLINE.—A class of commercial vessels that is required by the Secretary to comply with subsection (a) under the special rules established by subparagraph (C) of this subsection to comply with the ballast water discharge standard—
(i) after completion of the first scheduled vessel dry docking that commences on or after the date that is 3 years after the date that the Secretary requires compliance under subparagraph (C), for a vessel built on or before the date that is 3 years after the date the Secretary terminates such exemption; or
(ii) upon entry into the navigable waters of the United States, for a vessel that is built after the date that is 3 years after the date the Secretary terminates such exemption; or

(F) REPORT.—Not less than 60 days after a determination by the Secretary under subparagraph (D) terminates such exemption, the Secretary shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives describing how the costs were considered in the assessment required by that subparagraph.

(G) ESTABLISHED FACILITIES; TRANSFER STANDARDS.—The Secretary, in coordination with the Administrator, may promulgate standards for the arrangements necessary on board a vessel to transfer ballast water to a facility.

SEC. 5. APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS.

(a) BALLAST WATER MANAGEMENT SYSTEMS THAT RENDER ORGANISMS NONVIVABLE.—Notwithstanding chapter 5 of title 5, United States Code, part 151 of title 33, Code of Federal Regulations (or similar successor regulation), and part 162.060 of title 46, Code of Federal Regulations (or similar successor regulations), a ballast water management system may be approved by the Secretary to render nonviable organisms in ballast water at the concentrations prescribed in the ballast water discharge standard shall be approved by the Secretary, if—

(1) such system for such class of vessels—
(A) undergoes type approval testing at an independent laboratory designated by the Secretary under such regulations; and
(B) meets the requirements of subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations), other than the requirements related to staining methods or measuring the concentration of living organisms; and

(2) such laboratory uses a testing method described in a final policy letter published under subsection (c).

(b) PROHIBITION ON BIOCIDES.—The Secretary shall not approve a ballast water management system under subsection (a) or subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations), other than the requirements related to staining methods or measuring the concentration of living organisms, if such system—

(1) uses a biocide or generates a biocide that is defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under that Act or the Administrator has approved the use of the biocide in such ballast water management system; or

(2) uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1251).

(c) APPROVAL TESTING METHODS.—

(1) DRAFT POLICY.—Not later than 60 days after the date of the enactment of this Act, the Secretary, in coordination with the Administrator, shall publish a final policy letter, based on the best available science, describing type approval testing methods and protocols for ballast water management systems that may be used in addition to the methods established in subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations).

(A) to measure the concentration of organisms in ballast water that are capable of reproduction;

(B) to certify the performance of each ballast water management system under this section; and

(C) to certify laboratories to evaluate such treatment technologies.

(2) PUBLIC COMMENT.—The Secretary shall provide for a period of not more than 60 days for the public to comment on the draft policy letter published under paragraph (1).

(d) FINAL POLICY.—

(A) IN GENERAL.—Not later than 150 days after the date of the enactment of this Act, the Secretary, in coordination with the Administrator, shall publish a final policy letter describing type approval testing methods for ballast water management systems capable of measuring the concentration of organisms in ballast water that are capable of reproduction based on the best available science that may be used in addition to the methods established in subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations).

(B) REVISIONS.—The Secretary shall revise the final policy letter published under sub- paragraph (A) as additional testing methods are determined by the Secretary, in coordination with the Administrator, to be capable of measuring the concentration of organisms in ballast water that are capable of reproduction.

(C) CONSIDERATIONS.—In developing a policy letter under this paragraph, the Secretary, in coordination with the Administrator—

(i) shall consider a testing method that uses organisms grow out and makes a probable number statistical analysis to determine the concentration of organisms in ballast water that are capable of reproduction; and

(ii) shall not consider a testing method that relies on a staining method that measures the concentration of organisms greater than or equal to 10 micrometers and organisms less than or equal to 50 micrometers.

SEC. 6. REVIEW AND RAISING OF BALLAST WATER DISCHARGE STANDARD.

(a) STRINGENCY REVIEWS.—

(1) SIX-YEAR REVIEW.—

(A) IN GENERAL.—Not later than January 1, 2024, and subject to petitions for review under paragraph (3), the Secretary, in consultation with the Administrator, shall complete a review to determine whether, based on the application of the best available technology economically achievable and operationally practicable, the ballast water discharge standard can be revised such that ballast water discharged in the normal operation of a vessel contains—

(i) a biocide that is living or has not been rendered nonviable per 10 cubic meters that is 50 or more micrometers in minimum dimension; or

(ii) an organism that is living or has not been rendered nonviable per 10 milliliters that is less than 50 micrometers in

February 7, 2018
(A) IN GENERAL.—The Governor of a State may submit a petition requesting the Secretary to conduct a review under paragraph (1) or (2) if there is new information that a proposed ballast water discharge standard could be made more stringent to reduce the risk of the introduction or establishment of aquatic nuisance species.

(B) TIMING.—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of the review required under paragraph (1) or (2).

(C) REQUIRED INFORMATION.—A petition submitted to the Secretary under subparagraph (A) shall include:

(1) a proposed ballast water discharge standard that would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species;

(2) information regarding any ballast water management systems that may achieve the proposed ballast water discharge standard;

(3) any additional information the Secretary considers appropriate.

(2) TEN-YEAR REVIEWS.—Not later than January 1, 2034, and 5 years thereafter, and subject to petitions for review under paragraph (3), the Secretary, in consultation with the Administrator, shall conduct a review to determine whether the ballast water discharge standard can be revised to be more economically achievable and operationally practicable; and

(3) STATE PETITIONS FOR REVIEW.—If the Secretary, in concurrence with the Administrator, finds:

(1) that the ballast water discharge standard cannot be revised to reflect the level of stringency set forth in subparagraph (A), the Secretary, in concurrence with the Administrator, shall determine whether the application of best available technology economically achievable and operationally practicable would result in a reduction of the risk of introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent than the standard under subparagraph (A) with respect to a class of vessels, the Secretary, in concurrence with the Administrator, shall determine which revisions to the ballast water discharge standard shall be made for that class of vessels to incorporate such more stringent standard.

(C) TIMING.—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of the review required under paragraph (1) or (2).

(F) AUTHORITY TO REVIEW.—After receiving a petition under subparagraph (A), the Secretary shall publish a notice of availability of the petition and shall make publicly available copies of the petition, including the information included under subparagraph (C).

(E) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Secretary may treat more than one petition submitted under subparagraph (A) as a single such petition.

(F) AUTHORITY TO REVIEW.—After receiving a petition under subparagraph (A), the Secretary shall—

(1) issue a rule to revise the ballast water discharge standard if the Secretary, in concurrence with the Administrator, determines appropriate;

(2) if the Secretary, in concurrence with the Administrator, finds—

(i) that the revised ballast water discharge standard can be revised to be more economically achievable and operationally practicable; and

(ii) to the extent practicable, approve or deny an application for an extension of a compliance deadline established under paragraph (3); and

(3) EXTENSIONS.—The Secretary shall establish a process for a vessel or operator to submit an application to the Secretary for an extension of a compliance deadline established under paragraphs (1) and (2).

(A) IN GENERAL.—If the Secretary issues a rule to require a commercial vessel to comply with a revised ballast water discharge standard on which the petition is based, including any additional information the Secretary considers appropriate.

(2) DEADLINE.—The Secretary shall—

(1) if the Secretary issues a rule to revise the ballast water discharge standard under subsection (a), the Secretary shall issue a rule to revise the ballast water discharge standard under subsection (a) as a single such petition.

(2) DETERMINATION.—The Secretary shall make a determination on which the petition is based, including any additional information the Secretary considers appropriate.

(3) STATE PETITIONS FOR REVIEW.—If the Secretary, in concurrence with the Administrator, finds:

(1) that the ballast water discharge standard cannot be revised to reflect the level of stringency set forth in section 151.2030 or 151.1511 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act; or

(2) that the application of best available technology economically achievable and operationally practicable would result in a reduction of the risk of introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent than the standard under subparagraph (A) with respect to a class of vessels, the Secretary, in concurrence with the Administrator, shall determine which revisions to the ballast water discharge standard shall be made for that class of vessels to incorporate such more stringent standard.

(C) TIMING.—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of the review required under paragraph (1) or (2).

(F) AUTHORITY TO REVIEW.—After receiving a petition under subparagraph (A), the Secretary shall—

(1) issue a rule to revise the ballast water discharge standard if the Secretary, in concurrence with the Administrator, determines appropriate;

(2) if the Secretary, in concurrence with the Administrator, finds—

(i) that the revised ballast water discharge standard can be revised to be more economically achievable and operationally practicable; and

(ii) to the extent practicable, approve or deny an application for an extension of a compliance deadline established under paragraph (3); and

(3) EXTENSIONS.—The Secretary shall establish a process for a vessel or operator to submit an application to the Secretary for an extension of a compliance deadline established under paragraphs (1) and (2).

(A) IN GENERAL.—If the Secretary issues a rule to require a commercial vessel to comply with a revised ballast water discharge standard under subsection (a), the Secretary shall—

(1) if the Secretary issues a rule to revise the ballast water discharge standard, the Secretary shall issue a rule to revise the ballast water discharge standard under subsection (a) as a single such petition.

(2) DETERMINATION.—The Secretary shall make a determination on which the petition is based, including any additional information the Secretary considers appropriate.

(3) STATE PETITIONS FOR REVIEW.—If the Secretary, in concurrence with the Administrator, finds:

(1) that the ballast water discharge standard cannot be revised to reflect the level of stringency set forth in section 151.2030 or 151.1511 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act; or

(2) that the application of best available technology economically achievable and operationally practicable would result in a reduction of the risk of introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent than the standard under subparagraph (A) with respect to a class of vessels, the Secretary, in concurrence with the Administrator, shall determine which revisions to the ballast water discharge standard shall be made for that class of vessels to incorporate such more stringent standard.

(C) TIMING.—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of the review required under paragraph (1) or (2).

(F) AUTHORITY TO REVIEW.—After receiving a petition under subparagraph (A), the Secretary shall—

(1) issue a rule to revise the ballast water discharge standard if the Secretary, in concurrence with the Administrator, determines appropriate;

(2) if the Secretary, in concurrence with the Administrator, finds—

(i) that the revised ballast water discharge standard can be revised to be more economically achievable and operationally practicable; and

(ii) to the extent practicable, approve or deny an application for an extension of a compliance deadline established under paragraph (3); and

(3) EXTENSIONS.—The Secretary shall establish a process for a vessel or operator to submit an application to the Secretary for an extension of a compliance deadline established under paragraphs (1) and (2).

(A) IN GENERAL.—If the Secretary issues a rule to require a commercial vessel to comply with a revised ballast water discharge standard under subsection (a), the Secretary shall—

(1) if the Secretary issues a rule to revise the ballast water discharge standard, the Secretary shall issue a rule to revise the ballast water discharge standard under subsection (a) as a single such petition.

(2) DETERMINATION.—The Secretary shall make a determination on which the petition is based, including any additional information the Secretary considers appropriate.

(3) STATE PETITIONS FOR REVIEW.—If the Secretary, in concurrence with the Administrator, finds:

(1) that the ballast water discharge standard cannot be revised to reflect the level of stringency set forth in section 151.2030 or 151.1511 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act; or

(2) that the application of best available technology economically achievable and operationally practicable would result in a reduction of the risk of introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent than the standard under subparagraph (A) with respect to a class of vessels, the Secretary, in concurrence with the Administrator, shall determine which revisions to the ballast water discharge standard shall be made for that class of vessels to incorporate such more stringent standard.

(C) TIMING.—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of the review required under paragraph (1) or (2).

(F) AUTHORITY TO REVIEW.—After receiving a petition under subparagraph (A), the Secretary shall—

(1) issue a rule to revise the ballast water discharge standard if the Secretary, in concurrence with the Administrator, determines appropriate;

(2) if the Secretary, in concurrence with the Administrator, finds—

(i) that the revised ballast water discharge standard can be revised to be more economically achievable and operationally practicable; and

(ii) to the extent practicable, approve or deny an application for an extension of a compliance deadline established under paragraph (3); and

(3) EXTENSIONS.—The Secretary shall establish a process for a vessel or operator to submit an application to the Secretary for an extension of a compliance deadline established under paragraphs (1) and (2).

(A) IN GENERAL.—If the Secretary issues a rule to require a commercial vessel to comply with a revised ballast water discharge standard under subsection (a), the Secretary shall—

(1) if the Secretary issues a rule to revise the ballast water discharge standard, the Secretary shall issue a rule to revise the ballast water discharge standard under subsection (a) as a single such petition.

(2) DETERMINATION.—The Secretary shall make a determination on which the petition is based, including any additional information the Secretary considers appropriate.

(3) STATE PETITIONS FOR REVIEW.—If the Secretary, in concurrence with the Administrator, finds:

(1) that the ballast water discharge standard cannot be revised to reflect the level of stringency set forth in section 151.2030 or 151.1511 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act; or

(2) that the application of best available technology economically achievable and operationally practicable would result in a reduction of the risk of introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent than the standard under subparagraph (A) with respect to a class of vessels, the Secretary, in concurrence with the Administrator, shall determine which revisions to the ballast water discharge standard shall be made for that class of vessels to incorporate such more stringent standard.
with the ballast water discharge standard in effect at the time of installation, notwithstanding any revisions to the ballast water discharge standard occurring after the installation.

(ii) the ballast water management system is maintained in proper working condition, as determined by the Secretary;

(iii) the ballast water management system is maintained and used in accordance with the manufacturer’s specifications; and

(iv) the ballast water management system continues to meet the ballast water discharge standard applicable to the commercial vessel at the time of installation, as determined by the Secretary.

(B) Paragraph (A) shall cease to apply with respect to a commercial vessel after

(i) the expiration of the service life of the ballast water management system of the commercial vessel, as determined by the Secretary;

(ii) the expiration of the service life of the commercial vessel, as determined by the Secretary; or

(iii) the completion of a major conversion of the commercial vessel.

SEC. 07. NATIONAL BALLAST INFORMATION CLEARINGHOUSE.

Subsection (f) of section 1102 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4121(f)) is amended to read as follows:

“(1) NATIONAL BALLAST INFORMATION CLEARINGHOUSE.—

“(A) IN GENERAL.—The Secretary shall develop and maintain, in consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), a National Ballast Information Clearinghouse of national data concerning—

“(i) the completion of a major conversion of a commercial vessel;

“(B) MULTIPLE DISCHARGES WITHIN A SINGLE PORT OR PLACE.—For commercial vessels that—

“(A) are greater than or equal to 79 feet in length; or

“(B) are less than 79 feet in length; or

“(C) are fishing vessels, including a fishing processing vessel or fish tender vessel (as such terms are defined in section 2101 of title 46, United States Code); and

“(D) are not fishing vessels, including fish processing vessels and fish tender vessels (as such terms are defined in section 2101 of title 46, United States Code); and

“(E) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall establish a national ballast water management program to establish a process for compiling and readily sharing Federal and State commercial vessel reporting and enforcement data regarding compliance with this section,

“(F) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.”.

SEC. 08. REQUIREMENTS FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.

(a) MANAGEMENT OF INCIDENTAL DISCHARGE FOR COMMERCIAL VESSELS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Governor of a State shall petition the appropriate committees of Congress requesting that the Secretary, in consultation with the Administrator, revise the best management practices established under subsection (b) to become consistent with the best management practices established under subsection (a) of section 4609(c) and notwithstanding the expiration date for the General Permit, any practice, limitation, or concentration applicable to the normal operation of a commercial vessel that is required by the General Permit on the date of the enactment of this Act, and any reporting requirement required by the General Permit on such date of enactment, shall remain in effect until the implementation date under subsection (a)(3).

(b) APPLICATION OF GENERAL PERMIT AND SMALL VESSEL GENERAL PERMIT.—The terms and conditions of the General Permit and the Small Vessel General Permit shall cease to apply to vessels described in subparagraphs (A) and (B) of paragraph (1) on and after the date of the enactment of this Act.

(c) STATE PETITION FOR REVISION OF BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—The Governor of a State may submit to the Secretary a petition requesting that the Secretary, in consultation with the Administrator, revise the best management practice established under subsection (a) if there is new information that could reasonably indicate that—

“(A) revising the best management practice would—

“(i) mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel or from aquatic invasive species; and

“(ii) reduce the adverse effects on navigable waters of the United States of discharges incidental to the normal operation of a commercial vessel; and

“(B) the revised best management practice would be economically achievable and operationally practicable.

(2) REQUIRED INFORMATION.—A petition submitted to the Secretary under paragraph (1) shall include—

“(A) the scientific and technical information on which the petition is based; and

“(B) any additional data and information that the Secretary and Administrator consider appropriate.
(3) Public Availability.—Upon receiving a petition under paragraph (1), the Secretary shall make publicly available a copy of the petition, including the information included under paragraph (2).

(4) Treatment of More Than One Petition as a Single Petition.—The Secretary may treat more than one petition submitted under this section as a single petition.

(5) Revision of Best Management Practices.—If, after reviewing a petition submitted by a Governor under paragraph (1), the Secretary determines that revising a best management practice would mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel or from aquatic invasive species, the Secretary, in concurrence with the Administrator and in consultation with the States, shall revise such practice consistent with the elements described in subsection (a)(2).


SEC. 09. BEST MANAGEMENT PRACTICES FOR GREAT LAKES VESSELS.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish in the Federal Register that establishes best management practices for—

(1) ballast water and commercial vessels operating in navigable waters of the United States within the Great Lakes and Saint Lawrence River; and

(2) discharges incidental to the normal operation of a commercial vessel in navigable waters of the United States for commercial vessels operating in the Great Lakes and Saint Lawrence River that—

(A) are greater than or equal to 79 feet in length; and

(B) are not fishing vessels, including fishing processing vessels and fish tender vessels (as such terms are defined in section 2101 of title 46, United States Code).

(b) Elements.—The Secretary, in consultation with the Governors of the Great Lakes States and the owners or operators of commercial vessels described in subsection (a), shall determine that appropriate best management practices established under subsection (a)—

(1) mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel and aquatic invasive species;

(2) use marine pollution control devices when appropriate;

(3) are economically achievable and operationally practicable;

(4) do not compromise the safety of a commercial vessel;

(5) to the extent possible, apply consistently to all navigable waters of the United States within the Great Lakes and Saint Lawrence Rivers; and

(c) Transition.—

(1) In General.—Notwithstanding the expiration date for the General Permit and to the extent to which they do not conflict with section 10(b), the following best management practices described in the sections in Part 6 of the General Permit applicable to the Great Lakes States that are applicable to the Great Lakes States described in subsection (a) shall expire on the date on which the best management practices described in subsection (a) are implemented under subsection (g)(1):

(A) Best management practices required by Part 2 of the General Permit.

(B) Such other practices as required by the Secretary.

(2) Termination of Best Management Practices.—Notwithstanding the expiration date for the General Permit and to the extent to which they do not conflict with section 10(b), the best management practices described in the sections in Part 6 of the General Permit applicable to the Great Lakes States that are applicable to the Great Lakes States described in subsection (a) shall expire on the date on which the best management practices described in subsection (a) are implemented under subsection (g)(1):

(A) Best management practices required by Part 2 of the General Permit.

(B) Such other practices as required by the Secretary.

(c) Implementation.—The Secretary shall implement the best management practices established by final rule under subsection (a) not later than 60 days after the date on which the final rule is published in the Federal Register as required by such subsection.

(d) Treatment of Petition.—The Secretary shall treat any petition submitted under paragraph (1) as a single petition.

(e) Public Availability.—The Secretary shall make publicly available a copy of the petition, including the information included under paragraph (2).

(1) In General.—The Governor of a Great Lakes State may petition the Secretary to revise the best management practices established under subsection (a), including by employing additional best management practices, consistent with the best management practices described in subsection (a) and such guidelines for harmonizing requirements and enforcement procedures for the States and lawfully engaged in the coastwise trade.

(2) Maximum Fee.—Except as provided in paragraph (3), a State that assesses a permit fee, inspection fee, or other fee related to the regulation of ballast water or a discharge in violation of the permit, or to the enforcement of standards and requirements under this title by States, may adjust a fee authorized by this subpart to cover the costs of program administration, inspection, and enforcement activities by the State.

(3) Maximum Fee.—A State may not assess more than $5,000 in fees per vessel each year to the owner or operator of a commercial vessel before the date of enactment of this Act to cover the costs of program administration, inspection, and enforcement activities by the State.

(4) Adjustment for Inflation.—A State may not adjust a fee under paragraph (3) in excess of the amount of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) for October that immediately precedes the date that is 5 years before the date of adjustment.
(5) QUALIFYING VOYAGE.—In this subsection, the term “qualifying voyage” means a vessel arrival at a port or place of destination in a State by a commercial vessel that has operated outside of that State and excludes movement entirely within a single port or place of destination.

(c) EFFECT ON STATE AUTHORITY.—Except as provided in paragraph (a) and as necessary to implement an agreement entered into under such subsection, no State or political subdivision thereof may adopt or enforce any statute, regulation, or other requirement of the State or political subdivision with respect to—

(1) a discharge into navigable waters of the United States from a commercial vessel of ballast water; or

(2) a discharge into navigable waters of the United States incidental to the normal operation of a commercial vessel.

(d) PRESERVATION OF AUTHORITY.—Nothing in this title may be construed as affecting the authority of a State or political subdivision thereof to adopt or enforce any statute, regulation, or other requirement with respect to any water or other substance discharged or emitted from a vessel in preparation for the vessel being carried by land from one body of water to another body of water.

SEC. 12. EFFECT ON OTHER LAWS.

(a) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—

(1) IN GENERAL.—Except as provided in sections 90(b) and 90(c) of this title, or in section 159.309 of title 33, Code of Federal Regulations (or similar successor regulations), on and after the date of the enactment of this Act, section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

(b) ESTABLISHED REGULATIONS.—Notwithstanding any statutory or regulatory requirement, nothing in this title may be construed as affecting the authority of the Federal Government under—

(i) the Act to Prevent Pollution from Ships, 1973, with annexes and protocols, done at London February 17, 1978; or

(ii) to develop and implement procedures and programs to prevent, control, mitigate, or eliminate aquatic invasive species in the coastal zone and the Exclusive Economic Zone.

(b) USE OF GRANTS.—

(A) IN GENERAL.—A grant awarded under the Program shall be used for an activity to carry out the purposes of the Program, including an activity—

(i) to develop and implement procedures and programs to prevent, control, mitigate, or eliminate aquatic invasive species in the coastal zone or the Exclusive Economic Zone, particularly in areas with high numbers of established aquatic invasive species;

(ii) to restore habitat impacted by an aquatic invasive species;

(iii) to develop new shipboard and land-based biological control methods and technologies and performance standards to prevent the introduction of aquatic invasive species;

(iv) to develop mitigation measures to protect natural and cultural living resources, including shellfish, from the impacts of aquatic invasive species; or

(v) to develop mitigation measures to protect infrastructure, such as hydroelectric infrastructure, from aquatic invasive species.

(B) PROHIBITION ON FUNDING LITIGATION.—A grant awarded under the Program may not be used to fund litigation in any matter.

(5) ADMINISTRATION.—Not later than 90 days after the date of the enactment of this Act, the Foundation, in consultation with the Secretary of Commerce, shall establish the following:

(A) Application and review procedures for awarding grants under the Program.

(B) Approval procedures for awarding grants under the Program. Such procedures shall require consultation with the Secretary of the Interior and the Administrator.

(C) Performance accountability and monitoring for activities funded by a grant awarded under this subsection (b), to award grants under the Program.

(D) Procedures and methods to ensure accurate accounting and appropriate administration of grants awarded under the Program, including standards of record keeping.

(E) MATCHING REQUIREMENT.—Each eligible entity awarded a grant under the Program to carry out an activity shall provide matching funds to carry out such activity, in cash or through in-kind contributions from sources other than the Federal Government, in an amount equal to 50 percent of the cost of such activity.

(7) FUNDING.—The Secretary of Commerce and the Foundation shall use the amounts available in the Coastal Aquatic Invasive Species Mitigation Fund established under subsection (b), to award grants under the Program.

SEC. 13. QUAGGA MUSSEL.

(a) COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM AND MITIGATION FUND.

(1) DEFINITIONS.—In this subsection:

(A) COASTAL ZONE.—The term “coastal zone” has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453). (B) ELIGIBLE ENTITY.—The term “eligible entity” means a State government, local government, Indian Tribe, nongovernmental organization, or academic institution.

(C) EXCLUSIVE ECONOMIC ZONE.—The term “Exclusive Economic Zone” means the Exclusive Economic Zone of the United States, as established by Presidential Proclamation 5030 of March 10, 1983 (16 U.S.C. 1453 note).

(D) FOUNDATION.—The term “Foundation” means the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(a)).

(E) PROGRAM.—The term “Program” means the Coastal Aquatic Invasive Species Mitigation Grant Program established under paragraph (2).

(F) ESTABLISHMENT.—The Secretary of Commerce and the Foundation shall establish the Coastal Aquatic Invasive Species Mitigation Grant Program to award grants to eligible entities, as described in this subsection.

(G) USE OF GRANTS.—

(A) IN GENERAL.—A grant awarded under the Program shall be used for an activity to carry out the purposes of the Program, including an activity—

(i) to develop and implement procedures and programs to prevent, control, mitigate, or eliminate aquatic invasive species in the coastal zone or the Exclusive Economic Zone, particularly in areas with high numbers of established aquatic invasive species;

(ii) to restore habitat impacted by an aquatic invasive species;

(iii) to develop new shipboard and land-based biological control methods and technologies and performance standards to prevent the introduction of aquatic invasive species;

(iv) to develop mitigation measures to protect natural and cultural living resources, including shellfish, from the impacts of aquatic invasive species; or

(v) to develop mitigation measures to protect infrastructure, such as hydroelectric infrastructure, from aquatic invasive species.

SEC. 14. COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM.

(a) COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM.

(1) DEFINITIONS.—In this section:

(A) COASTAL ZONE.—The term “coastal zone” has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453). (B) ELIGIBLE ENTITY.—The term “eligible entity” means a State government, local government, Indian Tribe, nongovernmental organization, or academic institution.

(C) EXCLUSIVE ECONOMIC ZONE.—The term “Exclusive Economic Zone” means the Exclusive Economic Zone of the United States, as established by Presidential Proclamation 5030 of March 10, 1983 (16 U.S.C. 1453 note).

(D) FOUNDATION.—The term “Foundation” means the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(a)).

(E) PROGRAM.—The term “Program” means the Coastal Aquatic Invasive Species Mitigation Grant Program established under paragraph (2).

(F) ESTABLISHMENT.—The Secretary of Commerce and the Foundation shall establish the Coastal Aquatic Invasive Species Mitigation Grant Program to award grants to eligible entities, as described in this subsection.

(G) USE OF GRANTS.—

(A) IN GENERAL.—A grant awarded under the Program shall be used for an activity to carry out the purposes of the Program, including an activity—

(i) to improve the understanding, prevention, and mitigation of, and response to, aquatic invasive species in the coastal zone and the Exclusive Economic Zone; (ii) to support the prevention and mitigation of impacts from aquatic invasive species in the coastal zone of the United States; and (iii) to support the mitigation of marine, estuarine, Pacific Island habitats, and the Great Lakes environments in the coastal zone and the Exclusive Economic Zone that are impacted by aquatic invasive species.

(G) USE OF GRANTS.—

(A) IN GENERAL.—A grant awarded under the Program shall be used for an activity to carry out the purposes of the Program, including an activity—

(i) to develop and implement procedures and programs to prevent, control, mitigate, or eliminate aquatic invasive species in the coastal zone or the Exclusive Economic Zone, particularly in areas with high numbers of established aquatic invasive species;

(ii) to restore habitat impacted by an aquatic invasive species;

(iii) to develop new shipboard and land-based biological control methods and technologies and performance standards to prevent the introduction of aquatic invasive species;

(iv) to develop mitigation measures to protect natural and cultural living resources, including shellfish, from the impacts of aquatic invasive species; or

(v) to develop mitigation measures to protect infrastructure, such as hydroelectric infrastructure, from aquatic invasive species.

(B) PROHIBITION ON FUNDING LITIGATION.—A grant awarded under the Program may not be used to fund litigation in any matter.

(5) ADMINISTRATION.—Not later than 90 days after the date of the enactment of this Act, the Foundation, in consultation with the Secretary of Commerce, shall establish the following:

(A) Application and review procedures for awarding grants under the Program.

(B) Approval procedures for awarding grants under the Program. Such procedures shall require consultation with the Secretary of the Interior and the Administrator.

(C) Performance accountability and monitoring for activities funded by a grant awarded under this subsection (b), to award grants under the Program.

(D) Procedures and methods to ensure accurate accounting and appropriate administration of grants awarded under the Program, including standards of record keeping.

(E) MATCHING REQUIREMENT.—Each eligible entity awarded a grant under the Program to carry out an activity shall provide matching funds to carry out such activity, in cash or through in-kind contributions from sources other than the Federal Government, in an amount equal to 50 percent of the cost of such activity.

(F) FUNDING.—The Secretary of Commerce and the Foundation shall use the amounts available in the Coastal Aquatic Invasive Species Mitigation Fund established under subsection (b), to award grants under the Program.

(B) COASTAL AQUATIC INVASIVE SPECIES MITIGATION FUND.—

(1) CREATION OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the “Coastal Aquatic Invasive Species Mitigation Fund” (hereafter in this section as the “Fund”), consisting of such amounts as may be appropriated or credited to the Fund as provided in this section or section 3902 of the Internal Revenue Code of 1986.

(2) TRANSFERS TO FUND.—There is authorized to be appropriated from the Treasury to the Fund each fiscal year an amount equal to the penalties assessed under section 90(b) of this title in the prior fiscal year.

(B) AUTHORIZATION OF FURTHER APPROPRIATIONS.—There is authorized to be appropriated to the Fund, in addition to the amounts transferred to the Fund under paragraph (1), $5,000,000 for each fiscal year.

(3) EXPENDITURES FROM FUND.—Amounts in the Fund shall be available without further appropriation to the Secretary of Commerce and the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act to award grants under the Coastal Aquatic Invasive Species Mitigation Grant Program established under subsection (a)(2).

SEC. 15. RULES OF CONSTRUCTION.

(a) INTERNATIONAL STANDARDS.—Nothing in this title may be construed to impose any design, equipment, or operation standard on a commercial vessel not documented under the laws of the United States and engaged in innocent passage unless the standard implements a generally accepted international rule as determined by the Secretary.

(b) OTHER AUTHORITIES.—Nothing in this title may be construed as affecting the authority of the Secretary of Commerce or the Secretary of the Interior to administer lands or use the authority of the Secretary of the Interior to administer lands or to in any manner limit the authority of the Secretary of Commerce or to the Secretary of the Interior.

SA 1929. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 1892, to amend title.
4. United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE — VESSEL INCIDENTAL DISCHARGE ACT

SEC. 01. SHORT TITLE.
This title may be cited as the “Vessel Incidental Discharge Act.”

SEC. 02. DEFINITIONS.
In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) AQUATIC NUISANCE SPECIES.—The term “aquatic nuisance species” means a non-indigenous species (including a pathogen, microbe, or virus) that threatens the diversity or abundance of native species or the ecological stability of waters of the United States, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(3) BALLAST WATER.—
(A) IN GENERAL.—The term “ballast water” means any water and suspended matter taken on board a commercial vessel—
(i) to control or maintain trim, draught, stability, or stresses of the commercial vessel, regardless of how such water and matter is carried; or
(ii) during the cleaning, maintenance, or other operation of a ballast tank or ballast water management system of the commercial vessel.

(B) EXCLUSIONS.—The term “ballast water” does not include—
(i) a discharge into navigable waters of the United States from a commercial vessel of—
(I) a graywater, bilge water, cooling water, oil separator effluent, anti-foul ing hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis effluent, freemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration liquid and air, seawater piping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust and gas scrubber wash water, or stern tube packing gland effluent; or
(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorbive application to the hull of a commercial vessel;

(ii) a discharge of a pollutant into navigable waters of the United States by a vessel (as defined in section 3 of title 33, Code of Federal Regulations, or section 151.151 of such title (as in effect on the date of enactment of this Act));

(iii) any effluent from a properly functioning marine engine; or

(iv) a discharge of a pollutant into navigable waters of the United States in connection with the testing, maintenance, or repair of a system, equipment, or engine described in subparagraph (I) or (II) of clause (i) whenever the commercial vessel is waterborne.

(B) Empty and refill exchange, in which a vessel intentionally discharges ballast water from a ballast tank to another ballast tank or to the sea, such as by:
(s) placing the water in a ballast water tank using ocean water at the bottom of the tank and continuously overflowing the tank from the top until 3 full volumes of water has been discharged to the sea; or

(B) when seawater is pumped out until the pump loses suction, after which the ballast tank is refilled with mid-ocean water.

(C) when secured to a storage facility or operational capabilities of such tank, such as by:

(B) that contains unpumpable residual ballast water and sediments.

(33 U.S.C. 1322(a)(6))); or

(1) a recreational vessel; or

(2) a vessel that is within the scope of the General Permit for Discharges Incidental to the Normal Operation of a Vessel; noticed in the Federal Register on April 12, 2013 (78 Fed. Reg. 21938).

(4) GREAT LAKES.—The term “Great Lakes” means Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(5) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(6) MAJOR CONVERSION.—The term “major conversion” has the meaning given that term in section 2101(14a) of title 46, United States Code.

(7) MARINE POLLUTION CONTROL DEVICE.—
The term “marine pollution control device” means any equipment for installation or use on board a commercial vessel that is—
(A) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a commercial vessel; and

(B) determined by the Secretary, in consultation with the Administrator, to be the most effective equipment or management practice to reduce the environmental impact of the discharge consistent with the considerations set forth in section (8)(a)(2).

(8) MID-OCEAN WATER.—The term “mid-ocean water” means water greater than 200 nautical miles from any shore.

(9) NAVIGABLE WATERS OF THE UNITED STATES.—
The term “navigable waters of the United States” has the meaning given that term in section 2101(17a) of title 46, United States Code.

(10) OPERATING IN A CAPACITY OTHER THAN AS A MEANS OF TRANSPORTATION ON WATER.—
The term “operating in a capacity other than as a means of transportation on water” includes a vessel—
(A) when in use as an energy or mining facility;

(B) when in use as a storage facility or seafood processing facility; and

(C) when secured to a storage facility or seafood processing facility; and

(D) when secured to the bed of the ocean, continental shelf, or waters of the United States for the purpose of mineral or oil exploration or development.
(21) ORGANISM.—The term ‘organism’ means any organism and includes pathogens, micro-organisms, viruses, bacteria, and fungi.

(22) OWNER OR OPERATOR.—The term ‘owner or operator’ means any person owning, operating, or chartering by demise a commercial vessel.

(23) PACIFIC COAST REGION.—The term ‘Pacific Coast Region’ means Federal and State waters adjacent to Alaska, Washington, Oregon, or California extending from shore and including the entire exclusive economic zone (as defined in section 1001(8) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(8))) adjacent to each such State.

(24) POLLUTANT.—The term ‘pollutant’ has the meaning given that term in section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)).

(25) PORT OR PLACE OF DESTINATION.—The term ‘port or place of destination’ means any port or place to which a vessel is bound to anchor or moor.

(26) RECREATIONAL VESSEL.—The term ‘recreational vessel’ has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(27) RENDER NONVARIABLE.—The term ‘render nonvariable’ with respect to organisms in ballast water, the action of a ballast water management system that leaves such organisms permanently incapable of reproduction through sexual means.

(28) SALTWATER FLUSH.—The term ‘saltwater flush’—

(A) means—

(i) the addition of as much mid-ocean water into each empty ballast tank of a commercial vessel as is safe for such vessel and crew and the mixing of the flushwater with residuals for an amount of time equal to the residence time of such vessel; and

(ii) the discharge of the mixed water, such that the resultant residual water remaining in the ballast system has a measured salinity of less than 15 parts per thousand; and

(B) may require more than one fill—flush—empty sequence, particularly if only small amounts of water can be safely taken on board the commercial vessel at one time.

(29) SECRETARY.—Except as otherwise specified, the term ‘Secretary’ means the Secretary of the department in which the Coast Guard is operating.


SEC. 03. TREATMENT OF EXISTING BALLAST WATER REGULATIONS.

(a) EFFECT ON EXISTING REGULATIONS.—Any regulation issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) that is in effect on the day before the date of the enactment of this Act, and that relates to a matter subject to regulation under this title, shall remain in full force and effect unless or until superseded by a new regulation issued under this title relating to such matter.

(b) APPLICATION OF OTHER REGULATIONS.—

(1) IN GENERAL.—The regulations issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) relating to sanctions for violating a regulation under that Act shall apply to violations of a regulation issued under this title.

(2) PENALTIES.—The penalties for violations described in paragraph (1) shall increase consistent with inflation.

SEC. 04. BALLAST WATER DISCHARGE REQUIREMENTS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Except as provided in paragraph (7), and subject to sections 151.2035 and 151.2036 of title 33, Code of Federal Regulations (as in effect on the date of the enactment of this Act), an owner or operator may discharge ballast water into navigable waters of the United States from a commercial vessel covered under subsection (b) only if the owner or operator or any vessel that is to be used in conjunction with the system that is to be used in conjunction with the discharge ballast water complies with the requirements of this paragraph.

(2) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.—Any regulation issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (33 U.S.C. 1362) that is in effect on the day before the date of the enactment of this Act, an owner or operator of a commercial vessel shall—

(A) comply with the applicable requirements of—

(i) paragraph (1);

(ii) subpart C of part 151 of title 33, Code of Federal Regulations (or similar successor regulations); and

(iii) section 401.30 of such title (or similar successor regulations); and

(B) after operating—

(i) outside the exclusive economic zone of the United States or Canada, conduct a complete ballast water exchange in an area that is 200 nautical miles or more from shore before the owner or operator may discharge ballast water while operating in the Great Lakes; and

(ii) subject to any requirements the Secretary determines necessary with regard to such exchange or any ballast water management system that is to be used in conjunction with such exchange, to ensure that any discharge of ballast water complies with the requirements of this paragraph.

(c) EXEMPTED VESSELS.—Subparagraph (A) shall apply to—

(i) a commercial vessel described in subparagraph (B) and paragraph (6), unless an owner or operator of a commercial vessel that is in the vicinity of the ballast water exchange—

(A) conducts a complete ballast water exchange in an area that is 50 nautical miles or more from shore for voyages originating outside the United States or Canadian exclusive economic zone; or

(B) conducts a complete ballast water exchange in an area that is 200 nautical miles or more from shore for voyages originating outside the United States or Canada, conduct a ballast water exchange outside the Saint Lawrence River and the Great Lakes in an area that is 50 nautical miles or more from shore before the owner or operator may discharge ballast water while operating in the Saint Lawrence River or the Great Lakes, subject to any requirements the Secretary determines necessary with regard to such exchange or any ballast water management system that is to be used in conjunction with such exchange, to ensure that any discharge of ballast water complies with the requirements of this paragraph; and

(ii) unless otherwise required under this title, if the ballast tank’s unpumpable residual waters and sediments were subject to a saltwater flush, ballast water exchange, or treatment through a ballast water management system; or

(iii) otherwise prohibited by any domestic or international regulation.

(d) COMMERCIAL VESSELS OPERATING WITHIN THE PACIFIC COAST REGION.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (6), owners or operators of commercial vessels that transport ballast water sourced from waters and sediments were subject to a high salinity of less than 15 parts per thousand, except or otherwise prohibited by any domestic or international regulation.

(B) COMMERCIAL VESSEL DESCRIBED.—A commercial vessel described in this subparagraph is a vessel that is (A) described in paragraph (6), and (B) is situated in a port or place of destination to which such vessel entered or is from.

(3) COMMERCIAL VESSELS OPERATING WITHIN THE PACIFIC COAST REGION.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (6), the owner or operator of a commercial vessel described in subparagraph (B) shall conduct a complete ballast water exchange in a port or place of destination to which such vessel entered or is from.

(B) COMMERCIAL VESSEL DESCRIBED.—A commercial vessel described in this subparagraph is a vessel that is—

(i) operating outside the Pacific Coast Region; or

(ii) operating between a port or place of destination to which such vessel entered or is from; and

(C) EXEMPTIONS.—Subparagraphs (A) and (B) shall not apply to the following:

(i) a commercial vessel voyaging between or to a port or place of destination in the State of Washington, if the ballast water to be discharged from such vessel originated solely from waters located between the parallels of 43 degrees 32 minutes north latitude, and the internal waters of the Columbia River, and the internal waters of Canada south of latitude 56 degrees 30 minutes north latitude, including the waters of the Strait of Georgia and the Strait of Juan de Fuca.

(ii) a commercial vessel voyaging between ports or places of destination in the States of Washington and Oregon if the ballast water to be discharged from such vessel originated solely from waters located between the parallel 45 degrees north latitude and the parallel 50 degrees north latitude.

(iii) a commercial vessel voyaging between ports or places of destination in the State of California, within 200 nautical miles of the east of the Golden Gate Bridge, including the Port of Stockton and the Port of Sacramento, if any ballast water to be discharged from such vessel originated solely from ports or places within such area.

(iv) a commercial vessel voyaging between the Port of Los Angeles, the Port of Long Beach, and the El Segundo offshore marine oil terminal if any ballast water to be discharged from such vessel originated solely from ports or places within such area.

(v) a commercial vessel voyaging between a port or place in the State of Alaska within 50 nautical miles of the Captain of the Port Zone.

(4) EMPTY BALLAST TANKS.—

(A) REQUIREMENTS.—Except as provided in subparagraph (B) and paragraph (6), the owner or operator of a commercial vessel with empty ballast tanks shall conduct a saltwater flush—

(i) at least 200 nautical miles from any shore for voyages originating outside the United States or Canadian exclusive economic zone; or

(ii) at least 50 nautical miles from any shore or for voyages within the Pacific Coast Region.

(B) EXCEPTION.—The requirements of subparagraph (A) shall not apply—

(i) if a ballast tank’s unpumpable residual waters and sediments were subject to a saltwater flush, ballast water exchange, or treatment through a ballast water management system; or

(ii) unless otherwise required under this title, if the ballast tank’s unpumpable residual waters and sediments were sourced from waters and sediments were subject to a high salinity of less than 15 parts per thousand, except or otherwise prohibited by any domestic or international regulation.

(5) LOW SALINITY BALLAST WATER.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (6), the owner or operator of a commercial vessel that transport ballast water sourced from waters with a measured salinity of less than 15 parts per thousand shall conduct a complete ballast water exchange—

(i) more than 50 nautical miles from shore if the vessel is located in a port or place of destination from a Pacific Coast Region port or place of destination; or

(ii) more than 200 nautical miles from shore for voyages originating outside the United States and Canada.

(B) EXCLUSION.—The requirements of subparagraph (A) shall apply to a vessel that is—

(i) operating outside the Pacific Coast Region; or

(ii) operating in a port or place of destination to which such vessel entered or is from.

(6) EXEMPTED VESSELS.—
(A) In general.—The requirements of paragraphs (3), (4), and (5) shall not apply to a commercial vessel if—
(i) complying with such requirements would compromise the safety of the commercial vessel;
(ii) design limitations of the commercial vessel prevent ballast water exchange or saltwater flush from being conducted; or
(iii) the commercial vessel is certified by the Secretary as having no residual ballast water or sediments on board or retains all its ballast water capable in waters subject to such requirements; or
(iv) empty ballast tanks on the commercial vessel are sealed and certified by the Secretary so there is no discharge or uptake and subsequent discharge of ballast waters subject to such requirements.

(B) Additional exemptions.—The requirements of paragraphs (3) and (4) shall not apply to a commercial vessel if the commercial vessel uses a method of ballast water management approved by the Coast Guard under section 05 of this title or subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations) to—
(A) prevent ballast water exchange or saltwater flush from being conducted; or
(B) prevent ballast water exchange or saltwater flush from being conducted; or
(C) prevent ballast water exchange or saltwater flush from being conducted; or
(v) uses other liquid or material as ballast and does not discharge ballast overboard.

(3) Vessels operating exclusively within the Great Lakes and Saint Lawrence River.—
(A) In general.—A commercial vessel that operates exclusively within the Great Lakes and Saint Lawrence River shall be subject to subsection (a).
(B) Transition.—Notwithstanding subparagraph (A), a commercial vessel that operates exclusively within the Great Lakes and Saint Lawrence River is not required to comply with the ballast water discharge standard on the day before the date of enactment of this Act shall transition into compliance with this subsection on the date of enactment of this Act.

(C) Special rules.—The Secretary shall specify standards on the day before the date of enactment of this Act shall transition into compliance with this subsection:
(i) determines that requiring such class of commercial vessels to comply with the ballast water discharge standard is operationally practicable for such class of commercial vessels; and
(ii) determines that such class of commercial vessels can comply without exceeding such costs.

(D) Reconsideration.—If the Secretary determines that such class of commercial vessels can comply without exceeding such costs, the Secretary, in coordination with the Administrator, conducts a probabilistic assessment of the benefits of the environment and the costs to industry of compliance with such standard on the class of commercial vessels and determines that such benefits exceed such costs.

(E) Compliance deadline.—A class of commercial vessels that is required by the Secretary under subparagraph (C) of this subsection shall comply with the ballast water discharge standard—
(i) after completion of the first scheduled vessel dry docking that commences on or after the date that is 3 years after the date that the Secretary requires compliance under subparagraph (C) of this subsection; or
(ii) upon entry into the navigable waters of the United States for a vessel that is built after the date that is 3 years after the date the Secretary requires compliance under subparagraph (C) of such class of vessels.

(5) Deemed in compliance.—Not later than 5 years after the date of enactment of this Act, the Secretary shall prepare a determination by the Secretary under subparagraph (C), the Secretary shall provide a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives describing how the costs were considered in the assessment required by such subparagraph.

(C) Receptivity facilities; transfer standards.—The Secretary, in coordination with the Administrator, may promulgate standards for the measurement necessary on a vessel to transfer ballast water to a facility.

SEC. 05. APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS THAT RENDER ORGANISMS NONViable.—Notwithstanding chapter 5 of title 5, United States Code, part 151 of title 33, Code of Federal Regulations (or similar successor regulations), and part 162 of title 46, Code of Federal Regulations (or similar successor regulations), a ballast water system that renders nonviable organisms in ballast water at the concentrations prescribed in the ballast water discharge standard shall be approved by the Secretary if—

(1) such system—
(A) undergoes type approval testing at an independent laboratory designated by the Secretary under such regulations; and
(B) meets the requirements of subparagraph (b) of this subsection;

(b) Prohibition on biocides.—The Secretary shall not approve a ballast water management system under subsection (a) if the Secretary determines that the ballast water discharge standard is operationally unfeasible for such class of vessels.

(c) Approval testing methods.—The Secretary shall not approve a ballast water management system under subsection (a) if the Secretary determines that the ballast water discharge standard is operationally practicable for such class of commercial vessels and

(i) such system—
(A) undergoes type approval testing at an independent laboratory designated by the Secretary under such regulations; and
(B) meets the requirements of subparagraph (b) of this subsection;

(c) Approval testing methods.—The Secretary shall not approve a ballast water management system under subsection (a) if the Secretary determines that the ballast water discharge standard is operationally practicable for such class of commercial vessels and

(i) such system—
(A) undergoes type approval testing at an independent laboratory designated by the Secretary under such regulations; and
(B) meets the requirements of subparagraph (b) of this subsection;
(A) to measure the concentration of organisms in ballast water that are capable of reproduction;

(B) to certify the performance of each ballast water management system under this section; and

(C) to certify laboratories to evaluate such treatment technologies.

(2) Public comment.—The Secretary shall provide for a period of not more than 60 days for the public to comment on the draft policy letter published under paragraph (1).

(3) Final policy letter.—The Secretary shall provide for a period of not more than 30 days for the public to comment on the final policy letter described in paragraph (2) before the Secretary publishes a final policy letter.

(4) Administration.—The Secretary shall, in coordination with the Administrator, determine appropriate.

(C) Required information.—A petition submitted under subparagraph (A), the Secretary, in concurrence with the Administrator, determines appropriate.

(3) TEN-YEAR REVIEWS.—Not later than January 1, 2024, the Secretary may submit a petition requesting the Secretary to conduct a ten-year review of the ballast water discharge standard for the class of vessels to incorporate such treatment technologies.

(A) a ballast water management system that is capable of achieving the ballast water discharge standard as proposed to be revised; and

(B) testing protocols can be practicably implemented that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised; and

(iii) any additional information the Secretary considers appropriate.

(6) STANDARD NOT REVISED.—If the Secretary determines that the requirements of this subsection have not been satisfied, the Secretary shall publish a description of how such determination was made.

(i) that the ballast water discharge standard as proposed to be revised;

(ii) information regarding any ballast water management systems that may reasonably indicate the ballast water discharge standard included under clause (i); and

(iii) the scientific and technical information on which the petition is based, including any additional information the Secretary considers appropriate.

(A) a proposed ballast water discharge standard that would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species;

(B) the Secretary, in concurrence with the Administrator, shall issue a rule to revise the ballast water discharge standard as proposed to be revised.

(2) VESSEL SPECIFIC COMPLIANCE DEADLINES.—The Secretary may establish a deadline established under paragraph (1).

(2) that—

(i) the ballast water discharge standard as proposed to be revised;

(ii) information regarding any ballast water management systems that may reasonably indicate the ballast water discharge standard as proposed to be revised;

(iii) the scientific and technical information on which the petition is based, including any additional information the Secretary considers appropriate.

(A) a ballast water management system that is capable of achieving the ballast water discharge standard as proposed to be revised; and

(B) testing protocols can be practicably implemented that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised;

(3) other criteria that the Secretary, in concurrence with Administrator, considers appropriate.

(2) that—

(i) a proposed ballast water discharge standard that would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species;

(ii) information regarding any ballast water management systems that may reasonably indicate the ballast water discharge standard;

(iii) the scientific and technical information on which the petition is based, including any additional information the Secretary considers appropriate.

(A) before the date on which such rule is published in the Federal Register; and

(B) for the owner or operator of a commercial vessel that is constructed or completes a major conversion on or after the date that is 3 years after the date on which such rule is published in the Federal Register, a deadline to comply with the revised ballast water discharge standard that is the first day on which such commercial vessel operates in navigable waters of the United States.

(A) in General.—The Secretary may establish a deadline for compliance by a commercial vessel (or a class, type, or size of commercial vessels) under the revised ballast water discharge standard that is different than the general deadline established under paragraph (1).
(3) EXTENSIONS.—The Secretary shall establish a process for an owner or operator to submit an application to the Secretary for an extension of a compliance deadline established under paragraphs (1) and (2).

(4) APPLICATION FOR EXTENSION.—An owner or operator shall submit an application for an extension under paragraph (3) not less than 90 days prior to the applicable compliance deadline established under paragraph (1) or (2).

(5) FACTORS.—In reviewing an application under this subsection, the Secretary shall consider—

(a) whether the ballast water management system is capable, if applicable, is available in sufficient quantities to meet the compliance deadline;

(b) whether there is sufficient shipyard or other installation facility capacity;

(c) whether there is sufficient availability of engineering and design resources;

(d) commercial vessel characteristics, such as engine room size, layout, or a lack of installed piping;

(e) electric power generating capacity aboard the commercial vessel;

(f) the safety of the commercial vessel and crew; and

(g) any other factor that the Secretary determines appropriate.

(6) CONSIDERATION OF EXTENSIONS.—The Secretary shall approve or deny an application for an extension of a compliance deadline submitted by an owner or operator under this subsection.

(B) DETERMINATIONS.—The Secretary shall—

(i) acknowledge receipt of an application for an extension submitted under paragraph (4) not later than 30 days after the date of receipt of the application, and

(ii) to the extent practicable, approve or deny such an application not later than 90 days after the date of receipt of the application.

(C) FAILURE TO REVIEW.—If the Secretary does not approve or deny an application described in subparagraph (A) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be conditionally approved.

(7) PERIOD OF EXTENSIONS.—An extension granted to an owner or operator under paragraph (3)—

(A) may be granted for an initial period of not more than 18 months; and

(B) may be renewed for additional periods of not more than 18 months each; and

(C) may not be in effect for a total of more than 5 years.

(8) PERIOD OF USE OF INSTALLED BALLAST WATER MANAGEMENT SYSTEM.—

(A) IN GENERAL.—Subject to subparagraph (B), an owner or operator shall be considered to be in compliance with the ballast water discharge standard if—

(i) the ballast water management system installed on the commercial vessel complies with the ballast water discharge standard in effect at the time of installation, notwithstanding any revisions to the ballast water discharge standard occurring after the installation;

(ii) the ballast water management system is maintained in proper working condition, as determined by the Secretary;

(iii) the ballast water management system is maintained in accordance with the manufacturer’s specifications; and

(iv) the ballast water management system continues to meet the ballast water discharge standard applicable to the commercial vessel at the time of installation, as determined by the Secretary.

(B) LIMITATION.—Subparagraph (A) shall cease to apply with respect to a commercial vessel after—

(i) the expiration of the service life of the ballast water management system of the commercial vessel, as determined by the Secretary;

(ii) the expiration of the service life of the commercial vessel, as determined by the Secretary;

(iii) the completion of a major conversion of the commercial vessel; and

(iv) the failure to maintain the commercial vessel in a condition to be in compliance with the ballast water discharge standard.

SEC. 57. NATIONAL BALLAST INFORMATION CLEARINGHOUSE.

Subsection (f) of section 1102 of the Non-Invasive Aquatic Species Incidental Discharge Act of 1990 (16 U.S.C. 4712(f)) is amended to read as follows:

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(1) IN GENERAL.—The Secretary shall—

(A) develop and maintain, in consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), a National Ballast Information Clearinghouse of national data concerning—

(i) ballasting practices;

(ii) compliance with the guidelines issued pursuant to section 1102(c); and

(iii) any other information obtained by the Secretary pursuant to section 1101(c); and

(B) any other information obtained by the Secretary pursuant to section 1101(c).

(2) BALLAST WATER REPORTING REQUIREMENTS.—

(A) IN GENERAL.—The owner or operator of a commercial vessel subject to this title shall submit the current ballast water management report form approved by the Office of Management and Budget (OMB 1225-0069 or a subsequent form) to the National Ballast Information Clearinghouse not later than 6 months after the arrival of such vessel at a United States port or place, unless such vessel is operating exclusively on a voyage between ports or places within a single Captain of the Port area.

(B) MULTIPLE DISCHARGES WITHIN A SINGLE PORT.—The owner or operator of a commercial vessel subject to this title may submit a single report under subparagraph (A) for multiple ballast water discharges within a single port during the same voyage.

(C) ADVANCED REPORT TO STATES.—A State may require the owner or operator of a commercial vessel subject to this title to submit directly to the State a ballast water management report form—

(i) not later than 24 hours prior to arrival at a United States port or place of destination if the voyage of such vessel is anticipated to exceed 24 hours; or

(ii) before departing the port or place of departure if the voyage of such vessel is not anticipated to exceed 24 hours.

(3) COMMERCIAL VESSEL REPORTING DATA.—Upon receiving a submission of a ballast water management report required under paragraph (2), the National Ballast Information Clearinghouse may, if it determines—

(i) in the cases of forms submitted electronically, immediately disseminate the report to interested States; or

(ii) in the cases of forms submitted by means other than electronically, disseminate the report to interested States as soon as practicable.

(4) AVAILABILITY TO THE PUBLIC.—Not later than 30 days after the receipt of a ballast water management report required under paragraph (2), the National Ballast Information Clearinghouse shall make the data in such report fully and readily available to the public in searchable and fully retrievable electronic formats.

(5) REPORTING AND COOPERATION.—The Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), the Secretary shall prepare and submit to the Task Force and the appropriate committees of Congress and make available to the public, on the basis of not later than 180 days from the end of each odd numbered calendar year, a report that synthesizes and analyzes the data referred to in paragraph (1) and makes recommendations to the Congress and appropriate committees on appropriate policies and actions necessary to—

(A) address the public health and environmental impacts of ballast water, and

(B) promulgate regulations to promote and implement the best management practices established under paragraphs (1) and (2).
paragraph (1) and any other provision of law, the terms and conditions of Part 6 of the General Permit (relating to specific requirements for individual States or Indian country laws) shall coincide on the implementation date under subsection (a)(3).

(c) APPLICATION TO CERTAIN VESSELS.—

(1) GENERAL WATER POLLUTION CONTROL ACT.—No permit shall be required under section 402 of the General Water Pollution Control Act (33 U.S.C. 1342) or prohibited under any other provision of law for, nor shall any best management practice regarding a discharge incidental to the normal operation of a commercial vessel under section 402, or (A) a balance of discharge incidental to the normal operation of a commercial vessel if the commercial vessel—

(A) is less than 79 feet in length; or

(B) is a fishing vessel, including a fish processing vessel or fish tender vessel (as such terms are defined in section 2101 of title 46, United States Code).

(2) APPLICATION OF GENERAL PERMIT AND SMALL VESSEL GENERAL PERMIT.—The terms and conditions of the General Permit and the Small Vessel General Permit shall cease to apply to vessels described in subparagraphs (A) and (B) of paragraph (1) on and after the date of the enactment of this Act.

(d) TRANSITION.—The Secretary, in concurrence with the Administrator and in consultation with the States, shall—

(1) review the practices and standards established under subsection (a) not less frequently than once every 10 years; and

(2) revise such practices consistent with the elements described in paragraph (2) of such subsection.

(e) STATE PETITION FOR REVISION OF BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—The Governor of a State may submit a petition to the Secretary requesting that the Secretary, in concurrence with the Administrator, revise a best management practice established under subsection (a) if there is new information that could reasonably indicate that—

(A) revising the best management practice would—

(i) mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel or aquatic invasive species;

(ii) reduce the adverse effects on navigable waters of the United States of discharges incidental to the normal operation of a commercial vessel and aquatic invasive species;

(B) the revised best management practice would be economically achievable and operationally practicable.

(2) PETITION INFORMATION.—A petition submitted to the Secretary under paragraph (1) shall include—

(A) the scientific and technical information on which the petition is based; and

(B) any additional information the Secretary and Administrator consider appropriate.

(3) PUBLIC AVAILABILITY.—Upon receiving a petition under paragraph (1), the Secretary shall make publicly available a copy of the petition, including the information included under paragraph (2).

(4) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Secretary may treat more than one petition submitted under paragraph (1) as a single petition.

(5) REVISION OF BEST MANAGEMENT PRACTICES.—If, after reviewing a petition submitted under paragraph (1), the Secretary, in concurrence with the Administrator, determines that revising a best management practice would mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel or from aquatic invasive species, the Secretary, in concurrence with the Administrator and in consultation with the States, shall revise such practice consistent with the elements described in subsections (a)(2), (3), (4), (5), and (6).

(f) REPEAL OF NO PERMIT REQUIREMENT.—


SEC. 09. BEST MANAGEMENT PRACTICES FOR BALLAST WATER DISCHARGES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator in concurrence with the Secretary, shall publish a final rule in the Federal Register that establishes best management practices for—

(1) ballast discharges for commercial vessels operating in navigable waters of the United States within the Great Lakes and Saint Lawrence River; and

(2) discharge incidental to the normal operation of a commercial vessel in navigable waters of the United States for commercial vessels operating in the Great Lakes and Saint Lawrence River that—

(A) are greater than or equal to 79 feet in length; and

(B) are not fishing vessels, including fish processing vessels (as such terms are defined in section 2101 of title 46, United States Code).

(b) ELEMENTS.—The Secretary, in concurrence with the Administrator and in consultation with the Governors of the Great Lakes States, the Great Lakes and Saint Lawrence River, and after the date on which the final rule to be published in the Federal Register is published, require commercial vessels described in subsection (a) (i) and (ii)—

(1) to implement the best management practices established under subsection (a)—

(A) mitigating the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel and aquatic invasive species;

(B) use marine pollution control devices when appropriate;

(C) are economically achievable and operationally practicable;

(D) do not compromise the safety of a commercial vessel; and

(E) to the extent possible, apply consistently to all navigable waters of the United States within the Great Lakes and Saint Lawrence River.

(c) TRANSITION.—

(1) IN GENERAL.—Notwithstanding the expiration date for the General Permit and to the extent to which they do not conflict with section 10(b), the following best management practices applicable to commercial vessels described in subsection (a) shall remain in effect:

(A) the best management practices described in such subsection are implemented under subsection (g)(1); and

(B) the best management practices required by Part 2 of the General Permit.

(2) OTHER PRACTICES.—The Secretary shall make publicly available any determination made under this section.

SEC. 10. JUDICIAL REVIEW.

(a) In General.—A person may file a petition for review of a final rule or a final agency action issued under this title in the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE.—

(1) IN GENERAL.—A petition shall be filed under this section not later than 120 days after the date on which the final rule to be reviewed is published in the Federal Register or the final agency action is issued, as the case may be.

(2) EXCEPTION.—Notwithstanding paragraph (1), a petition that is based solely on grounds that arise after the deadline to file
(2) a discharge into navigable waters of the United States incidental to the normal operation of a commercial vessel.

(d) PRESERVATION OF AUTHORITY.—Nothing in this title shall be construed as affecting the authority of a State or political subdivision thereof to adopt or enforce any statute, regulation, or other requirement with respect to any substance discharged or emitted from a vessel in preparation for transport of the vessel by land from one body of water to another body of water.

SEC. 12. EFFECTIVE DATES.

(a) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—

(1) IN GENERAL.—Except as provided in section 159.309 of title 33, Code of Federal Regulations (or similar successor regulations), on and after the date of the enactment of this Act, section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) shall not apply to a discharge into navigable waters of the United States of ballast water from a commercial vessel or a discharge incidental to the normal operation of a commercial vessel.

(2) OIL AND HAZARDOUS SUBSTANCE LIABILITY.—Nothing in this title may be construed as affecting the application to a commercial vessel of section 311 or 312 of the Federal Water Pollution Control Act (33 U.S.C. 1321 et seq.), with respect to the regulation by the Federal Government of any discharge or emission that, on or after the date of the enactment of this Act, is covered under—

(A) the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, with annexes (33 U.S.C. 1901 et seq.) with respect to the regulation by the Federal Government of any discharge or emission that, on or after the date of the enactment of this Act, is covered under—

(i) to develop and implement procedures and programs to prevent, control, mitigate, or progressively eradicate aquatic invasive species in the coastal zone of the United States; and

(ii) to restore habitat impacted by an aquatic invasive species;

(iii) to develop new shipboard and land-based ballast water treatment system technologies and performance standards to prevent the introduction of aquatic invasive species;

(iv) to develop mitigation measures to protect natural and cultural living resources, including shellfish, from the impacts of aquatic invasive species;

(v) to develop mitigation measures to protect infrastructure, such as hydroelectric infrastructure, from aquatic invasive species.

(B) PROHIBITION ON FUNDING LITIGATION.—A grant awarded under the Program may not be used to fund litigation in any manner.

(C) ADMINISTRATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Foundation, shall establish the following:

(A) Application and review procedures for awarding grants under the Program. Such procedures shall require consultation with the Secretary of the Interior and the Administrator.

(B) Approval procedures for awarding grants under the Program. Such procedures may include accountability and monitoring measures for activities funded by a grant awarded under the Program.
DIVISION B—SUPPLEMENTAL APPROPRIATIONS, TAX RELIEF, AND MEDICAID CHANGES RELATING TO CERTAIN DISASTERS AND FURTHER EXTENSION OF CONTINGENCY RESOLUTION

Subdivision 1—Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018

The following sums in this subdivision are appropriated to the Secretaries of the Departments of Agriculture and Commerce, and such other amounts as may be necessary for the fiscal year ending September 30, 2018 and for other purposes, namely:

TITLE I
DEPARTMENT OF AGRICULTURE
AGRICULTURAL PROGRAMS
PROCESSING, RESEARCH AND MARKETING
OFFICE OF THE SECRETARY

For an additional amount for the "Office of the Secretary", $2,360,000,000, which shall remain available until December 31, 2019, for necessary expenses related to the consequences of Hurricane Harvey, Irma, Maria, and other hurricanes and wildfires occurring in calendar year 2017 and of other natural disasters, $400,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL RESEARCH SERVICE
BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $22,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FARM SERVICE AGENCY
EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency Conservation Program", for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria and of wildfires occurring in calendar year 2017, and other natural disasters, $400,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATURAL RESOURCES CONSERVATION SERVICE
WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for necessary expenses for the Emergency Watershed Protection Program for the consequences of Hurricanes Harvey, Irma, and Maria and of wildfires occurring in calendar year 2017, and other natural disasters, $541,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT PROGRAMS
RURAL HOUSING SERVICE
RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for "Rural Housing Insurance Fund Program Account", $18,672,000, to remain available until September 30, 2019, for the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for the rehabilitation of section 515 rental housing (42 U.S.C. 1485) in areas impacted by Hurricane Harvey, Irma, and Maria where owners were not required to carry national flood insurance: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL UTILITIES SERVICE
RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

For an additional amount for the "Rural Water and Waste Disposal Program Account", $165,475,000, to remain available until expended for grants to eligible states and local governments for the construction and improvement of water systems and sewer and solid waste disposal systems impacted by Hurricanes Harvey, Irma, and Maria: Provided, That not to exceed $2,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste
systems pursuant to section 306(a)(22) of the Consolidated Farm and Rural Development Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the “Special Supplemental Nutrition Program for Women, Infants, and Children”, $14,000,000, to remain available until September 30, 2017, for infrastructure grants to the Commonwealth of Puerto Rico and the U.S. Virgin Islands to assist in the repair and restoration of buildings, equipment, technology, and other infrastructure damaged as a consequence of Hurricanes Irma and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMODOITY ASSISTANCE PROGRAM

For an additional amount for “Commodity Assistance Program” for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 7261(b)), section 270(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $24,000,000, to remain available until September 30, 2019, for necessary expenses of employees, equipment, and the repair of facilities, including funds for the maintenance and repair of such facilities, for the repair of damages related to the consequences of Hurricanes Harvey, Irma, and Maria, $79,232,000, to remain available until September 30, 2017, for the repair and replacement of observing assets, Federal real property, and equipment; and for the emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

BUILDINGS AND FACILITIES (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Buildings and Facilities”, $76,600,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount may be transferred to “Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses” for costs related to repair of facilities, for replacement of equipment, and for other increases in facility-related costs: Provided further, That the amount appropriated, up to 2 percent of funds may be transferred to the “Office of Inspector General” account for carrying out investigations and audits related to the funding provided under this heading.

TITILE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS (INCLUDING TRANSFERS OF FUNDS)

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 2373), the additional amount for “Economic Development Assistance Programs” for necessary expenses related to flood mitigation, disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation as a result of Hurricanes Harvey, Irma, and Maria, and of wildfires and other natural disasters in fiscal year 2017 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $600,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FISHERIES DISASTER ASSISTANCE

For an additional amount for “Fisheries Disaster Assistance” for necessary expenses associated with the mitigation of fishery disasters, $200,000,000, to remain available until expended: Provided, That funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters declared by the Secretary of Commerce in calendar year 2017, as well as those declared by the Secretary to be a direct result of Hurricanes Harvey, Irma, and Maria: Provided further, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.
DEPARTMENT OF JUSTICE
UNITED STATES MARSHALS SERVICE
SALARIES AND EXPENSES
For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $21,200,000: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES
For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $21,200,000: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES
For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $11,500,000: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES
For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $16,000,000: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUILDINGS AND FACILITIES
For an additional amount for “Buildings and Facilities” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $35,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION
For an additional amount for “Construction and Environmental Compliance and Restoration” for repairs at National Aeronautics and Space Administration facilities damaged by hurricanes that occurred during 2017, $81,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL SCIENCE FOUNDATION
BUDGET AND RELATED ACTIVITIES
For an additional amount for “Research and Related Activities” for necessary expenses to repair National Science Foundation radio observatory facilities damaged by hurricanes that occurred during 2017, $16,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III
DEPARTMENT OF DEFENSE
DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE
OPERATION AND MAINTENANCE, ARMY
For an additional amount for “Operation and Maintenance, Army”, $20,110,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY
For an additional amount for “Operation and Maintenance, Navy”, $267,786,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS
For an additional amount for “Operation and Maintenance, Marine Corps”, $160,796,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE
For an additional amount for “Operation and Maintenance, Air Force”, $412,916,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE
SEC. 20201. (a) In recognition of the consistent with the purposes of the projects, minimize impacts on marine mammal species and population stocks; and
(b) Monitor the impacts of the projects on such species and population stocks.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD
For an additional amount for “Operation and Maintenance, Army National Guard”, $55,471,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985:

PROCURMENT

OTHER PROCUREMENT, NAVY
For an additional amount for “Other Procurement, Navy” $18,000,000, to remain available until September 30, 2020, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS
For an additional amount for “Revolving and Management Funds” for the Navy Working Capital Fund, $9,486,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM
For an additional amount for operation and maintenance, construction, and completion of flood and storm damage reduction, including shore protection, studies which are currently authorized or which are authorized after the date of enactment of this subdivision, to reduce risk from future floods and hurricanes, at full Federal expense, $135,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV
CORPS OF ENGINEERS—CIVIL DEPARTMENT OF THE ARMY INVESTIGATIONS
For an additional amount for “Investigations” for necessary expenses related to the completion, on initiation and completion, of flood and storm damage reduction, including shore protection, studies which are currently authorized or which are authorized after the date of enactment of this subdivision, to reduce risk from future floods and hurricanes, at full Federal expense, $75,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985:

FLOOD CONTROL AND COASTAL EMERGENCIES
For an additional amount for “Flood Control and Coastal Emergencies” authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters, as authorized by law, $810,000,000, to remain available until expended: Provided, That for authorized shore protection projects shall restore such projects to the full project profile at full Federal expense: Provided further, That any amount for “Investigations” for necessary expenses related to the completion, on initiation and completion, of flood and storm damage reduction, including shore protection, studies which are currently authorized or which are authorized after the date of enactment of this subdivision, to reduce risk from future floods and hurricanes, at full Federal expense, $75,000,000, to remain available until expended: Provided, That any amount for “Investigations” for necessary expenses related to the completion, on initiation and completion, of flood and storm damage reduction, including shore protection, studies which are currently authorized or which are authorized after the date of enactment of this subdivision, to reduce risk from future floods and hurricanes, at full Federal expense, $135,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985:

MISSISSIPPI RIVER AND TRIBUTARIES
For an additional amount for “Mississippi River and Tributaries” for necessary expenses to address emergency situations at Corps of Engineers projects, to construct, and rehabilitate, and repair damages to Corps of Engineers projects, caused by natural disasters, $770,000,000, to remain available until expended: Provided, That of such amount, $400,000,000 is available to construct flood and storm damage reduction projects which are currently authorized or which are authorized after the date of enactment of this subdivision: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE
For an additional amount for “Operation and Maintenance” for necessary expenses to determinate and maintain the United States free from damages due to flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters, as authorized by law, $200,000,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

PROVIDED FURTHER, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

CONGRESSIONAL RECORD — SENATE
DEPARTMENT OF ENERGY
ENERGY PROGRAMS
Electricity Delivery and Energy Reliability

For an additional amount for “Electricity Delivery and Energy Reliability”, $13,000,000, to remain available until expended, for necessary expenses related to damages caused by Hurricanes Harvey, Irma, and Maria, including technical assistance related to electrict grids; Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

TITILE V
INDEPENDENT AGENCIES
General Services Administration
Real Property Activities

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the “Federal Buildings Fund”, $126,951,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Strategic Petroleum Reserve”, $8,716,000, to remain available until expended, for necessary expenses related to damages caused by Hurricanes Harvey, Irma, and Maria, including technical assistance related to electrict grids: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 20401. In fiscal year 2018, and each fiscal year thereafter, the Chief of Engineers of the U.S. Army Corps of Engineers shall transmit to the Congress, after reasonable opportunity for comment, but without change, the report of the Assistant Secretary of the Army for Civil Works, a monthly report, the first of which shall be transmitted to Congress not later than 2 days after the date of enactment of this subdivision and monthly thereafter, shall include detailed estimates of damages to each Corps of Engineers project, caused by natural disasters or otherwise.

SEC. 20402. From the unobligated balances of amounts made available to the U.S. Army Corps of Engineers, $518,900,000 under the heading “Engineers—Civil, Control and Coastal Emergencies” and $210,000,000 under the heading “Engineers—Civil, Operations and Maintenance” in Title X of the Disaster Relief Appropriations Act, 2013 (Public Law 113-2; 127 Stat. 25) shall be transferred to “Engineers—Civil, Construction”, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 20403. The Secretary of Agriculture shall submit to the Committees on Appropriations of the House of Representatives and the Senate, and the Committee on Appropriations of the Senate, an annual report on the programs and activities carried out by the Forestry Service to address the consequences of Hurricanes Harvey, Irma, and Maria.

SEC. 20404. Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

DEPARTMENT OF HOMELAND SECURITY
Departmental Management, Operations, Intelligence, and Oversight

Office of Inspector General—Operations and Support

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $30,905,000, to remain available until September 30, 2018: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Office of Inspector General”, $7,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Disaster Loans Program Account (Including Transfer of Funds)

For an additional amount for the “Disaster Loans Program Account” for the cost of disbursements under section 7(b) of the Small Business Act, $1,622,000,000, to remain available until expended: Provided, That up to $618,000,000 may be transferred to and available under the heading “SBA Operations and Management” for administrative expenses to carry out the disaster loan program authorized by section 7(b) of the Small Business Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 20405. Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VI
DEPARTMENT OF HOMELAND SECURITY
DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

Office of Inspector General—Operations and Support

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $20,000,000, to remain available until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. Customs and Border Protection
Operations and Support

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $104,494,000, to remain available until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That not more than $59,400,000 may be used to carry out U.S. Customs and Border Protection activities in fiscal year 2018 in Puerto Rico and the United States Virgin Islands, in addition to any other amounts available for such purposes.

 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $45,000,000, to remain available until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 20406. Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
Operations and Support

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $30,905,000, to remain available until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $33,052,000, to remain available until September 30, 2022: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 20407. Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSPORTATION SECURITY ADMINISTRATION
Operations and Support

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $16,322,000, to remain available until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COAST GUARD
Operating Expenses

For an additional amount for “Operating Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $112,136,000, to remain available until September 30, 2019: Provided,
That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for “Environmental Compliance and Restoration” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $1,938,000,000, to remain available until September 30, 2022: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for Acquisition, Construction, and Improvements for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $5,374,000, to remain available until September 30, 2022: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL EMERGENCY MANAGEMENT AGENCY

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $58,800,000, to remain available until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $35,747,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER RELIEF FUND

For an additional amount for “Disaster Relief Fund for disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $23,500,000,000, to remain available until expended: Provided, That the Administrator of the Federal Emergency Management Agency shall publish on the Agency’s website not later than 5 days after an award of a disaster grant, a detailed expenditure plan for funds appropriated under this heading: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Procure, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $5,000,000, to remain available until September 30, 2022: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE


(1) replace or restore the function of a facility or system to industry standards without regard to the pre-disaster condition of the facility or system;

(2) replace or restore components of the facility or system not damaged by the disaster where necessary to fully effectuate the replacement of the facility or system; and

(3) replace or restore the function of a facility or system damaged by the disaster by using funds made available from any other source to make such replacements and repairs.
“(C) RELIGIOUS FACILITIES.—A church, synagogue, mosque, temple, or other house of worship, educational facility, or any other private nonprofit facility, shall be eligible for funds under paragraph (1)(B), without regard to the religious character of the facility or the primary religious use of the facility. No house of worship, educational facility, or other private nonprofit facility may be excluded from receiving contributions under paragraph (1)(B) because leadership or membership in the organization operating the house of worship is limited to persons who share a religious faith or practice.”.

(3) APPLICABILITY.—This section and the amendments made by this section shall apply—

(1) to the provision of assistance in response to a major disaster or emergency declared on or after August 23, 2017; or

(2) with respect to—

(A) any application for assistance that, as of the date of enactment of this Act, is pending before Federal Emergency Management Agency; and

(B) any application for assistance that has been denied, where a challenge to that denial is not filed within 30 days of the date of enactment of this Act.

Sec. 20606. Section 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173), with respect to a major disaster declared pursuant to such Act for damages resulting from a wildfire in calendar year 2017, shall be 90 percent of the eligible costs under such section.

(b) The Federal share provided by subsection (a) shall apply to assistance provided before, on, or after the date of enactment of this Act.

FEDERAL COST-SHARE ADJUSTMENTS FOR REPLACEMENT OF DAMAGED FACILITIES

Sec. 20606. Section 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) is amended by inserting at the end of paragraph (2) the following:—

“(3) INCREASED FEDERAL SHARE.—

“(A) INCENTIVE MEASURES.—The President may provide to a State or Tribal government to invest in measures that increase readiness for, and resilience from, a major disaster by recognizing such investments in the Federal share of costs through a sliding scale that increases the minimum Federal share to 85 percent. Such measures may include—

“(i) the adoption of a mitigation plan approved under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173); and

“(ii) investments in disaster relief, insurance, and emergency management programs;

“(iii) encouraging the adoption and enforcement of the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purpose of protecting the health, safety, and general welfare of the buildings’ users against disasters;

“(iv) facilitating participation in the community rating system; and

“(v) funding mitigation projects or granting tax incentives for projects that reduce risk.

“(B) COMPREHENSIVE GUIDANCE.—Not later than 1 year after the date of enactment of this paragraph, the President, acting through the Administrator, shall issue comprehensive guidance for the purposes of providing the Federal share under this section. Guidance shall ensure that the agency’s review of eligible measures and investments does not unduly delay determining the appropriate Federal cost share.

“(C) REPORT.—One year after the issuance of the guidance required by subparagraph (B), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the analysis of the Federal cost shares paid under this section.

“(D) SAVINGS CLAUSE .—Nothing in this paragraph prevents the President from increasing the Federal cost share above 85 percent unless the President—

“(1) determines that the Federal share is necessary to complete compliance activities required by section 306108 of title 54, United States Code (formerly section 106 of the National Historic Preservation Act) and costs needed to administer the program: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“TITLE VII

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $210,629,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for “Hazardous Substance Superfund” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $2,500,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For an additional amount for “Leaking Underground Storage Tank Trust Fund” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $75,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for “State and Tribal Assistance Grants” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, for the fiscal year 2018, for the dislocated workers assistance national reserve for necessary expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria, and for dislocated worker employment and training activities, $333,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, the fire at the U.S. Forest Service’s Wilderness Station at Grand Canyon National Park, Arizona, in the 2017 fire season, $91,600,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

Sec. 20701. Agencies receiving funds appropriated by this title shall each provide a monthly report to the Committees on Appropriations of both Houses of Congress and the Senate detailing the allocation and obligation of these funds by account, beginning not later than 90 days after enactment of this Act.

TITLE VIII
DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES
(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Job Corps” for construction, rehabilitation and acquisition for Job Corps Centers in Puerto Rico, $30,900,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOBCORPS

For an additional amount for “Job Corps” for capital outlay and acquisition for Job Corps Centers in Puerto Rico, $30,900,000, which shall be available upon the date of enactment of this subdivision and remain available for obligation through June 30, 2021: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Job Corps” for capital outlay and acquisition for Job Corps Centers in Puerto Rico, $30,900,000, which shall be available upon the date of enactment of this subdivision and remain available for obligation through June 30, 2021: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $30,652,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLEXIBILITY IN USE OF FUNDS UNDER WIA

Sec. 20802. (a) In General.—Notwithstanding section 133(b)(4) of the Workforce Innovation and Opportunity Act, in States, as defined by section 3(35) of such Act, affected by Hurricanes Harvey, Irma, and Maria, a local board, as defined by section 3(35) of such Act, in a local area, as defined by section 3(32) of such Act, affected by such Hurricanes may transfer, if such transfer is approved by the Governor, up to 100 percent of the funds allocated to the local area for Program Years 2016 and 2017 for Workforce Investment activities under paragraphs (2) or (3) of section 123(b) of such Act, for Adult Employment and Training activities under paragraphs (2)(A) or (3) of section 133(b) of such Act, or for Dislocated Worker employment and training activities under paragraph (2)(B) of section 133(b) of such Act among—

(1) adult employment and training activities;
(2) dislocated worker employment and training activities; and
(3) youth workforce investment activities.

(b) The Virgin Islands.—Except for the funds reserved to carry out required statewide activities under sections 127(b) and 133(a)(2) of the Workforce Innovation and Opportunity Act, the Governor of the Virgin Islands may authorize the transfer of up to 100 percent of the remaining funds provided to the Virgin Islands for Program Years 2016 and 2017 for Adult Employment and Training activities under section 127(b)(1)(B) of such Act, for Adult employment and training activities under section 133(b)(1)(A) of such Act, or for Dislocated Worker employment and training activities under section 133(b)(2)(A) of such Act among—

(1) adult employment and training activities;
(2) dislocated worker employment and training activities; and
(3) youth workforce investment activities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ‘‘CDC-Wide Activities and Program Support,’’ $200,000,000, to remain available until September 30, 2020, for response, recovery, preparation, mitigation, and other expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That obligations incurred for the purposes provided herein prior to the date of enactment of this Act and approved by the Governor, up to 100 percent of the remaining funds provided to the Virgin Islands for Program Years 2016 and 2017 for Career and Adult employment and training activities under section 127(b)(1)(B) of such Act, for Adult employment and training activities under section 133(b)(1)(A) of such Act, or for Dislocated Worker employment and training activities under section 133(b)(2)(A) of such Act among—

(1) adult employment and training activities;
(2) dislocated worker employment and training activities; and
(3) youth workforce investment activities.

OFFICE OF THE DIRECTOR

For an additional amount for fiscal year 2018 for ‘‘Office of the Director,’’ $50,000,000, to remain available until September 30, 2020, for response, recovery, and other expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That obligations incurred for the purposes provided herein prior to the date of enactment of this Act and approved by the Governor, up to 100 percent of the remaining funds provided to the Virgin Islands for Program Years 2016 and 2017 for Career and Adult employment and training activities under section 127(b)(1)(B) of such Act, for Adult employment and training activities under section 133(b)(1)(A) of such Act, or for Dislocated Worker employment and training activities under section 133(b)(2)(A) of such Act among—

(1) adult employment and training activities;
(2) dislocated worker employment and training activities; and
(3) youth workforce investment activities.
is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR CHILDREN AND FAMILIES

For an additional amount for “Children and Families Services Programs”, $650,000,000, to remain available until September 30, 2023, for Head Start programs, for necessary expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria, including making payments under part B of the Head Start Act: Provided, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: Provided further, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES

FUNDING EMERGENCY RESPONSE POSITIONS

For an additional amount for “Public Health and Social Services Emergency Fund”, $162,000,000, to remain available until September 30, 2020, for response, recovery, preparation, mitigation, and other expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria, including activities authorized under section 319(a) of the Public Health Service Act (referred to in this subdivision as the “PHS Act”): Provided, That of the amount provided, $60,000,000 shall be transferred to “Health Resources and Services Administration—Primary Health Care”, for expenses related to the consequences of Hurricanes Harvey, Irma, and Maria for disaster response and recovery, for the Program under section 330 of the PHS Act: Provided further, That not less than $50,000,000, of amounts transferred under the preceding proviso, shall be available for alteration, renovation, construction, equipment, and other capital improvement costs as necessary to meet the needs of areas affected by Hurricanes Harvey, Irma, and Maria: Provided further, That the time limitation in section 330(e)(3) of the PHS Act shall not apply to funds made available under the preceding proviso: Provided further, That funds provided under this heading, not to exceed $20,000,000 shall be transferred to “Substance Abuse and Mental Health Services Administration—Health Surveillance and Program Support” for grants, contracts, and cooperative agreements for behavioral health treatment, crisis counseling, and other related helplines, and for other similar programs to provide additional assistance to individuals impacted by Hurricanes Harvey, Irma, and Maria: Provided further, That of the amount provided, up to $2,000,000, to remain available until expended, shall be transferred to “Office of Inspector General” for oversight of activities responding to such hurricanes: Provided further, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated under this heading: Provided further, That funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIRECT HIRE AUTHORITY FOR CERTAIN EMERGENCY RESPONSE POSITIONS

SEC. 20803. (a) In General.—As the Secretary determines necessary to respond to a critical hiring need for emergency response positions, after providing public notice and without regard to the provisions of paragraphs (1) and (2) of section 640(a) of theuckles, and to perform critical work directly relating to the consequences of Hurricanes Harvey, Irma, and Maria:

(1) Intermittent disaster-response personnel in the Public Health System, under section 2312 of the Public Health Service Act (42 U.S.C. 300hh–11), to the extent necessary to meet the needs of areas affected by the consequences of Hurricanes Harvey, Irma, and Maria:

(2) Term or temporary related positions in the Centers for Disease Control and Prevention and the Office of the Assistant Secretary for Preparedness and Response:

(b) Expiration.—Authority under subsection (a) shall expire 270 days after the date of enactment of this section.

DEPARTMENT OF EDUCATION

HURRICANE EDUCATION RECOVERY

TRANSFERS OF FUNDS

Provided further, That, for the purposes of section 3319 of title 5, United States Code, the Secretary may appoint candidates directly to the following positions, consistent with subsection (b) of paragraph (1) of section 3319 of title 5:

(1) $8,500 for each displaced student who is a child with a disability or an English learner.

(2) $10,000 for each displaced student who is below the age of kindergarten entry and is a child with a disability or an English learner.

(H) in determining the amount of emergency impact aid that a State educational agency may receive under paragraph (1)(B), the Secretary shall, subject to section 107(d)(1)(B) of such title, provide—

(i) $9,000 for each displaced student who is an English learner, as those terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(ii) $10,000 for each displaced student who is a child with a disability (regardless of whether the child is an English learner); and

(iii) $8,500 for each displaced student who is not a child with a disability or an English learner.

(i) With respect to the emergency impact aid provided under paragraph (1)(B), the Secretary may modify the State educational agency applicability timelines in section 107(c) of such title;

(j) Each reference to a public elementary school may include a reference determined by the local educational agency, a publicly-funded preschool program that enrolls children below the age of kindergarten entry and is part of a public elementary district or a Head Start program, respectively, for the purposes of section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.), $1138 et seq.) for institutions located in...
an area affected by a covered disaster or emergency, and students enrolled in such institutions, except that—

(A) any requirements relating to matching, Federal share, reservation of funds, or maintenance of effort under such parts that would otherwise be applicable to that assistance shall not apply; and

(B) such assistance may be used for student financial assistance;

(C) such assistance may also be used for faculty and staff salaries, equipment, student support services, and other expenses necessary to maintain education in such covered disaster or emergency area, or to provide assistance to students who are homeless or at risk of becoming homeless as a result of displacement, and institutions that have sustained extensive damage, by a covered disaster or emergency;

(4) up to $75,000,000 of the funds made available under this heading shall be available for programs in areas affected by a covered disaster or emergency, except that—

(A) any requirements relating to matching, Federal share, or maintenance of effort under such parts that would otherwise be applicable to that assistance shall not apply; and

(B) such assistance may be used for student financial assistance;

(5) $25,000,000 of the funds made available under this heading shall be available to provide assistance to local educational agencies serving homeless children and youths displaced by a covered disaster or emergency, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11465) and with section 106 of title IV of division B of Public Law 109–148, except that funds shall be disbursed based on demonstrated need and the number of homeless children and youths displaced as a result of displacement by a covered disaster or emergency;

(6) section 437 of the General Education Provisions Act (20 U.S.C. 1223) and section 553 of title 5, United States Code, shall not apply to activities under this heading;

(7) $4,000,000 of the funds made available under this heading shall be transferred to the Office of Inspector General of the Department of Education for oversight of activities supported with funds made available under this heading, and up to $5,000,000 of the funds made available under this heading shall be for program administration;

(8) $85,000,000 of the funds made available under this heading shall be to carry out activities authorized under section 4631(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 221(b)); Provided, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds made available under this heading; and

(9) the Secretary may waive, modify, or provide extensions for certain requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for affected programs, institutions, affected students, and affected institutions in covered disaster or emergency areas in the same manner as the Secretary was authorized to waive, modify, or provide extensions for certain requirements of such Act under provisions of subsection (b) of title IV of division B of Public Law 109–148 for affected institutions, affected students, and affected institutions in areas affected by Hurricane Katrina and Hurricane Rita, except that the cost associated with any action taken by the Secretary under this subdivision is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(10) if any provision under this heading or application of such provision to any person or circumstance is held to be unconstitutional, the remainder of the provisions under this heading and the application of such provisions to any person or circumstance shall not be affected by such determination.
For an additional amount for "Construction, Minor Projects", $4,088,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION
CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, Minor Projects", $4,088,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That none of these funds shall be available for obligations incurred prior to this heading: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION
PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For an additional amount for the "Public Transportation Emergency Relief Program" as authorized under section 5324 of title 49, United States Code, $330,000,000 to remain available until expended, for transit systems affected by Hurricanes Harvey, Irma, and Maria: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 21101. Notwithstanding section 18236(b) of title 10, United States Code, the Secretary of Defense shall contribute to Puerto Rico, 100 percent of the total cost of construction (including the cost of architectural, engineering and design services) for the acquisition, construction, expansion, rehabilitation, or conversion of the Arroyo reading facility pursuant to section 18233(a) of title 10, United States Code.

TITLE XI
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

For an additional amount for "Construction and Training", $50,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, and economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2017 (except provided under this heading) pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION
FEDERAL- AID HIGHWAYS
EMERGENCY RELIEF PROGRAM

For an additional amount for the "Emergency Relief Program" as authorized under section 125 of title 23, United States Code, $374,000,000, to remain available until expended, for expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, and economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2017 (except provided under this heading) pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for the "Emergency Relief Program" as authorized under section 125 of title 23, United States Code, $374,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, and economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2017 (except provided under this heading) pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for the "Emergency Relief Program" as authorized under section 125 of title 23, United States Code, $374,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, and economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2017 (except provided under this heading) pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.
Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication as defined in subsection (b) of section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds. The Secretary shall consider grantee information concerning any disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: Provided further, That the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: Provided further, That the eighth proviso under the same heading has been allocated for necessary housing and community development, and shall be combined with funds appropriated by this subdivision to appropriate under the same heading in Public Law 115–56, or may receive disaster recovery allocations under the same heading or the same heading in Public Law 115–31, and the same heading in division B of Public Law 115–56 subject to the same terms and conditions under this subdivision and such Acts respectively: Provided further, That such grantee shall receive an allocation from such remaining funds in the same proportion that the amount of funds such grantee received under this subdivision and under the Acts specified in the previous proviso bears to the amount of all funds provided to all grantees specified in the previous proviso.

TITLES XII

SECTION 21102. Any funds made available under this heading, up to $10,000,000 shall be transferred, in aggregate, to "Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development" for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts under this heading: Provided further, That, of the amounts made available under this heading, up to $15,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement processes, to support States, units of general local government, or Indian tribes (as such term is defined in section 101(3) of division A of Public Law 114–223, section 192 of division C of Public Law 114–223, as added by section 101(3) of division A of Public Law 114–234), for temporary adjustments to the section 8 housing choice voucher program accounts for administrative costs and administrative fee eligibility determinations for public housing agencies located in the most impacted and distressed areas in which a major Presidential declared disaster occurred during 2017, under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5707 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster, to facilitate leasing up to a public housing agency’s authorized level of units under contract (but not to exceed 10% of the contract), and in consultation with a public housing agency and supported by documentation as required by the Secretary that demonstrates the need for the adjustments.

GENERAL PROVISIONS—THIS SUBDIVISION

SEC. 21201. Each amount appropriated or otherwise made available by this subdivision, or by any other Act, shall be used for such purposes as are necessary for the administration of the provisions of this Act, and shall remain available to carry out the provisions of this Act, for the fiscal year involved, and until expended.

SEC. 21202. Notwithstanding section 21201 of this subdivision, any amount made available under this Act shall be used to provide assistance for any emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or reallotted, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress. For purposes of this subdivision, the consequence of carrying out such provisions of this Act, the President shall cause to be transmitted to the Congress in such form and manner as the President shall designate, not later than 30 days after the date this Act is transmitted to the Congress, a report describing the actions taken under this Act. For purposes of this subdivision, the consequence of carrying out such provisions of this Act, whenever the President designates, not later than 30 days after the date this Act is transmitted to the Congress, a report describing the actions taken under this Act.

SEC. 21203. Provided, That any amount appropriated under the heading “Community Development Fund” under this subdivision that remain available, after the other funds under such heading have been allocated for necessary expenses for activities authorized under such heading, shall be used for additional mitigation activities in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2014, 2015, 2016 or 2017: Provided further, That such remaining funds shall be available in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2014, 2015, 2016 or 2017.
and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this subdivision shall retain such designation.

Sec. 21207. The terms and conditions applicable to the funds provided in this subdivision, including those provided by this title, shall be consistent with the purpose set forth in section 101(a) of PROMESA (48 U.S.C. 2104). This section, the aggregate amount of distributions received by an individual which may be treated as qualified wildfire distributions for any taxable year shall not exceed the excess (if any) of—

(C) health and social services; and

(G) environmental issues, including solid waste facilities; and

(H) other infrastructure systems, including repair, restoration, replacement, and improvement of public infrastructure such as water and wastewater treatment facilities, communications networks, and transportation infrastructure;

(2) is consistent with—

(A) the Commonwealth’s fiscal capacity to provide long-term operation and maintenance of rebuilt or replaced assets;

(B) alternative procedures and associated programmatic guidance adopted by the Administrator of the Federal Emergency Management Agency pursuant to section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5186); and

(C) actions as may be necessary to mitigate vulnerabilities to future extreme weather events and natural disasters and increase community resilience, including encouraging the adoption and enforcement of the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable design, construction, and maintenance of residential structures and facilities for the purpose of protecting the health, safety, and general welfare of the public during disasters;

(3) promotes transparency and accountability through appropriate public notification, outreach, and hearings;

(4) identifies performance metrics for assessing and reporting on the progress toward achieving the Commonwealth’s recovery goals, as identified under paragraph (1);

(5) is developed in coordination with the Oversight Board established under PROMESA; and

(6) is certified by that Oversight Board to be consistent with the purpose set forth in section 101(a) of PROMESA (48 U.S.C. 2121(a)).

(b) At the end of every 30-day period before the submission of the report described in subsection (a), the Governor of the Commonwealth of Puerto Rico, in coordination with the Administrator of the Federal Emergency Management Agency, shall provide to Congress interim status updates on progress developing such report.

(c) At the end of every 180-day period after the submission of the report described in subsection (a), the Governor of the Commonwealth of Puerto Rico, in coordination with the Administrator of the Federal Emergency Management Agency, shall make public a report on progress achieving the goals set forth in such report.

(d) During the development, and after the submission, of the report required in subsection (a), the Oversight Board may provide to Congress interim status updates on coordination with the Governor of Puerto Rico.

(e) Amounts made available by this subdivision to a covered territory for response to or recovery from Hurricane Maria in an aggregate amount greater than $10,000,000 may be reviewed by the Oversight Board under the Oversight Board’s authority under section 204(b)(2) of PROMESA (48 U.S.C. 2144(b)(2)).

(f) When developing a Fiscal Plan while the recovery plan required under subsection (a) is in development, the Oversight Board shall use and incorporate, to the greatest extent feasible, damage assessments prepared pursuant to Federal law.

(2) treatment of payments of distributions from eligible retirement plans other than IRAs.

Agriculture, and other Federal agencies having responsibilities defined under the National Disaster Framework, the Governor of the Commonwealth of Puerto Rico shall submit to Congress a report describing the Commonwealth’s 12- and 24-month economic and disaster recovery plan that—

(1) defines the priorities, goals, and expected outcomes of the recovery effort for the Commonwealth, based on damage assessments prepared pursuant to Federal law, if applicable, including—

(A) housing;

(B) tax-Favored Withdrawals From Retire- ment Plans.

(II) LIMITATION.—(A) In general.—For purposes of subparagraph (B), the term ‘‘controlled group’’ means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

(3) AMOUNT DISTRIBUTED MAY BE REPAID.—(A) IN GENERAL.—Any individual who receives a qualified wildfire distribution, at any time during the 3-year period beginning on the day after the date on which such distribution was received, may make one or more additional contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a roll-over contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of the Internal Revenue Code of 1986, as the case may be.

(B) TREATMENT OF分布于除 IRAs 的分配外—

(II) LIMITATION.—(A) In general.—For purposes of subparagraph (B), the term ‘‘controlled group’’ means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.
an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(C) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution to a plan or contract (as defined by section 7701(a)(37) of such Code) is made to a rollover distribution from an eligible retirement plan (as defined by section 408A(d)(3) of such Code and as having been transferred to a plan or contract in a direct trustee to trustee transfer within 60 days of the distribution), the qualified distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to such eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) DEFINITIONS.—For purposes of this subsection—

(A) QUALIFIED WILDERFIRE DISTRIBUTION.—Except as provided in paragraph (2), the term "qualified wildfire distribution" means any distribution from an eligible retirement plan made on or after October 8, 2017, and before January 1, 2019, to an individual whose principal place of abode during any portion of the period from August 9, 2017, to December 31, 2017, is located in the California wildfire disaster area and who has sustained an economic loss by reason of the wildfires to which the declaration of such area relates.

(B) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" shall have the meaning given such term by section 408A(d)(3) of such Code and as having been transferred to a plan or contract in a direct trustee to trustee transfer within 60 days of the distribution.

(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.

(A) IN GENERAL.—In the case of any qualified wildfire distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for any taxable year shall be included ratably over the 3-taxable-year period beginning with such taxable year.

(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(6) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.

(A) EXEMPTION FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING REQUIREMENTS ON DISTRIBUTIONS.—(1) In general.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified wildfire distributions shall not be treated as eligible rollover distributions.

(B) QUALIFIED WILDERFIRE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of the Internal Revenue Code of 1986, a qualified wildfire distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(7) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—(1) RECONTRIBUTIONS.—(A) In general.—Any individual who received a qualified distribution may, during the period beginning on October 8, 2017, and ending on June 30, 2018, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual was a participant and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), of such Code, as the case may require.

(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term "qualified distribution" means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), or 403(b)(11)(F), of the Internal Revenue Code of 1986,

(B) received after March 31, 2017, and before January 15, 2018, and

(C) which is used to purchase or construct a principal residence in the California wildfire disaster area but which was not so purchased or constructed on account of the wildfires to which the declaration of such area relates.

(3) LOANS FROM QUALIFIED PLANS.—(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made during the period beginning on the date of the enactment of this Act and ending on December 31, 2018—

(A) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting "$100,000" for "$50,000", and

(B) clause (B) of such section shall be applied by substituting "the present value of the nonforfeitable accrued benefit of the employee under the plan" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan";

(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after October 8, 2017, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on October 8, 2017, and ending on December 31, 2018, such due date shall be delayed for 1 year,

(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(C) in determining the due year and the term of a loan described in subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in subparagraph (A) shall be disregarded.

(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term "qualified individual" means any individual whose principal place of abode during any portion of the period from August 9, 2017, to December 31, 2017, is located in the California wildfire disaster area and who has sustained an economic loss by reason of the wildfires to which the declaration of such area relates.

(4) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(A) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(B) AMENDMENTS TO WHICH SUBSECTION APPLIES.—(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract which is made—

(A) beginning on the date on which the term or business has resumed significant operations, and

(B) before January 1, 2019, which amends a plan or annuity contract to provide for the payment of benefits under the plan or contract as if the plan or contract had been in existence as of the date the business commenced operations, such plan or contract amendment shall be treated as a credit listed in subsection (b) of such section. For purposes of this subsection, "plan or contract" includes the plan or contract amendment adopted, the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.
TITLE II—TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA

SEC. 20201. TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA.

(a) MODIFICATION OF HURRICANES HARVEY AND IRMA DISASTER AREAS.—Subsections (a)(2) and (b)(2) of section 501 of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Public Law 115–63; 131 Stat. 1173) are each amended by striking “October 17, 2017” and inserting “September 21, 2017” and inserting “October 17, 2017.”

(b) EMPLOYEE RETENTION CREDIT.—Subsections (a)(3), (b)(3), and (c)(3) of section 503 of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Public Law 115–63; 131 Stat. 1181) are each amended by striking “sections 51(i)(1) and 52” and inserting “sections 51(i)(1), 52, and 280C(a)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of title V of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 to which such amendments relate.

TITLE III—HURRICANE MARIA RELIEF FOR PUERTO RICO AND THE VIRGIN ISLANDS MEDICAID PROGRAMS

SEC. 20301. HURRICANE MARIA RELIEF FOR PUERTO RICO AND THE VIRGIN ISLANDS MEDICAID PROGRAMS.

(a) INCREASED CAPS.—Sections 1316(b)(5) of the Social Security Act (42 U.S.C. 1396d(d)(5)) are each amended—

(1) by striking “subparagraph (A)” and inserting “paragraphs (B), (C), (D), and (E)”;

(2) by adding at the end the following new subparagraph:

“(D) each of which includes any portion of the period from October 8, 2017, to December 31, 2017, is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under paragraphs (1) and (2) of section 21 of the Internal Revenue Code of 1986 which arise in the California wildfire disaster area and such individual was displaced from such principal place of abode by reason of the wildfires to which the declaration of such area relates.

(3) EARNED INCOME.—For purposes of this subsection, the term “earned income” has the meaning given such term under section 32(c) of the Internal Revenue Code of 1986.

(4) SPECIAL RULES.—

(A) APPLICATION TO JOINT RETURNS.—For purposes of paragraphs (1) and (2) of this subsection, the term “taxpayer” shall apply if either spouse is a qualified individual.

(B) INCREASED CREDITS.—For purposes of paragraphs (1) and (2) of this subsection, the term “taxpayer” shall apply if either spouse is a qualified individual.

(5) INCREASED CREDITS.—Subsections (a)(3), (b)(3), and (c)(3) of section 503 of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Public Law 115–63; 131 Stat. 1181) are each amended by striking “sections 51(i)(1) and 52” and inserting “sections 51(i)(1), 52, and 280C(a)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of title V of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 to which such amendments relate.
SEC. 20401. DESIGNATION IN SENATE.

In the Senate, this subdivision is designated as an emergency requirement pursuant to section 412(a) of H. Con. Res. 71 (115th Congress), the Concurrent Resolution on the budget for fiscal year 2018.

Subdivision 3—Further Extension of Continuing Appropriations Act, 2018

SEC. 20101. The Continuing Appropriations Act, 2018 (division D of Public Law 115–56) is further amended—

(1) striking the date specified in section 106(3) and inserting "March 23, 2018"; and

(2) inserting after section 155 the following new section—

"SEC. 156. In addition to amounts provided by section 101, amounts are provided for 'Department of Commerce—Bureau of the Census—2020 Decennial Census Program' at a rate for operations of $182,000,000 for an additional amount for the 2020 Decennial Census Program; and such amounts may be apportioned up to the rate for operations necessary to maintain the schedule and deliver the required data according to statutory deadlines in the 2020 Decennial Census Program.

"SEC. 157. Notwithstanding section 101, the matter preceding the first proviso and the first proviso under the heading 'Power Marketing Administrations... and Maintenance, Southeastern Power Administration' in division D of Public Law 115–31 shall be applied by substituting "$37,700,000" for "$1,000,000" as necessary.

"SEC. 158. As authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C. 6239 note), the Secretary of Energy shall draw down and sell not to exceed $550,000,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2018: Provided, That the proceeds from such drawdown and sale shall be deposited into the Energy Security and Infrastructure Modernization Fund (in this section referred to as the 'Fund') during fiscal year 2018: Provided further, That in addition to amounts otherwise made available by section 101, any amounts deposited in the Fund shall be made available and shall remain available until expended at a rate for operations of $550,000,000, for necessary expenses in carrying out the Life Extension II project for the Strategic Petroleum Reserve.

"SEC. 159. Appropriations authorized by section 101 for 'The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Commissioners' may be used at a rate for operations necessary to accommodate increased juror usage.

"SEC. 160. Section 144 of the Continuing Appropriations Act, 2018 (division D of Public Law 115–56), as amended by the Further Additional Continuing Appropriations Act, 2018 (division F of Public Law 116–9), is amended by (1) striking "$1,761,000", and inserting "$22,247,000"; and (2) striking "$1,104,000" and inserting "$1,987,000".


"SEC. 162. For the purpose of carrying out section 453(a)(2) of the Higher Education Act of 1965 (HEA) (20 U.S.C. 1085(a)(2)), during the period covered by this Act the Secretary of Education may satisfy the requirement under section 453(a)(2)(A) of the HEA (20 U.S.C. 1085(a)(2)(A)) for an institution of higher education that offers an associate degree, is a public institution, and is located in an economically distressed county, defined as a county that ranks in the lowest 5 percent of all counties in the United States based on a national poverty index, as follows: Provided, That this section shall apply to an institution of higher education that otherwise would be ineligible to participate in a program under part A of title IV of the HEA on or after the date of enactment of this Act due to the application of section 453(a)(2) of the HEA.

"SEC. 163. Notwithstanding any other provision of law, funds made available by this Act for military construction, land acquisition, and family housing activities may be obligated and expended to carry out planning and design and military construction projects authorized by law: Provided. That such funds and authority provided by this section may be used notwithstanding sections 102 and 104: Provided further, That such funds may be used only for projects identified by the Department of the Air Force in its January 29, 2018, letter sent to the Committees on Appropriations of both Houses of Congress detailing urgently needed fiscal year 2018 construction requirements.

"SEC. 164. (a) Section 116(b)(3)(D) of title 49, United States Code, is amended—

"(1) in clause (i), by striking 'During the 2-year period beginning on the date of enactment of this section, the'; inserting 'The'; and inserting the following after the first sentence: 'Any such funds or limitation of obligations or portions of funds transferred to the Bureau may be transferred back to and merged with the original account.;' and

"(2) in clause (ii) by striking 'During the 2-year period beginning on the date of enactment of this section, the'; inserting 'The'; and inserting the following after the first sentence: 'Any such funds or limitation of obligations or portions of funds transferred to the Bureau may be transferred back to and merged with the original account.'.

(b) In paragraph (A) by striking 'Safety and Operations account' and inserting 'National Security Transportation and Innovative Finance Bureau account'; and

(c) In subsection (a)(3), by striking 'March 23, 2018' and inserting 'March 29, 2018'.

This subdivision may be cited as the 'Further Extension of Continuing Appropriations Act, 2018'.

DIVISION C—BUDGETARY AND OTHER MATTERS

SEC. 30001. TABLE OF CONTENTS.

The table of contents for this division is as follows:

DIVISION C—BUDGETARY AND OTHER MATTERS

Sec. 3001. Table of contents.

TITLE I—BUDGET ENFORCEMENT


Sec. 30102. Balances on the PAYGO Scorecards.

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TITLE II—OFFSETS

Sec. 30201. Customs users fees.

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Sec. 30303. Extension of certain immigration fees.
SEC. 30204. Strategic Petroleum Reserve drawdown.

SEC. 30205. Elimination of surplus funds of Federal reserve banks.

SEC. 30206. Rescissions and eligibility assessments.

TITLE III—TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

SEC. 30301. Temporary extension of public debt limit.

TITLE IV—JOINT SELECT COMMITTEES

Subtitle A—Joint Select Committee on Solvency of Multiemployer Pension Plans

Subsection 30421. Definitions.

Subsection 30422. Establishment of Joint Select Committee.

Subsection 30423. Funding.

Subsection 30424. Consideration of joint committee bill in the Senate.

Subtitle B—Joint Select Committee on Budget and Appropriations Process Reform

Subsection 30431. SPENDING ADJUSTMENTS FOR FISCAL YEARS 2018 AND 2019.—(A) REVISED DISCRETIONARY SPENDING LIMITS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraphs (5) and (6) and inserting the following: "(5) for fiscal year 2018—

(A) for the revised security category, $629,000,000,000 in new budget authority; and

(B) for the revised nonsecurity category $579,000,000,000 in new budget authority;

(6) for fiscal year 2019—

(A) for the revised security category, $641,000,000,000 in new budget authority; and

(B) for the revised nonsecurity category, $597,000,000,000 in new budget authority;"

(b) APPROPRIATIONS.—If the statement referred to in subsection (b) may also include for fiscal year 2019 and aggregate revenue levels for fiscal years 2019 through 2028, at the levels included in the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974; and

(c) ADDITIONAL MATTER.—The statement referred to in paragraph (1) may also include for fiscal year 2019 and aggregate revenue levels for fiscal years 2019 through 2028, at the levels included in the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974.

(d) FISCAL YEAR 2019 ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS.—If the statement referred to in subparagraph (A) shall be submitted by the Chair of the Committee on Appropriations not later than May 15, 2018, then the matter referred to in subparagraph (A) shall be references to the succeeding fiscal year; and

(e) ADJUSTMENTS.—The Chair of the Committee on the Budget of the House of Representatives may adjust the levels included in the statement referred to in subparagraph (A) to reflect the budgetary effects of any legislation enacted during the period that reduces the deficit or as otherwise necessary.

(f) APPLICATION.—Upon submission of the statement referred to in paragraph (1)—

(1) all references in sections 5101 through 5112, sections 5201 through 5205, section 5301, and section 5401 of House Concurrent Resolution 71 (115th Congress) to fiscal year 2019 shall be considered for all purposes in the House to be references to the succeeding fiscal year; and

(2) all references in the provisions referred to in paragraph (1) to allocations, aggregates, or other appropriate levels in “this concurrent resolution”, “the most recently enacted concurrent budget resolution”, “this concurrent resolution”, “this concurrent budget resolution”, or “this resolution” shall be considered for all purposes in the House to be references...
to the allocations, aggregators, or other appropriate levels contained in the statement referred to in subsection (b), as adjusted.

(g) EXPIRATION.—Subsections (a) through (f) shall expire on January 14, 2026, except as provided in section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), as amended by section 30201, in the full quantity authorized by such subsection.

(c) STRATEGIC PETROLEUM DRAWDOWN CONDITIONS AND PROVISIONS.

(1) CONDITIONS.—Section 161(h)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) 35,000,000 barrels of crude oil during the fiscal year 2023; and

(2) LIMITATIONS.—Section 161(h)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(2)) is amended by striking "$450,000,000" each place it appears and inserting "$47,500,000,000".

SEC. 30204. STRATEGIC PETROLEUM RESERVE DRAWDOWN.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsection (b), the Secretary of Energy shall draw down and sell from the Strategic Petroleum Reserve:

(A) 30,000,000 barrels of crude oil during the period of fiscal years 2022 through 2025; and

(B) 35,000,000 barrels of crude oil during fiscal year 2026; and

(C) 35,000,000 barrels of crude oil during fiscal years 2027 and 2028.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the United States Treasury and available for obligation by the Secretary of Energy for the purpose of funding the Energy Department's petroleum accounts and other accounts of the Energy Department.
“(2) APPROVAL.—The Secretary shall approve any State plan, that is timely submitted to the Secretary, in such manner as the Secretary may require, that satisfies the conditions described in paragraph (1), the Secretary shall—

(A) disapprove such plan; and

(B) provide to the State, not later than 30 days after receipt of the State plan, a written notice of such disapproval that includes a description of any portion of the plan that failed to satisfy the disapproval and the reasons for the disapproval of each such portion; and

(C) provide the State with an opportunity to correct any such failure and submit a revised State plan.

(3) DISAPPROVAL AND REVISION.—If the Secretary determines that a State plan submitted pursuant to this subsection fails to satisfy the conditions described in paragraph (1), the Secretary shall—

(A) disapprove such plan; and

(B) provide to the State, not later than 30 days after receipt of the State plan, a written notice of such disapproval that includes a description of any portion of the plan that failed to satisfy the disapproval and the reasons for the disapproval of each such portion; and

(C) provide the State with an opportunity to correct any such failure and submit a revised State plan.

(4) ALLOCATION OF FUNDS.—

(1) BASE FUNDING.—For each fiscal year after fiscal year 2020, the Secretary shall allocate a percentage equal to the base funding percentage for such fiscal year of the funds made available for grants under this section among the States awarded such a grant for such fiscal year using a formula prescribed by the Secretary on the rate of insured unemployment (as defined in section 233(e)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)) in the State for a period to be determined by the Secretary. In developing such formula with respect to a State, the Secretary shall consider the importance of avoiding sharp reductions in grant funding to a State over time.

(2) BASE FUNDING PERCENTAGE.—For purposes of subparagraph (A), the term ‘base funding percentage’ means—

(i) for fiscal years 2021 through 2026, 89 percent; and

(ii) for fiscal years after 2026, 84 percent.

(2) RESERVATION FOR OUTCOME PAYMENTS.—

(A) IN GENERAL.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary shall reserve a percentage equal to the outcome reserve percentage for such fiscal year of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary may reserve not more than 1 percent to conduct research and provide technical assistance.

(3) OUTCOME RESERVATION PERCENTAGE.—For purposes of subparagraph (A), the term ‘outcome reservation percentage’ means—

(i) for fiscal years 2021 through 2026, 10 percent; and

(ii) for fiscal years after 2026, 15 percent.

(3) RESERVATION FOR RESEARCH AND TECHNICAL ASSISTANCE.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary may reserve not more than 1 percent to conduct research and provide technical assistance to States.

(4) REemployment VACATION AND PUBLIC COMMENT.—Not later than September 30, 2019, the Secretary shall—

(A) consult with the States and seek public comments concerning the allocation formula under paragraph (1) and the criteria for carrying out the reservations under paragraph (2); and

(B) publicly allocates the allocation formula and criteria developed pursuant to subclause (A).

(5) NOTIFICATION TO CONGRESS.—Not later than 90 days prior to making any changes to the allocation formula or the criteria developed pursuant to subparagraph (f)(5)(A), the Secretary shall submit to the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, a notification of any such change.

(6) CREDIT FOR REemployment SERVICES AND ELIGIBILITY ASSESSMENTS.—

(A) IN GENERAL.—If the Committee on Appropriations of either House reports an appropriation measure for any fiscal years 2022 through 2027 that provides budget authority for grants under section 306 of the Social Security Act, or if a conference committee submits a conference report thereon, the chairman of the Committee on the Budget of the House of Representatives or the Senate shall make the adjustments referred to in subparagraph (B) to reflect the additional new budget authority provided for such grants in that appropriation or conference report and the outlays resulting therefrom, consistent with subparagraph (D).

(B) TYPES OF ADJUSTMENTS.—The adjustment referred to in this subparagraph consist of adjustments to—

(i) the discretionary spending limits for fiscal years as set forth in the most recently adopted concurrent resolution on the budget;

(ii) the allocations to the Committees on Appropriations of the Senate and the House of Representatives for that fiscal year under section 302(a); and

(iii) the appropriate budget aggregates for that fiscal year in the most recently adopted concurrent resolution on the budget.

(C) ENFORCEMENT.—The adjusted discretionary spending limits, allocations, and aggregates under this paragraph shall be consistent with the appropriate budget aggregates and aggregates for purposes of congressional enforcement of this Act and concurrent budget resolutions under this Act.

(D) LIMITATION.—No adjustment may be made under this subsection in excess of—

(i) for fiscal year 2022, $338,000,000; and

(ii) for fiscal year 2023, $338,000,000.

(7) ADJUSTMENTS.—If the Committee on Appropriations of either House reports an appropriation measure for any fiscal years 2022 through 2027 that provides budget authority for grants under section 306 of the Social Security Act, or if a conference committee submits a conference report thereon, the chairman of the Committee on the Budget of the House of Representatives or the Senate shall make the adjustments referred to in subparagraph (B) to reflect the additional new budget authority provided for such grants in that appropriation or conference report and the outlays resulting therefrom, consistent with subparagraph (D).

(TITLE III—TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

SEC. 30301. TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT.

(a) IN GENERAL.—Section 3101(b) of title 31, United States Code, shall be in effect for the period beginning on the date of the enactment of this Act and ending on March 1, 2019.

(b) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING EXTENSION PERIOD.—In enacting section 3101(b) of title 31, United States Code, the Committees on Appropriations of the House of Representatives and the Senate may report appropriate revised suballoca-
into account under subsection (b)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment before such 2 calendar days after the date of enactment of this Act.

(4) ADMINISTRATION.—(A) IN GENERAL.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be disbursed by the Senate the actual and necessary expenses of the joint committee approved by the co-chairs, subject to the rules and regulations of the Senate.

(b) EXPENSES.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be disbursed, by the Senate for each calendar year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the co-chairs.

(C) Quorum.—The joint committee shall constitute a quorum for purposes of voting and meeting, and 5 members of the joint committee shall constitute a quorum for holding hearings.

(D) VOTING.—No proxy voting shall be allowed on behalf of the members of the joint committee.

(E) MEETINGS.—(i) INITIAL MEETING.—Not later than 30 calendar days after the date of enactment of this Act, the joint committee shall hold its first meeting.

(ii) AGENDA.—The co-chairs of the joint committee shall provide an agenda for the initial meeting of the joint committee.

(iii) MINIMUM NUMBER OF PUBLIC MEETINGS AND HEARINGS.—The joint committee shall hold—

(A) not less than a total of 5 public meetings or public hearings; and

(B) not less than 3 public hearings, which may include field hearings.

(iv) TECHNICAL ASSISTANCE.—Upon written request of the co-chairs, a Federal agency, including legislative branch agencies, shall provide technical assistance to the joint committee in order for the joint committee to carry out its duties.

(v) STAFFING.—(A) DETAILS FOR MEMBERS.—Employees of the legislative branch may be detailed to the joint committee on a reimbursable basis.

(b) STAFF DIRECTOR.—The co-chairs, acting jointly, may designate one such employee as staff director of the joint committee.

(c) ETHICAL STANDARDS.—Members on the joint committee who serve in the House of Representatives shall be governed by the ethics rules and requirements of the House.

(d) TERMINATION.—The joint committee shall terminate on December 31, 2018 or 30 calendar days after the date of enactment of this Act, whichever occurs first.

SEC. 30423. FUNDING.

To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be paid not more than $500,000 from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate, such sums to be disbursed by the Secretary of the Senate, in accordance with Senate rules and procedures, upon vouchers signed by the co-chairs.
The funds authorized under this section shall be available during the period beginning on the date of enactment of this Act and ending on January 2, 2019.

SEC. 30424. ESTABLISHMENT OF JOINT SELECT COMMITTEE.

(a) Establishment.—(1) In general.—There is established a joint select committee of Congress to be known as the “Joint Select Committee on Budget and Appropriations Process Reform”.

(b) Membership.—(1) General.—(A) In general.—The joint committee shall be composed of 16 members appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate and 4 members appointed by the Minority Leader of the Senate.

(2) Denominator.—A joint committee shall consist of representatives of each House of Congress, not later than 14 calendar days after the date of enactment of this Act.

(c) Chair.—(1) In general.—The joint committee shall be chaired by a Member of the House of Representatives appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate and by a Member of the Senate designated by the Majority Leader of the Senate.

(2) Vacancy.—In the event of the death of a Member, the removal from office of a Member, or the resignation of a Member of the joint committee, the Speaker of the House of Representatives and the Majority Leader of the Senate shall appoint another Member as a temporary replacement for the vacancy occurring, upon the nomination of the joint committee, and the joint committee shall be entitled to the advice and consent of the Senate, as the case may be.

(3) Period of appointment.—Members of the joint committee shall be appointed for the life of the joint committee and a vacancy shall be filled for any period of time required to complete the work of the joint committee.

(d) Quorum.—(1) In general.—A quorum for holding hearings, purposes of voting and meeting, and 5 members shall be a quorum for all purposes of the joint committee.

(2) Voting.—No proxy voting shall be allowed on behalf of the members of the joint committee.

(3) Meetings.—(A) In general.—The joint committee shall meet at such time as the joint committee shall determine and shall have the power to determine the time and place of its meetings and to adjourn from day to day.

(B) Expenses.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be expended such sums as may be necessary, to be disbursements on vouchers signed by the co-chairs of the joint committee, subject to the rules and regulations of the Senate.

(C) Quorum.—Nine members of the joint committee shall constitute a quorum for purposes of voting and meeting, and 5 members of the joint committee shall constitute a quorum for holding hearings.

(D) Voting.—No proxy voting shall be allowed on behalf of the members of the joint committee.

(E) Meetings.—(1) Initial meeting.—Not later than 30 calendar days after the date of enactment of this Act, the joint committee shall hold its first meeting.

SEC. 30441. DEFINITIONS.

In this subtitle:

(a) Joint committee.—The term “joint committee” means the Joint Select Committee on Budget and Appropriations Process Reform established under section 30424(a); and

(b) Joint committee bill.—The term “joint committee bill” means a bill consisting of the legislative language of the joint committee recommended in accordance with section 30424(b)(2)(B)(ii) and introduced under section 3044(a).

SEC. 30442. ESTABLISHMENT OF JOINT SELECT COMMITTEE.

(a) Establishment of joint select committee.—There is established a joint select committee of Congress to be known as the “Joint Select Committee on Budget and Appropriations Process Reform”.

(b) Implement.—(1) General.—The joint committee shall carry out the recommendations described in subsection (a) and report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(c) Motion to proceed to consideration.—(1) In general.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days after the date on which a joint committee bill is reported or discharged from the Committee on Finance and the Committee on Health, Education, Labor, and Pensions, which committees shall report the bill without any revision and with a favorable recommendation, or without recommendation, no later than 7 session days after introduction of the bill, if either committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(2) Consideration of motion.—Consideration of the motion to proceed to the consideration of the joint committee bill and all debatable motions and appeals in connection therewith shall not exceed 10 hours, which shall be divided equally between the Majority and Minority Leaders or their designees. A motion to adjourn the debate is in order for a joint committee bill.

(3) Vote threshold.—The motion to proceed to the consideration of the joint committee bill shall only be agreed to upon the affirmative vote of three-fifths of Members duly chosen and sworn.

(4) Limitations.—The motion is not subject to a motion to postpone. All points of order against the motion to proceed to the joint committee bill are waived. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(5) Deadline.—Not later than the last day of the 115th Congress, the Senate shall vote on a motion to proceed to the joint committee bill.

(6) Companion measures.—For purposes of this subsection, the term “joint committee bill” includes a bill of the House of Representatives and a bill of the Senate, or joint committee bill introduced in the Senate.

(7) Rules of Senate.—This section is enacted without regard to:

(i) as an exercise of the rulemaking power of the Senate, and as such is deemed a part of the rules of the Senate, but applicable only to the consideration of the joint committee bill, and shall supersede other rules only to the extent that they are inconsistent with such rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as the same are not in the exclusive control of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.
(II) AGENDA.—The co-chairs of the joint committee shall provide an agenda to the joint committee members not less than 48 hours in advance of any meeting.

(F) HEARINGS.—

(i) IN GENERAL.—The joint committee may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, and summon such witnesses and production of books, papers, and documents, as it determines, receive such evidence, and administer such oaths as it considers advisable.

(ii) Hearsings generally.—All hearings shall be open to the public. The joint committee shall make a public announcement of the date, time, and place, and subject matter of any hearing to be conducted, not less than 7 days in advance of such hearing, unless the co-chairs determine that there is good cause to begin such hearing at an earlier date.

(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

(I) ANNOUNCEMENT.—The co-chairs of the joint committee shall make a public announcement of the date, time, and place, and subject matter of any hearing to be conducted, not less than 7 days in advance of such hearing, unless the co-chairs determine that there is good cause to begin such hearing at an earlier date.

(II) QUALIFIED REPRESENTATION OF WITNESSES.—Each co-chair shall be entitled to select an equal number of witnesses for each hearing held by the joint committee.

(iii) WRITTEN STATEMENT.—A witness appearing before the committee shall file a written statement of proposed testimony at least 2 calendar days before the appearance of the witness, unless the requirement is waived by the committee, following their determination that there is good cause for failure to comply with such requirement.

(iv) MINIMUM NUMBER OF PUBLIC MEETINGS AND HEARINGS.—The joint committee shall hold—

(A) not less than a total of 5 public meetings or public hearings; and

(B) not less than 3 public hearings, which may include field hearings.

(v) TECHNICAL ASSISTANCE.—Upon written request of the co-chairs, a Federal agency, including any legislative branch agency, shall provide technical assistance to the joint committee in order for the joint committee to carry out its duties.

(vi) STAFFING.—Employees of the legislative branch may be detailed to the joint committee on a nonreimbursable basis.

(vii) STAFF.—The co-chairs, acting jointly, may designate one such employee as staff director of the joint committee.

(c) MEMBERS.—Members on the joint committee who serve in the House of Representatives shall comply with the ethics rules and requirements of the House. Members of the Senate who serve on the joint committee shall comply with the ethics rules of the Senate.

(d) TERMINATION.—The joint committee shall terminate on December 31, 2018 or 30 days after submission of its report and legislative recommendations pursuant to this section whichever occurs first.

SEC. 30445. FUNDING.

To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be paid not more than $500,000 from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate, such sums to be disbursed by the Secretary of the Senate, in accordance with Senate rules and procedures, upon vouchers signed by the co-chairs. The funds authorized under this section shall be available during the period beginning on the date of enactment of this Act and ending on January 2, 2019.

SEC. 30444. CONSIDERATION OF JOINT COMMITTEE BILL IN THE SENATE.

(a) INTRODUCTION.—Upon receipt of a joint committee bill, the language shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the Majority Leader of the Senate or by a Member of the Senate designated by the Majority Leader of the Senate.

(b) COMMITTEE CONSIDERATION.—A joint committee bill introduced in the Senate under subsection (a) shall be referred to the Committee on the Budget, which shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, no later than 7 session days after introduction of the bill. If the Committee on the Budget fails to report the bill within that period, the joint committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(c) MOTION TO PROCEED TO CONSIDERATION.—

(1) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a joint committee bill is reported or discharged from the Committee on the Budget, for the Majority Leader of the Senate or the Majority Leader’s designee to move to proceed to the consideration of the joint committee bill. It shall also be in order for the Majority Leader of the Senate to move to proceed to the consideration of the joint committee bill at any time after the conclusion of such 2-day period.

(2) CONSIDERATION.—Consideration of the motion to proceed to the consideration of the joint committee bill and all debatable motions and appeals in connection therewith shall not exceed 10 hours, which shall be divided equally between the Majority and Minority Leaders or their designees. A motion to further limit debate is in order, shall require an affirmative vote of three-fifths of Members duly chosen and sworn, and is not debatable.

(d) VOTE THRESHOLD.—The motion to proceed to the consideration of the joint committee bill shall only be agreed to upon an affirmative vote of three-fifths of Members duly chosen and sworn.

(e) LIMITATIONS.—The motion is not subject to a motion to postpone. All points of order against the motion to proceed to the joint committee bill are waived. A motion to order against the motion to proceed to the joint committee bill is not debatable.

(f) DEADLINE.—Not later than the last day of the 115th Congress, the Senate shall vote on a motion to proceed to the joint committee bill.

(g) RULES OF SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint committee bill, and supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change the rules (a) applicable to the procedure of the Senate at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

DIVISION D—REVENUE MEASURES

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Sec. 41118. Clarification of when shift in time of payment of corporate estimated taxes:

Sec. 41119. Reduction of business entity corporate estimated taxes.

Stdult B—Incentives for Growth, Jobs, Investment, and Innovation

SEC. 40301. EXTENSION OF INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Section 45A(f) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40302. EXTENSION OF RAILROAD TRACK MAINTENANCE COMPLEXES.

(a) IN GENERAL.—Section 45G(f) is amended by striking “January 1, 2017” and inserting “January 1, 2018”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 40303. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Section 45N(e) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 40304. EXTENSION OF CLASSIFICATION OF CERTAIN RACE HORSES AS 3-YEAR-PROOF.

(a) IN GENERAL.—Section 168(e)(3)(A)(i) is amended—

(1) by striking “January 1, 2017” in subsection (I) and inserting “January 1, 2018”, and

(2) by striking “December 31, 2016” in subsection (II) and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40305. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Section 168(k)(15)(D) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40306. EXTENSION OF ACCELERATED DEPRECINATION FOR BUSINESS PROPERTY PLACED IN SERVICE AFTER DECEMBER 31, 2016.

(a) IN GENERAL.—Section 168(k)(9)(i) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40307. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Section 179(g)(g) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40308. EXTENSION OF SPECIAL EXPENSING RULES FOR CERTAIN PRODUCTIONS.

(a) IN GENERAL.—Section 181(g) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2016.

SEC. 40309. EXTENSION OF DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

For purposes of applying section 199(d)(3)(C) of the Internal Revenue Code of 1986 with respect to taxable years beginning during 2017, such section shall be—

(1) by substituting “first 12 taxable years” for “first 11 taxable years”, and

(2) by substituting “January 1, 2017” for “January 1, 2016”.

SEC. 40310. EXTENSION OF SPECIAL RULE RELATING TO QUALIFIED TIMBER GAIN.

For purposes of applying section 1291(b) of the Internal Revenue Code of 1986 with respect to taxable years beginning after December 31, 2017, such section shall apply by substituting “2016” for “2017”.

SEC. 40311. EXTENSION OF EMPowerMENT ZONE TAx INCENTIVES.

(a) IN GENERAL.—

(1) EXTENSION.—Section 1391(d)(1)(A)(i) is amended by striking “December 31, 2017” and inserting “December 31, 2018”.

(2) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to include a new designation date in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall apply to taxable years beginning after December 31, 2016.

SEC. 40312. EXTENSION OF AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—Section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) in subsection (d)—

(A) by striking “January 1, 2017” each place it appears and inserting “January 1, 2018”, and

(B) by striking “first 11 taxable years” in paragraph (1) and inserting “first 12 taxable years”, and

(C) by striking “first 5 taxable years” in paragraph (2) and inserting “first 6 taxable years”, and

(2) in subsection (e), by adding at the end the following: “References in this subsection to section 199 of the Internal Revenue Code of 1986 shall be treated as references to such section as in effect before December 31, 2017”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2016.
SEC. 40401. EXTENSION OF CREDIT FOR NON-BUSINESS ENERGY PROPERTY.

(a) In General.—Section 25C(g)(2) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40402. EXTENSION AND MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY PROPERTY.

(a) In General.—Section 25D(h) is amended by striking “January 1, 2017” and inserting “January 1, 2018”.

(b) Phaseout.—

(1) In General.—Section 25D(a) is amended by striking “the sum of—” and all that follows “the sum of the percentage of—”

“(1) the qualified solar electric property expenditures,”

“(2) the qualified solar water heating property expenditures,”

“(3) the qualified small wind energy property expenditures, and

“(4) the qualified geothermal heat pump property expenditures,”

and inserting “the sum of—”

“(1) the qualified solar electric property expenditures,”

“(2) the qualified solar water heating property expenditures,”

“(3) the qualified small wind energy property expenditures, and

“(4) the qualified geothermal heat pump property expenditures,”

and all that follows “made by the taxpayer during such year.”

(2) Conforming Amendment.—Section 25D(g) is amended by strikeing “paragraphs (1) and (2) of”.

(c) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40403. EXTENSION OF CREDIT FOR NEW RESIDENTIAL QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) In General.—Section 30B(k)(1) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40404. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) In General.—Section 30C(g) is amended by striking “December 31, 2016” and inserting “January 1, 2017”.

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40405. EXTENSION OF CREDIT FOR 2-WHEELER PLUG-IN ELECTRIC VEHICLES.

(a) In General.—Section 38D(k)(3)(E)(ii) is amended by striking “January 1, 2017” and inserting “January 1, 2018”.

(b) Effective Date.—The amendment made by this section shall apply to vehicles acquired after December 31, 2016.

SEC. 40406. EXTENSION OF SECOND GENERATION BIOFUEL PRODUCER CREDIT.

(a) In General.—Section 40(b)(6)(J)(ii) is amended by striking “January 1, 2017” and inserting “January 1, 2018”.

(b) Effective Date.—The amendment made by this section shall apply to vehicles acquired after December 31, 2016.

SEC. 40407. EXTENSION OF BIODEisel AND RE-NEWABLE DIESEL INCENTIVES.

(a) Income Tax Credit.—

(1) In General.—Subsection (g) of section 40A is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(2) Effective Date.—The amendment made by this subsection shall apply to fuel sold or used after December 31, 2016.

(b) Excise Tax Credits.—

(1) In General.—Section 6426(c)(6) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(2) Payments.—Section 6427(e)(6)(B) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(3) Effective Date.—The amendments made by this section shall apply to fuel sold or used after December 31, 2016.

(4) Special Rule for 2017.—Notwithstanding any other provision of law, in the case of any qualified property determined under section 6426(c) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2017, and ending on December 31, 2017, such credit shall be allowed,

and any refund or payment attributable to such credit (including any payment under section 6426(e) of such Code) shall be made, only to the extent that the Secretary of the Treasury (or the Secretary’s delegate) shall provide.

Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for submission of such claims (as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the filing of such claim, the claimant is paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SEC. 40408. EXTENSION OF PRODUCTION CREDIT FOR INDIAN COAL FACILITIES.

(a) In General.—Section 45(e)(10)(A) is amended by striking “11-year period” each place it appears and inserting “12-year period”.

(b) Effective Date.—The amendment made by this section shall apply to coal produced after December 31, 2016.

SEC. 40409. EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.

(a) In General.—The following provisions of section 45(d) are each amended by striking “January 1, 2017” each place it appears and inserting “January 1, 2018”:

(1) Paragraph 2(a).

(2) Paragraph 3(a).

(3) Paragraph 4(j)(B).

(4) Paragraph 4(j)(C).

(5) Paragraph 7.

(6) Paragraph 9.

(7) Paragraph 11(B).

(b) Extension of Election to Treat Qualified Facilities as Energy Property.—Section 48(a)(5)(C)(i) is amended by striking “January 1, 2017” and inserting “January 1, 2018”.

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after January 1, 2018.

SEC. 40410. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.

(a) In General.—Section 45L(g) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) Effective Date.—The amendment made by this section shall apply to homes acquired after December 31, 2016.

SEC. 40411. EXTENSION AND PHASEOUT OF ENERGY CREDIT.

(a) Extension of Solar and Thermal Energy Property.—Section 48(a)(3)(A) is amended by striking “periods ending before January 1, 2017” in clause (ii) and inserting “periods ending before January 1, 2022”.

(b) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2016.
(a) In General.—Section 179D(b) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2016.

SEC. 40414. EXTENSION OF SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) In General.—Section 45(k)(3), as amended by section 13221 of Public Law 115-97, is amended by striking “January 1, 2017” and inserting “January 1, 2018”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2016.

SEC. 40415. EXTENSION OF EXCISE TAX CREDITS RELATING TO ALTERNATIVE FUELS.

(a) Extension of Alternative Fuels Excise Tax Credits.—

(1) In General.—Sections 6226(d)(5) and 6426(e)(3) are each amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(2) Outlay Payments for Alternative Fuels.—Section 6227(e)(6)(C) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

(b) Special Rule for Proceeds of Transfers for Mutual or Cooperative Electric Companies.—Section 501(c)(12) is amended by adding at the end of such subsection the following new subparagraph:

“(2) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2), the income recognized in connection with an election under section 1381(a)(2) shall be treated as a cost that is deductible for purposes of the income tax on such mutual or cooperative electric company described in this paragraph or organization described in section 1381(a)(2).”

SEC. 40416. MODIFICATIONS TO OIL SPILL LIABILITY TRUST FUND FINANCING RATE.

(a) In General.—Section 4611(f)(2) is amended by inserting “or any amendment to” after “this subparagraph” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to oil sold or used after December 31, 2016.

SEC. 40417. MODIFICATIONS TO AMOUNTS.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 41103. EXTENSION OF WAIVER OF LIMITATIONS WITH RESPECT TO EXCLUDED INCOME.—

(a) In General.—Section 512(b)(1) is amended by striking “January 1, 2017” and inserting “January 1, 2022”.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxes imposed for taxable years beginning after December 31, 2016.
(b)(EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 41104. INDIVIDUALS HELD HARMLESS ON IMPROPER LEVY ON RETIREMENT PLANS.

(a) IN GENERAL.—Section 6159 is amended by adding at the end the following new subsection:

"(f) INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC. ON RETIREMENT PLANS.

"(1) IN GENERAL.—If the Secretary determines that an individual’s account or benefit under an eligible retirement plan (as defined in section 402A) to a Roth IRA or a section 401(k) plan, or section 125 plan, or to an individual retirement plan (other than an endowment contract) to which a rollover contribution of a distribution from such plan is permitted, but only if such contribution is made not later than the due date (not including extensions) for filing the return of tax for the taxable year in which such property or amount of money is returned and

"(B) the Secretary shall, at the time such property or amount of money is returned, notify such individual that a contribution described in subparagraph (A) may be made.

"(2) TREATMENT AS ROLLOVER.—The distribution on the account of the individual and any contribution made by this section shall be treated for purposes of this title as if such distribution and contribution were described in section 402(c), 402A(c)(3), 403(a)(4), 403(b)(8), 408(d)(3), 408A(d)(3), or 457(e)(16), whichever is applicable; except that—

"(A) the contribution shall be treated as having been made on the due date (not including extensions) for filing the return of tax for the taxable year in which the distribution on account of the levy occurred, and

"(B) such contribution shall not be taken into account under section 408(d)(3)(B).

"(3) REFUND, ETC., OF INCOME TAX ON LEVY.

"(A) IN GENERAL.—If any amount is includible in gross income for a taxable year by reason of a distribution on account of a levy referred to in paragraph (1) and any portion of such amount is treated as a rollover contribution under paragraph (2), any tax imposed by this title on such portion shall not be assessed, and if assessed shall be abated, and if collected shall be credited or refunded as an overpayment made on the due date for filing the return for such taxable year.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to a rollover contribution under this subsection which is made from an eligible retirement plan (as defined in section 402A) to a Roth IRA or a designated Roth account under section 408A; or to an individual retirement plan (as defined in section 408A) to a Roth IRA or a designated Roth account under an eligible retirement plan.

"(4) INTEREST.—Notwithstanding subsection (d), interest shall be allowed under subsection (c) in a case in which the Secretary determines that an individual retirement plan made by this section (d)(2)(A) with respect to a levy upon an individual retirement plan.

"(5) TREATMENT OF INHERITED ACCOUNTS.—For purposes of paragraph (1)(A), section 408(d)(3)(C) shall be disregarded in determining whether an individual retirement plan is a plan to which a distribution from a plan levied upon is permitted.

"(6) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid under subsections (b), (c), and (d)(2)(A) of section 6159 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2017.

SEC. 41105. MODIFICATION OF USER FEE REQUIREMENTS FOR INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—Section 6159 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) INSTALLMENT AGREEMENT FEES.

"(1) LIMITATION ON FEE AMOUNT.—The amount of any fee imposed on an installment agreement under this section may not exceed the amount of such fee as in effect on the date of the enactment of this subsection.

"(2) WAIVER OR REIMBURSEMENT.—In the case of any taxpayer with an adjusted gross income, as determined for the most recent year for which such information is available, which does not exceed 250 percent of the applicable poverty level (as determined by the Secretary)

"(A) if the taxpayer has agreed to make payments under the installment agreement by electronic payment through a debit instrument, no fee shall be imposed on an installment agreement under this section, and

"(B) in the case of any taxpayer with an adjusted gross income, as determined for the most recent year for which such information is available, which exceeds 250 percent of the applicable poverty level (as determined by the Secretary)

"(A) the form shall be available only to individuals who have attained age 65 as of the close of the taxable year,

"(B) the form may be used even if income for the taxable year includes—

"(A) social security benefits (as defined in section 21 of the Internal Revenue Code of 1986),

"(B) distributions from qualified retirement plans (as defined in section 4975(c) of such Code), annuities or other such deferred payment arrangements

"(C) interest and dividends, or

"(D) capital gains and losses taken into account in determining adjusted net capital gain (as defined in section 1(h)(3) of such Code), and

"(3) the form shall be available without regard to the amount of any item of taxable income or the total amount of taxable income for the taxable year.

"(4) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 41106. FORM 1040SR FOR SENIORS.

(a) IN GENERAL.—Section 6159 is amended by adding at the end the following new subsection:

"(d) FORM 1040SR FOR SENIORS.

"(1) the form shall be available only to individuals who have attained age 65 as of the close of the taxable year,

"(2) the form may be used even if income for the taxable year includes—

"(A) social security benefits (as defined in section 21 of the Internal Revenue Code of 1986),

"(B) distributions from qualified retirement plans (as defined in section 4975(c) of such Code), annuities or other such deferred payment arrangements,

"(C) interest and dividends, or

"(D) capital gains and losses taken into account in determining adjusted net capital gain (as defined in section 1(h)(3) of such Code), and

"(3) the form shall be available without regard to the amount of any item of taxable income or the total amount of taxable income for the taxable year.

"(4) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 41107. ATTORNEYS’ FEES RELATING TO AWARDS TO WHISTLEBLOWERS.

(a) IN GENERAL.—Paragraph (21) of section 6159 of the Internal Revenue Code of 1986 is amended by striking “tax, penalties, interest, additions to tax, and additional amounts” and inserting “proceeds”.

"(f) INSTALLMENT AGREEMENT FEES.—

"(1) LIMITATION ON FEE AMOUNT.—The amount of any fee imposed on an installment agreement under this section may not exceed the amount of such fee as in effect on the date of the enactment of this subsection.

"(2) WAIVER OR REIMBURSEMENT.—In the case of any taxpayer with an adjusted gross income, as determined for the most recent year for which such information is available, which does not exceed 250 percent of the applicable poverty level (as determined by the Secretary)

"(A) if the taxpayer has agreed to make payments under the installment agreement by electronic payment through a debit instrument, no fee shall be imposed on an installment agreement under this section, and

"(B) in the case of any taxpayer with an adjusted gross income, as determined for the most recent year for which such information is available, which exceeds 250 percent of the applicable poverty level (as determined by the Secretary)

"(A) the form shall be available only to individuals who have attained age 65 as of the close of the taxable year,

"(B) the form may be used even if income for the taxable year includes—

"(A) social security benefits (as defined in section 21 of the Internal Revenue Code of 1986),

"(B) distributions from qualified retirement plans (as defined in section 4975(c) of such Code), annuities or other such deferred payment arrangements,

"(C) interest and dividends, or

"(D) capital gains and losses taken into account in determining adjusted net capital gain (as defined in section 1(h)(3) of such Code), and

"(3) the form shall be available without regard to the amount of any item of taxable income or the total amount of taxable income for the taxable year.

"(4) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 41108. CLARIFICATION REGARDING EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—Subsection (b)(1) of section 4968, as added by section 13701(a) of Public Law 115–97, is amended by striking “tuition-paying” after “500” in subparagraph (A), and

"(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.
SEC. 41110. EXCEPTION FROM PRIVATE FOUNDATION EXCESS BUSINESS HOLDING TAX FOR INDEPENDENTLY-OPERATED PHILANTHORPIC BUSINESS HOLDINGS.

(a) In General.—Section 4943 is amended by adding at the end the following new subsection:

"(g) Exception for Certain Holdings Limited to Independently-Operated Philanthropic Business Holdings.—

"(1) In General.—Subsection (a) shall not apply with respect to the holdings of a private foundation in any business enterprise which meets the requirements of paragraphs (2), (3), and (4) for the taxable year.

"(2) Ownership.—The requirements of this paragraph are met if—

(A) 100 percent of the voting stock of the business enterprise is held by the private foundation at all times during the taxable year, and

(B) all the private foundation’s ownership interests in the business enterprise were acquired by means other than by purchase.

"(a) IN GENERAL.—The requirements of this paragraph are met if, at all times during the taxable year—

(A) no substantial contributor (as defined in section 4958(c)(3)(C)) to the private foundation or family member (as defined under section 4958(c)(4)) of such a contributor is a director, officer, trustee, manager, employee, or contractor of the business enterprise that is an individual having powers or responsibilities similar to any of the foregoing, or

(B) at least a majority of the board of directors of the private foundation are persons who are not—

(i) directors or officers of the business enterprise, or

(ii) family members (as so determined) of a substantial contributor (as so defined) to the private foundation, and

(C) there is no loan outstanding from the business enterprise to a family member (as so defined) to the private foundation or to any family member of such a contributor (as so determined).

"(5) Certain Defined Private Foundations Excluded.—This subsection shall not apply to—

(A) any fund or organization treated as a private foundation for purposes of paragraph (4) of this section because of subsection (e) or (f),

(B) any trust described in section 4947(a)(1) (relating to charitable trusts), and

(C) any private foundation described in section 4947(a)(2) (relating to split-interest trusts).

(b) Effective Date.—The amendment made by this section shall apply to tax years beginning after December 31, 2017.

SEC. 41111. RULE OF CONSTRUCTION FOR CRAFT BEVERAGE MODERNIZATION AND OPPORTUNITY ZONE ACT OF 2018.

(a) In General.—Subpart A of part IX of subtitle C of title I of Public Law 115-97 is amended by adding at the end the following new section:

"SEC. 13809. RULE OF CONSTRUCTION.

"Nothing in this part, the amendments made by this Act, or other regulations promulgated under this part or the amendments made by this part, shall be construed to preempt, supersede, or otherwise limit the authority of a tribal law that prohibits or regulates the production or sale of distilled spirits, wine, or malt beverages.

(b) Effective Date.—The amendment made by this section shall take effect as if included in Public Law 115-97.

SEC. 41112. SIMPLIFICATION OF RULES REGARDING DEDUCTIONS, STATEMENTS, AND RETURNS.

(a) In General.—Subsection (a) of section 5555 is amended by adding at the end the following:

"(2) All profits to charity.—The requirements of this paragraph are met if—

(A) all the private foundation’s ownership interests in the business enterprise, or

(B) all the private foundation’s ownership interests in the business enterprise were acquired by means other than by purchase.

"(a) IN GENERAL.—Subsection (a) of section 5555 is amended by adding at the end the following:

"(2), (3), and (4) for the taxable year.

"(a) IN GENERAL.—Section 6050W(d)(1)(B) is amended by adding at the end the following:

"(A) 100 percent of the voting stock in the business enterprise is held by the private foundation at all times during the taxable year, and

(b) Effective Date.—The amendment made by this section shall apply to tax years beginning after December 31, 2017.
(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018, and which captures—

(ii) any taxable year beginning in a calendar year after 2018,

(iii) is measured at the source of capture and verified at the point of disposal, injection, or utilization,

(B) any carbon dioxide or other carbon oxides which—

(i) is captured from a natural source of carbon dioxide, and

(ii) is measured at the source of capture and verified at the point of disposal, injection, or utilization.

(d) QUALIFIED FACILITY.—For purposes of this section, the term ‘qualified facility’ means—

(A) a direct air capture facility, any carbon dioxide which—

(i) is captured directly from the ambient air, and

(ii) is measured at the source of capture and verified at the point of disposal, injection, or utilization,

(B) recycled carbon oxide.—The term ‘recycled carbon oxide’ means any facility which uses carbon capture equipment to capture carbon dioxide during any taxable year which is utilized in a manner described in subsection (f)(1).

(e) SPECIAL RULES.—

(1) ONLY QUALIFIED CARBON OXIDE CREDIT.—(A) in the case of qualified carbon oxide captured using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018, and which captures—

(i) any taxable year beginning in a calendar year after 2018,

(ii) is measured at the source of capture and verified at the point of disposal, injection, or utilization,

(B) in the case of a direct air capture facility, any carbon dioxide which—

(i) is captured directly from the ambient air, and

(ii) is measured at the source of capture and verified at the point of disposal, injection, or utilization.

3. **DIRECT AIR CAPTURE FACILITY.**—

(A) a direct air capture facility, any carbon dioxide which—

(i) is captured directly from the ambient air, and

(ii) is measured at the source of capture and verified at the point of disposal, injection, or utilization.

(B) any carbon dioxide or other carbon oxides which—

(i) is captured from a natural source of carbon dioxide, and

(ii) is measured at the source of capture and verified at the point of disposal, injection, or utilization.
(a) with respect to any qualified carbon oxide which ceases to be captured, disposed of, or used as a tertiary injectant in a qualified en-
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TITLE V—OTHER HEALTH EXTENDERS
Sec. 50501. Extension for family-to-family health information centers.
Sec. 50502. Extension for sexual risk avoidance education.
Sec. 50503. Extension for personal responsibility education.

TITLE VI—CHILD AND FAMILY SERVICES AND SUPPORTS EXTENDERS
Subtitle A—Continuing the Maternal, Infant, and Early Childhood Home Visiting Programs
Sec. 50601. Continuing evidence-based home visiting program.
Sec. 50602. Continuing to demonstrate results that help families.
Sec. 50603. Reviewing statewide needs to target resources.
Sec. 50604. Improving the likelihood of success in high-risk communities.
Sec. 50605. Option to fund evidence-based home visiting on a pay for outcome basis.
Sec. 50606. Data exchange standards for improved interoperability.
Sec. 50607. Allocation of funds.

Subtitle B—Extension of Health Professions Workforce Demonstration Projects
Sec. 50611. Extension of health workforce demonstration projects for low-income individuals.

TITLE VII—FAMILY FIRST PREVENTION SERVICES ACT
Subtitle A—Investing in Prevention and Supporting Families
Sec. 50701. Short title.
Sec. 50702. Purpose.

PART I—PREVENTION ACTIVITIES UNDER TITLE IV–E
Sec. 50711. Foster care prevention services and programs.
Sec. 50712. Foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse.
Sec. 50713. Title IV–E payments for evidence-based kinship navigator programs.

PART II—ENHANCED SUPPORT UNDER TITLE IV–B
Sec. 50721. Elimination of time limit for family reunification services while in foster care and permitting time-limited family reunification services when a child returns home from foster care.
Sec. 50722. Reducing bureaucratic and unnecessary delays when placing children in homes across State lines.
Sec. 50723. Enhancements to grants to improve well-being of families affected by substance abuse.

PART III—DISCREPANT PATRONS
Sec. 50731. Reviewing and improving licensing standards for placement in a relative foster family home.
Sec. 50732. Development of a statewide plan to prevent child abuse and neglect fatalities.
Sec. 50733. Modernizing the title and purpose of title IV–E.
Sec. 50734. Effective dates.

PART IV—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME
Sec. 50741. Limitation on Federal financial participation for placements that are not in foster family homes.
Sec. 50742. Assessment and documentation of the need for placement in a qualified residential treatment program.
Sec. 50743. Protocols to prevent inappropriate diagnoses.
Sec. 50744. Additional data and reports regarding children placed in a setting that is not a foster family home.
Sec. 50745. Criminal records checks and checks of child abuse and neglect registries for adults working in child-care institutions and other group care settings.
Sec. 50746. Effective dates; application to waivers.

PART V—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES
Sec. 50751. Supporting and retaining foster families.
Sec. 50752. Extension of child and family services programs.
Sec. 50753. Improvements to the John H. Chafee foster care independence program and related provisions.

PART VI—CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP
Sec. 50761. Reauthorizing adoption and legal guardianship incentive programs.

PART VII—TECHNICAL CORRECTIONS
Sec. 50771. Technical corrections to data exchange standards to improve program coordination.
Sec. 50772. Technical corrections to State requirement to address the developmental needs of young children.

PART VIII—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE
Sec. 50781. Delay of adoption assistance phase-in.
Sec. 50782. GAO study and report on State reinvestment of savings resulting from increase in adoption assistance.

TITLE VIII—SUPPORTING SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS
Sec. 50801. Short title.
Sec. 50802. Social impact partnerships to pay for results.

TITLE IX—PUBLIC HEALTH PROGRAMS
Sec. 50901. Extension for community health programs.

TITLE X—MISCELLANEOUS HEALTH CARE POLICIES
Sec. 51001. Home health payment reform.
Sec. 51002. Information to satisfy documentation of Medicare eligibility for home health services.
Sec. 51003. Technical amendments to Public Law 113–120.
Sec. 51004. Expanded access to Medicare intensive cardiac rehabilitation programs.
Sec. 51005. Extension of blended site neutral payment rate for certain long-term care hospital discharges; temporary adjustment to site neutral payment rates.
Sec. 51006. Recognition of attending physician assistants as attending physicians to serve hospice patients.
Sec. 51007. Extension of enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2017.

Sec. 51008. Allowing physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

Sec. 51009. Transitional payment rules for certain radiation therapy services under the physician fee schedule.

TITLE XI—PROTECTING SENIORS’ ACCESS TO MEDICARE ACT
Sec. 51201. Repeal of the Independent Payment Advisory Board.

TITLE XII—OFFSETS
Sec. 53101. Modifying reductions in Medicaid DSH allotments.
Sec. 53102. Third party liability in Medicaid and CHIP.
Sec. 53103. Treatment of lottery winnings and other lump-sum income for purposes of income eligibility under Medicaid.
Sec. 53104. Rebate obligation with respect to line extension drugs.
Sec. 53105. Medicaid Improvement Fund.
Sec. 53106. Physician fee schedule update.
Sec. 53107. Payment for outpatient physical therapy services and outpatient occupational therapy services furnished by a therapy assistant.
Sec. 53108. Reduction for non-emergency ESRD ambulance transports.
Sec. 53109. Hospital transfer policy for early discharge.
Sec. 53110. Medicare payment update for home health services.
Sec. 53111. Medicare payment update for skilled nursing facility care.
Sec. 53112. Preventing the artificial inflation of star ratings after the consolidation of Medicare Advantage plans certified by the same organization.
Sec. 53113. Sunsetting exclusion of biosimilars from Medicare part D coverage gap discount program.
Sec. 53114. Adjustments to Medicare part B and part D premium subsidies for higher income individuals.
Sec. 53115. Medicare Improvement Fund.
Sec. 53116. Closing the Donut Hole for Seniors.
Sec. 53117. Modernizing child support enforcement fees.
Sec. 53118. Increasing the efficiency of prison data reporting.
Sec. 53119. Prevention and Public Health Fund.

TITLE I—CHIP
SEC. 50101. FUNDING EXTENSION OF THE CHILDREN’S HEALTH INSURANCE PROGRAM THROUGH FISCAL YEAR 2027.
(a) IN GENERAL.—Section 1116(a) of the Social Security Act (42 U.S.C. 1397d–8(a)), as amended by section 3002(a) of the HEALTHY KIDS Act (division C of Public Law 113–120), is amended—
(1) in paragraph (25), by striking ‘‘; and’’ and inserting ‘‘; and’’.
(2) in paragraph (26), by striking the period at the end and inserting a semicolon; and
(3) by adding at the end the following new paragraphs:
(‘‘(27) for each of fiscal years 2024 through 2026, such sums as are necessary to fund allotments to States under subsections (c) and (m); and’’.
(‘‘(28) for fiscal year 2027, for purposes of making two semi-annual payments:’’.
(‘‘(A) $7,650,000,000 for the period beginning on October 1, 2026, and ending on March 31, 2027; and
(‘‘(B) $7,650,000,000 for the period beginning on April 1, 2027, and ending on September 30, 2027.’’).
(b) ALLOTMENTS.—
(1) IN GENERAL.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397d-3(m)), as amended by section 3002(b) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—
(A) in paragraph (2)(B)—
(i) in the matter preceding clause (i), by striking “2026” and inserting “2027”; and
(ii) in clause (i), by striking “and 2026” and inserting “, 2023, and 2027”; and
(B) in paragraph (9)—
(i) by striking “(10)” and inserting “(10), or
(ii) and
(C) by striking “or 2023,” and inserting “2023, or 2027,”;
(D) in paragraph (7)—
(i) in subparagraph (A), by striking “2023” and inserting “2027,”; and
(ii) in the matter following subparagraph (B), by striking “or fiscal year 2022” and inserting “fiscal year 2022, fiscal year 2024, or fiscal year 2027”;
(ii) in paragraph (9)—
(i) by striking “(10)” and inserting “(10), or
(ii) and
(i) by striking “or 2023,” and inserting “2023, or 2027,”; and
(ii) by adding at the end the following:
“(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in section 2104(m) of the Social Security Act (42 U.S.C. 1397d-3(m)), as amended by section 3002(b) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—
(1) in paragraph (2), by striking “2026” and inserting “2027,”; and
(2) in paragraph (9), by striking “2026” and inserting “2023, and 2027”; and
(E) by adding the following:
“(A) by striking “January 1, 2023” and inserting “January 1, 2025”;
(ii) by adding at the end the following:
“(C) SECOND HALF.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (A) of paragraph (28) of subsection (a) for the semi-annual period described in such subparagraph, increased by the amount of the appropriation for such period under section 2104(b)(2) of the Advancing Care, Extenders, and Social Services Act, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).
(1) by striking “(11)” and inserting “(11), or
(2) and
(1) by striking “and 2023,” and inserting “2023, and 2027,”; and
(B) by striking “2023,” and inserting “2023, or 2027,”;
(2) in paragraph (3)(A), in the matter preceding clause (i)—
(i) by striking “or in any of fiscal years 2018 through 2022” and inserting “or in any of fiscal years 2018 through 2024”;
(ii) by striking “2023” and inserting “2023, and 2027”; and
(ii) by striking “or 2023,” and inserting “or 2023, or 2027,”;
(D) EXTENSION OF QUALIFYING STATES OPTION.—Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)), as amended by section 3002(d) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—
(1) in the paragraph heading, by striking “through 2022” and inserting “through 2024”; and
(2) in paragraph (3)(A), in the matter preceding clause (i)—
(i) by striking “or any of fiscal years 2018 through 2022” and inserting “or any of fiscal years 2018 through 2024”;
(ii) by striking “2023” and inserting “2023, and 2027”; and
(ii) by striking “or 2023,” and inserting “or 2023, or 2027,”;
(E) EXTENSION OF EXPRESS LANE ELIGIBILITY OPTION.—Section 1902(e)(13)(I) of the Social Security Act (42 U.S.C. 1396a(e)(13)(I)), as amended by section 3002(e) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended by striking “2023” and inserting “2025”;
(F) ASSURANCE OF ELIGIBILITY STANDARD FOR CHILDREN AND FAMILIES.—
(1) IN GENERAL.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397e(d)(3)), as amended by section 3002(f)(1) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended by striking “2023” and inserting “2025”;
(2) in paragraph (e), by striking “and $48,000,000 for the period of fiscal years 2024 through 2027” and inserting “and $48,000,000 for the period of fiscal years 2024 through 2027”;
(3) by striking “(A) in the paragraph heading, by striking “through 2024” and inserting “through 2026”; and
(B) in subparagraph (A), in the matter preceding clause (i), by striking “2023” each place it appears and inserting “2025”;
(2) CONFORMING AMENDMENTS.—Section 1902(b)(2) of the Social Security Act (42 U.S.C. 1396a(g)(2)), as amended by section 3002(f)(2) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—
(A) by striking “through September 30, 2023” and inserting “through September 30, 2025”; and
(B) by striking “2023,” each place it appears and inserting “2025”.
SEC. 50102. EXTENSION OF PEDIATRIC QUALITY MEASURES PROGRAM.
(a) IN GENERAL.—Section 1139A(a)(1) of the Social Security Act (42 U.S.C. 1320b–9(a)(1)), as amended by section 3003(b) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—
(1) in subparagraph (B), by striking “; and” and inserting a semicolon;
(2) in subparagraph (C), by striking the period at the end and inserting “; and”;
(3) by adding at the end the following:
“(C) INSURANCE.—Beginning with the annual State report on fiscal year 2024 required under subsection (c)(1), the Secretary shall require States to use the initial core measurement set and any updates or changes to that set to report information regarding the quality of pediatric health care under titles XIX and XXI, utilizing the standardized format for reporting information and procedures developed under subparagraph (A) and
(C) in paragraph (6)(B), by inserting “and adding, beginning with the report required on January 1, 2025, and for each annual report thereafter, the status of mandatory reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set and any updates or changes to that set” before the semicolon;
(2) in subsection (c)(1)(A), by striking “and, beginning with the annual report on fiscal year 2024, all of the core measures described in subsection (a) and any updates or changes to those measures” before the semicolon.
SEC. 50103. EXTENSION OF OUTREACH AND ENROLLMENT PROGRAM.
(a) IN GENERAL.—Section 2113 of the Social Security Act (42 U.S.C. 1397e(c)), as amended by section 3004(a) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—
(1) in subsection (a)(1), by striking “2023” and inserting “2025”; and
(2) in subsection (c)—
(A) by striking “$120,000,000” and inserting “$120,000,000”; and
(B) by inserting “, and $48,000,000 for the period of fiscal years 2024 through 2027” after “2027”.
SEC. 50104. ADDITIONAL RESERVED FUNDS.—Section 2113(a) of the Social Security Act (42 U.S.C. 1397mm(a)) is amended—
(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and
(2) by adding at the end the following new paragraph:

"’(3) Ten percent set aside for evaluating and providing technical assistance to grantees.—For the period of fiscal years 2024 through 2027, a minimum of ten percent of such funds that are described in section 1861(p) through (7)(B) of the Social Security Act (42 U.S.C. 1395l(p)) shall be used by the Secretary for the purpose of evaluating and providing technical assistance to eligible entities designated by subparagraph (A) of this paragraph.

(c) U.S. INSURANCE ACT OF 1990.

Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395l(l)(13)(A)) is amended—

(1) in paragraph (5), by striking "; and" and inserting a semicolon;
(2) by redesignating paragraph (6) as paragraph (7); and
(3) by inserting after paragraph (5) the following new paragraph:

"’(6) the Secretary may not be used by a contractor under section 1861(p), speech-language pathology services as defined in section 1861(p), or physical therapy services of the type described in section 1861(p) were reimbursed by the Secretary, and a patient for whom services were reimbursed by the Secretary was not reimbursed for services of the same type and level of care as the services reimbursed by the Secretary for subparagraph (A), the Secretary may not use the funds under paragraph (1) to reimburse a contractor for services provided to such a patient.

SEC. 50202. MEDICARE AMBULANCE SERVICES.

Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395l(l)(12)(A)) is amended—

(1) in paragraph (1), by striking "Whenever in this subsection" and inserting "Whenever in this subsection the term "ground ambulance services that would be reimbursed by a contractor under subparagraph (A)"
(2) in paragraph (3), by striking "solely for" and inserting "subject to the process for medical review implemented under paragraph (5)(E)";
(3) in paragraph (4), by striking "(I)" and inserting "(I)";
(4) in paragraph (5), by striking "subject to the process for medical review implemented under paragraph (5)(E)" and inserting "subject to the process for medical review implemented under paragraph (5)(E);";
(5) by striking clause (ii) and inserting "as specified in this clause for the preceding year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for 2028; and
(6) in paragraph (6), by striking "(II) the development of materials and toolkits and the provision of technical assistance to eligible entities under this section.

(7) in paragraph (7), by striking "(A) by" and inserting "(A) by; and";
(8) in paragraph (8), by striking "(B) by" and inserting "(B) by; and";
(9) by striking paragraph (9); and
(10) by adding at the end the following new paragraph:

"’(T) For purposes of paragraphs (1)(B) and (3)(B), with respect to services described in such paragraphs, the requirements described in this paragraph are as follows:

(A) INCLUSION OF APPROPRIATE MODIFIER.—The claim for such services contains an appropriate modifier (such as the KX modifier described in paragraph (5)(B)) indicating that such services are medically necessary as justified by appropriate documentation in the medical record involved.
(2) TARGETED MEDICAL REVIEW FOR CERTAIN SERVICES ABOVE THRESHOLD.—(A) IN GENERAL.—Not later than December 31, 2028, the Secretary shall—

(B) SPECIFICATION OF DATA COLLECTION SYSTEM.—(A) IN GENERAL.—The Secretary shall—

(B) DETERMINATION OF REPRESENTATIVE SAMPLE.—(A) IN GENERAL.—Not later than December 31, 2028, the Secretary shall specify the data collection system under subparagraph (A); and

(C) by adding at the end the following new subparagraph:

"’(D) PAYMENT REDUCTION FOR FAILURE TO PROVIDE DATA.—(A) IN GENERAL.—Beginning January 1, 2023, the Secretary may not use the funds under paragraph (1) for the fiscal year if the Secretary does not satisfactorily complete the data collection system specified in paragraph (2).
‘(II) APPLICABLE PERIOD DEFINED.—For purposes of clause (i), the term ‘applicable period’ means, with respect to a provider or supplier of ground ambulance services, a year beginning after the Secretary determines that the provider or supplier of ground ambulance services failed to sufficiently submit information under the data collection system.

‘(III) HARDSHIP EXEMPTION.—The Secretary may provide that a provider or supplier from having to pay the payment reduction under clause (i) with respect to an applicable period in the event of significant hardship, such as a natural disaster, bankruptcy, or other similar situation that the Secretary determines interfered with the ability of the provider or supplier of ground ambulance services to submit such information in a timely manner for the specified period.

‘(IV) INFORMAL REVIEW.—The Secretary shall establish a process under which a provider or supplier of ground ambulance services may seek an informal review of a determination that the provider or supplier is subject to the payment reduction under clause (i). (E) ONGOING DATA COLLECTION.—

‘(I) REVISION OF DATA COLLECTION SYSTEM.—The Secretary may, as the Secretary determines appropriate, take into consideration the report (or reports) under subparagraph (F), revise the data collection system under subparagraph (D), and if the Secretary determines appropriate, in no case less often than once every 3 years.

‘(F) GROUND AMBULANCE DATA COLLECTION SYSTEM STUDY.—

‘(I) IN GENERAL.—Not later than March 15, 2023, and as determined necessary by the Medicare Payment Advisory Commission thereafter, the Secretary shall complete the study and submit to Congress a report on, information submitted by providers and suppliers of ground ambulance services through the data collection system, and the adequacy of payments for ground ambulance services under this subsection, and geographic variations in the cost of furnishing such services.

‘(II) CONTENTS.—A report under clause (i) shall contain the following:

‘(A) An analysis of information submitted through the data collection system.

‘(B) An analysis of any burden on providers and suppliers of ground ambulance services associated with the data collection system.

‘(C) A recommendation as to whether information should continue to be submitted through such data collection system or if such information should be revised under subparagraph (E)(i).

‘(D) Other information determined appropriate by the Commission.

‘(E) GROUND AMBULANCE STUDY.—The Secretary shall post information on the results of the data collection under this paragraph on the Internet website of the Centers for Medicare & Medicaid Services, as determined appropriate by the Secretary.

‘(F) IMPLEMENTATION.—The Secretary shall implement this paragraph through notice and comment rulemaking.

‘(G) ADMINISTRATION.—Chapter 35 of title 42, United States Code, shall not apply to the collection of information required under this subsection.

‘(H) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1879, or otherwise of the data collection system or identification of respondents under this paragraph.

‘(I) FUNDING FOR IMPLEMENTATION.—For purposes of carrying out subparagraph (A), the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, of $15,000,000 for each of fiscal years 2019 through 2022. Amounts transferred under this subparagraph shall remain available until the effective date of a determination of medicare-dependent small rural hospital status made by the Secretary with respect to the hospital after the date of the enactment of this Act.

‘SEC. 50204. EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.

‘(a) IN GENERAL.—Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

‘(1) in subparagraph (B), in the matter preceding clause (i), by striking “fiscal year 2018” and inserting “fiscal year 2023”; and

‘(2) in subparagraph (C)—

‘(A) in clause (i), by striking “through 2017” the first place it appears and inserting “through 2022”; and

‘(B) by inserting “ and has less than 800 discharges” and all that follows through the period at the end and inserting the following “ and has—”.

‘(ii) with respect to each of fiscal years 2005 through 2010, less than 800 discharges during the fiscal year;

‘(iii) with respect to each of fiscal years 2011 through 2018, less than 1,600 discharges of individuals entitled to, or enrolled for, benefits under part A during the fiscal year or portion of fiscal year; (IV) with respect to each of fiscal years 2019 through 2022, less than 3,800 discharges during the fiscal year; and

‘(iv) with respect to fiscal year 2023 and each subsequent fiscal year, less than 800 discharges during the fiscal year.”; and

(b) in clause (iii)(B), by striking “through fiscal year 2017” and inserting “through fiscal year 2022”.

‘(C) GAO STUDY AND REPORT.—

‘(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the ‘Comptroller General’) shall conduct a study on the medicare-dependent small rural hospital program under section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) and submit to Congress a report on the results of such study. Such study shall include an analysis of the following:

‘(A) The payor mix of medicare-dependent, small rural hospitals (as defined in paragraph (5)(G)(iv) of such section 1886(d)), how such mix will trend in future years (based on current trends and projections), and whether or not the requirement under subsection (A) of such paragraph should be revised.

‘(B) The impact of such requirement on medicare-dependent, small rural hospitals that meet the requirement of such subsection (A) through the application of paragraphs (a)(1)(A) or (a)(1)(B) of section 1886(d) of the Code of Federal Regulations, including Medicare inpatient and outpatient utilization, payor mix, and financial status (including Medicare and other payor mix, and financial status (including Medicare

‘(2) CONTENTS.—The report under paragraph (1) shall include an evaluation of the effects of such extension on the following:

‘(A) Beneficiary utilization of inpatient hospital services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

‘(B) The financial status of hospitals with a low volume of Medicare or total inpatient admissions.

‘(C) Program spending under such title XVIII.

‘(D) Other matters relevant to evaluating the effects of such subsection.

‘SEC. 50205. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.

‘(a) IN GENERAL.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

‘(1) in clause (i), by striking “October 1, 2017” and inserting “October 1, 2022”;

‘(2) in clause (ii)(II), by striking “October 1, 2017” and inserting “October 1, 2022”; and

‘(3) in the matter following clause (ii), by striking “(except as provided in paragraph (2)(D))” and inserting “as of January 1, 2018, after ‘such State’ each place it appears.”.

‘(b) UNIFORMING AMENDMENTS.—

‘(1) EXTENSION OF TARGET AMOUNT.—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

‘(A) in the matter preceding clause (i), by striking “through 2017” and inserting “through October 1, 2022”; and

‘(B) in clause (iv), by striking “through fiscal year 2017” and inserting “through fiscal year 2022”.

‘(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395x(d)) is amended by striking “through fiscal year 2017” and inserting “through fiscal year 2022”.

‘(c) GAO STUDY AND REPORT.—

‘(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the ‘Comptroller General’) shall conduct a study on the medicare-dependent small rural hospital program under section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)). Such study shall include an analysis of the following:

‘(A) The payor mix of medicare-dependent, small rural hospitals (as defined in paragraph (5)(G)(iv) of such section 1886(d)), how such mix will trend in future years (based on current trends and projections), and whether or not the requirement under subsection (A) of such paragraph should be revised.

‘(B) The impact of such requirement on medicare-dependent, small rural hospitals that meet the requirement of such subsection through the application of paragraphs (a)(1)(A) or (a)(1)(B) of section 1886(d) of the Code of Federal Regulations, including Medicare inpatient and outpatient utilization, payor mix, and financial status (including Medicare

‘(2) CONTENTS.—The report under paragraph (1) shall include an evaluation of the effects of such extension on the following:

‘(A) Beneficiary utilization of inpatient hospital services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

‘(B) The financial status of hospitals with a low volume of Medicare or total inpatient admissions.

‘(C) Program spending under such title XVIII.

‘(D) Other matters relevant to evaluating the effects of such subsection.
(C) Other such items related to Medicare dependent, small rural hospitals as the Comptroller General determines appropriate.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations that the Comptroller General determines appropriate.

SEC. 50206. EXTENSION OF FUNDING FOR QUALITY MEASUREMENT, ENDORSEMENT, INPUT, AND SELECTION; REPORTING REQUIREMENTS.

(a) Extension of Funding.—Section 1900(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

(1) in the first sentence—

(A) by striking “2014” and inserting “2014,”; and

(B) by inserting the following before the period: “, and $7,500,000 for each of fiscal years 2018 and 2019;”;

(2) by adding at the end the following new sentence: “Amounts transferred for each of fiscal years 2018 and 2019 shall be in addition to any funds transferred for a preceding fiscal year that are available under the preceding sentence.”;

(b) Treasury Secretary to Congr.—Section 1900 of the Social Security Act (42 U.S.C. 1395aaa) is amended by adding at the end the following new subsection:

“(e) by inserting the following before the comma:—

(1) I N GENERAL .—Section 1890(b)(5)(A) of the Social Security Act (42 U.S.C. 1395oo(b)(5)(A)) is amended—

(A) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and moving them accordingly, and

(B) in the matter preceding subclause (I), as redesignated by subparagraph (A), by striking “containing a description of—” and inserting “containing the following:—”;

(i) A description of—;

(ii) any updates or modifications of the description of—;

(iii) any updates or modifications of the disclosure of interests and conflicts of interests for all committees, work groups, task forces, and advisory panels of the entity;

(iv) any updates or modifications of the descriptions of relevant interests and any conflicts of interest for members of all committees, work groups, task forces, advisory panels, and the total percentage by health care sector of all health care quality measurement efforts funded under sections 1890 and 1890A of the Social Security Act (42 U.S.C. 1395oo and 1395aa) that have been allocated, including how much of the funding has been allocated for work performed by the entity, the consensus-based entity, and any other entity the Secretary has contracted with to perform work related to such sections 1890 and 1890A, respectively, and descriptions of such work; and

(ii) the extent to which the Secretary has developed a comprehensive and long-term plan to ensure that it can provide adequate quality measurement objectives related to carrying out such sections 1890 and 1890A in a timely manner and with efficient use of available resources, including the roles of the consensus-based entity, the Measure Applications Partnership (MAP), and any other entity the Secretary has contracted with to perform work related to such sections 1890 and 1890A in helping the Secretary achieve those objectives.

(c) Revision of Annual Report from Congressionality to Congress and the Secretary.—

(1) General.—Section 1900(b)(5)(A) of the Social Security Act (42 U.S.C. 1395oo(b)(5)(A)) is amended—

(A) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and moving them accordingly, and

(B) in the matter preceding subclause (I), as redesignated by subparagraph (A), by striking “containing a description of—” and inserting “containing the following:—”;

(i) A description of—;

(ii) any updates or modifications of the disclosure of interests and conflicts of interests for all committees, work groups, task forces, and advisory panels of the entity;

(iii) any updates or modifications of the descriptions of relevant interests and any conflicts of interest for members of all committees, work groups, task forces, advisory panels, and the total percentage by health care sector of all health care quality measurement efforts funded under sections 1890 and 1890A of the Social Security Act (42 U.S.C. 1395oo and 1395aa) that have been allocated, including how much of the funding has been allocated for work performed by the entity, the consensus-based entity, and any other entity the Secretary has contracted with to perform work related to such sections 1890 and 1890A, respectively, and descriptions of such work; and

(iii) the extent to which the Secretary has developed a comprehensive and long-term plan to ensure that it can provide adequate quality measurement objectives related to carrying out such sections 1890 and 1890A in a timely manner and with efficient use of available resources, including the roles of the consensus-based entity, the Measure Applications Partnership (MAP), and any other entity the Secretary has contracted with to perform work related to such sections 1890 and 1890A, respectively, and descriptions of such work.

(d) Report.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50207. EXTENSION OF FUNDING FOR OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS; STATE HEALTH INSURANCE ASSISTANCE PROGRAM REPORTING REQUIREMENTS.

(a) Funding Extensions.—

(1) Additional Funding for State Health Insurance Programs.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395bb(a)(1)(B)) is amended—

(A) in clause (v), by striking “and”; and

(B) by adding at the end the following new clause:

“(viii) for fiscal year 2018, of $13,000,000; and

(ix) for fiscal year 2019, of $13,000,000.”.

(2) Additional Funding for Area Agencies on Aging.—Subsection (b)(1)(B) of such section 119, as so amended, is amended—

(A) in clause (vi), by striking “and” at the end;

(B) in clause (vii), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following new clause:

“(viii) for fiscal year 2018, of $7,500,000; and

(ix) for fiscal year 2019, of $7,500,000.”.

(3) Additional Funding for Aging and Disability Resource Centers.—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

(A) in clause (i), by striking “and” at the end;
(A) in clause (vi), by striking “and” at the end;
(B) in clause (vii), by striking the period at the end and inserting “; and”;
(C) by inserting after clause (vii) the following new clauses:

“(viii) for fiscal year 2018, of $12,000,000; and
(ix) for fiscal year 2019, of $12,000,000.”.

(b) STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.

SEC. 50301. EXTENDING THE INDEPENDENCE AT HOME DIALYSIS PROGRAM.

(a) IN GENERAL—

(A) in paragraph 4(c)(I), by adding at the end the following new
paragraph:

“(X) A renal dialysis facility, but only for purposes of section 1881(b)(3)(B).”.

(B) by adding to the end the following new paragraph:

“(X) THE TREATMENT OF HOME DIALYSIS MONETARY INCENTIVES—The
vehicle used for the residential service under the geographic requirements described in paragraphs (4)(C)(i) shall not apply with respect to telehealth services furnished on or after January 1, 2019, for purposes of section 1881(b)(3)(B).”.

(C) by striking “(v)” and inserting “(7)”; and

(ii) by striking “(8)” and inserting “(8)”. 

2. In each of subsections (c) and (d), by striking “individual” and inserting “individuals”.

(2) by redesigning subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(i) the case of episodes and visits ending during 2019, by 1.5 percent; and
(ii) the case of episodes and visits ending during 2020, by 2 percent.

(B) by adding at the end the following new 
paragraph:

“(A) I N GENERAL.—Section 1881(b)(3) of the Social Security Act (42 U.S.C. 1395ccc) is amended—

(2) in subsection (e)—

(A) by striking “(1)” and inserting “(1)”; and

(B) by adding to the end the following new
paragraph:

“(B) by adding to the end the following new
paragraph:

“(I) the case of episodes and visits ending during 2019, by 4 percent; and
(ii) the case of episodes and visits ending during 2020, by 3 percent.

(3) in subsection (i)(1)(A), by striking “(2)” and inserting “(1)”.

II. The Secretary shall use data from the 2010 decennial Census.

3. In subsection (d), by striking “, and” and inserting “; and”.

4. In subsection (e), in section 1881(b)(3), by striking “10,000” and inserting “15,000”.

5. In section 1881(b)(3), by striking “An agreement” and inserting “A urine albumin-to-creatinine ratio test”.

6. In section 1881(b)(3), by striking “subject to clause (ii)”, subject to clause (ii), an individual
participates in the demonstration program, and is determined to have end stage renal disease receiving home dialysis may choose to receive monthly end stage renal disease-related clinical assessment performed on or after January 1, 2019, via telehealth.

“(ii) Clause (i) shall apply to an individual only if the individual receives a face-to-face clinical assessment, without the use of telehealth.”.

(1) by adding at the end the following new subclauses:

“(VI) A renal dialysis facility, but only for purposes of section 1881(b)(3)(B).”.

(B) by adding to the end the following new 
paragraph:

“(X) The treatment of home dialysis monthly monetary incentives—The vehicle used for the residential service under the geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to telehealth services furnished on or after January 1, 2019, for purposes of section 1881(b)(3)(B).”.

(C) by striking “(v)” and inserting “(7)”; and

(ii) by striking “(8)” and inserting “(8)”. 

(D) by redesigning subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(i) the case of episodes and visits ending during 2019, by 1.5 percent; and
(ii) the case of episodes and visits ending during 2020, by 2 percent.

(E) by adding at the end the following new
paragraph:

“(A) UTILIZATION.—In determining which counties or (equivalent areas) are in the highest quartile under paragraph (1)(A), the following rules shall apply:

(1) The Secretary shall use data from the 2010 decennial Census.

(B) The Secretary may exclude data from the territories (and the territories shall not be described in such paragraph).

(C) The Secretary may exclude data from counties (or equivalent areas) in rural areas with a low volume of home health episodes (and if data is so excluded with respect to a county (or equivalent area), such county (or equivalent area) shall not be described in such paragraph).

(D) The Secretary shall use data from the 2010 decennial Census.

(E) There shall be no administrative or judicial review under section 1866E, section 1887, or otherwise of the determinations under paragraph (1).

(F) REQUIREMENT TO SUBMIT COUNTY DATA ON CLAIM FORM.—Section 1887(c) of the Social Security Act (42 U.S.C. 1395fff(c)) is amended—

(A) in paragraph (1), by striking “and” at the end;
(B) in paragraph (2), by striking the period at the end and inserting “; and”;
(C) by adding at the end the following new paragraph:

“(3) the case of home health services furnished on or after January 1, 2019, the claim contains the code for the county (or equivalent area) with which the home health service was furnished.”.

(G) HHS OIG ANALYSIS.—Not later than January 1, 2022, the Inspector General of the Department of Health and Human Services shall submit to Congress—

(1) an analysis of the home health claims and utilization of home health services by county (or equivalent area) under the Medicare program; and
(2) recommendations the Inspector General determines appropriate based on such analysis.

II. The Secretary shall determine the amount of Federal funds for each program for the period involved not later than April 1, 2019, and biennially thereafter, the Agency for Community Living shall electronically post on its website the following information, with respect to grants to States for State health insurance assistance programs, (such information to be posted on the site and by entity receiving funds from the State to carry out such a program funded by such grant):

(1) The amount of Federal funding provided to each such program for the period involved and the amount of Federal funding provided by each such State for such program to each such entity for the period involved;

(2) Information as the Secretary may specify, with respect to such programs carried out through such grants, consistent with terms and conditions for receipt of such grants.

SEC. 50208. EXTENSION OF HOME HEALTH RURAL ADD-ON.

(a) EXTENSION—


(A) in subsection (a), by striking “January 1, 2018” and inserting “January 1, 2019” each place it appears;

(B) by redesigning subsections (b) and (c) as subsections (a) and (b) respectively;

(C) in each of subsections (a) and (b), as so redesignated, by striking “subsection (a) and” and inserting “subsection (a) or”;

(D) by inserting after subsection (a) the following new subsection:

SUBSEQUENT TEMPORARY INCREASE.—

“(1) IN GENERAL.—The Secretary shall increase the payment amount otherwise made in the preceding sentence pursuant to the amendment made by section 9033(a)(1)(B)(i) of the Advancing Chronic Care, Extenders, and Medicare Access Program and in the spending target estimates under paragraph (1) of subsection (c) and the incentive payment calculations under paragraph (2) of such subsection for the sixth and seventh years of such program.”.

(2) in subsection (c), in the first sentence, by inserting “, including, to the extent practicable, with respect to the use of electronic health information systems, as described in subsection (b)(1)(A)(vi)” after “under the demonstration program”; and

(3) in subsection (d)(1)(A), by striking “will not receive an incentive payment for the second of 2” and inserting “did not achieve savings for the third of 3”. 

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of Public Law 111–148.
(2) NO FACILITY FEE IF ORIGINATING SITE FOR HOME DIALYSIS THERAPY IS THE HOME.—Section 1834(m)(2)(B) of the Social Security Act (42 U.S.C. 1395m(h)(2)(B)) is amended—

(A) in paragraph (1)(ii) and (ii) as subclauses (I) and (II), and indenting appropriately;

(B) in subparagraph (B), by striking “or making this clause” and inserting “subclause (I) and (ii) this clause”;

(C) by striking “site” and inserting “with respect to” and

(ii) In general.—Subject to clause (i), with respect to

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (I), by striking the period at the end and inserting “; or”;

(3) by adding at the end the following new subparagraph:

“(J) The provision of telehealth technologies meets any other requirements set forth in regulations promulgated by the Secretary.

(c) Conforming Amendment.—Section 1122A(3)(B) of the Social Security Act (42 U.S.C. 1320a–7a(3)(B)) is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (I), by striking the period at the end and inserting “; or”;

(3) by adding at the end the following new subparagraph:

“(J) The provision of telehealth technologies (as defined by the Secretary) on or after January 1, 2019, by a provider of services or a renal dialysis facility (as such terms are defined for purposes of title XVIII) to an individual with end stage renal disease who is receiving home dialysis for which payment is being made under part B of such title,

(i) the telehealth technologies are not offered as part of any advertisement or solicitation;

(ii) the telehealth technologies are provided for the purpose of furnishing telehealth services related to the individual’s end stage renal disease; and

(iii) the provision of the telehealth technologies meets any other requirements set forth in regulations promulgated by the Secretary.

(d) Conforming Amendment.—Section 1811(b)(1) of the Social Security Act (42 U.S.C. 1395f(b)(1)) is amended by striking paragraph (3)(A) and inserting “paragraph (3)(A)(ii)

Subtitle B—Advancing Team-Based Care

SEC. 5011. PROVIDING CONTINUOUS ACCESS TO MEDICARE ADVANTAGE SPECIAL NEEDS PLANS FOR VULNERABLE POPULATIONS.

(a) Extension.—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended by striking “and for periods before January 1, 2019”.

(b) Increased Integration of Dual SNPs.—

(1) In general.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)) is amended—

(A) in paragraph (3), by adding at the end the following new subparagraph:

“(d) Designated contact.—The Secretary, acting through the Federal Coordinated Health Care Office established under section 2602 of Public Law 111–148, shall serve as a dedicated point of contact for States to address misalignments that arise with the integration of specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) under this paragraph and, consistent with such role, shall establish—

(i) a uniform process for disseminating to State Medicaid agencies information under this title and title XIX with respect to contracts between such agencies and such plans under this subsection; and

(ii) basic resources for States interested in exploring such plans as a platform for integration, such as a model contract or other tools to achieve those goals.

(B) Unified grievances and appeals processes.—

(i) In general.—Not later than April 1, 2020, the Secretary shall establish procedures the Secretary, by the Secretary, unifying grievances and appeals procedures under sections 1852(f), 1852(g), 1902(a)(3), 1902(a)(5), and 1932(b)(4) for items and services provided by specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) under this title and title XIX. With respect to items and services described in the preceding sentence, procedures established under this clause shall apply in place of otherwise applicable grievances and appeals procedures.

(ii) Minimum set of requirements.—The Secretary shall establish and develop such procedures from States, plans, beneficiaries and their representatives, and other relevant stakeholders.

(iii) Procedure.—Procedures established under clause (i) shall be included in the plan contract under paragraph (3)(D) and shall

(I) adopt the provisions for the enrollee that are most protective for the enrollee and, to the extent feasible as determined by the Secretary, are compatible with uniform timeframes and consolidated access to external review under an integrated process;

(II) take into account differences in State plans under title XIX to the extent necessary;

(III) be easily navigable by an enrollee; and

(IV) include the elements described in clause (iii), as applicable.

(C) Elements described.—Both unified appeals and unified grievance procedures shall include, as applicable, the following elements described in this clause:

(I) Single written notification of all applicable grievances and appeal rights under this title and title XIX with respect to items and services under this paragraph, the Secretary may waive the requirements under section 1852(g)(1)(B) when the specialized MA plan states requirements under this clause and or under title XIX.

(II) Single pathways for resolution of any grievance or appeal related to a particular item or service provided by specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) under this title and title XIX.

(III) Notices written in plain language and available in a language and format that is accessible to the enrollee, including in non-English languages that are prevalent in the service areas covered by the specialized MA plan.

(IV) Unified timeframes for grievances and appeals processes, such as an individual’s filing of a grievance or appeal, a plan’s acknowledgment and resolution of a grievance or appeal, and notification of decisions with respect to a grievance or appeal.

(V) Requirements for how the plan must provide for access to grievance and appeal procedures, to ensure beneficiaries are notified on a timely basis of decisions that are made throughout the grievance or appeal process and are able to determine the status of a grievance or appeal.

(VI) Continuation of benefits pending appeal.—The unified procedures under this paragraph apply to a Medicare Advantage plan under parts A and B and title XIX subject to appeal under such procedures, incorporate provisions under current law and implementing regulations that provide continuation of benefits pending appeal under this title and title XIX.

(VII) Requirement for unified grievances and appeals.—For 2021 and subsequent years, the contract of a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) with a State Medicaid agency under paragraph (3)(A) of such title shall require the use of unified grievances and appeals procedures as described in subparagraph (B).

(D) Requirements for integration.—

(1) In general.—For 2021 and subsequent years, a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) shall meet one or more of the following requirements, to the extent permitted under State law, for integration of benefits under this title and title XIX

(I) The specialized MA plan must meet the requirements of the Medicare Advantage plan described in paragraph (3)(D) in addition to coordinating long-term services and supports or behavioral health services, or both, by meeting an additional minimum set of requirements determined by the Secretary through the Federal Coordinated Health Care Office established under section 2602 of the Patient Protection and Affordable Care Act from stakeholders, such as notifying the State in a timely manner of hospitalizations, emergency room visits, and hospital or nursing home discharges of enrollees, assigning one primary care provider for each enrollee, and available in a language and format that

(II) the telehealth technologies are provided for the purpose of furnishing telehealth services related to the individual’s end stage renal disease; and

(III) the provision of the telehealth technologies meets any other requirements set forth in regulations promulgated by the Secretary.

(ii) by redesignating clauses (i) and (ii) as clauses (I) and (II), respectively.

(iii) by redesignating the period at the end of clause (I) as the period at the end of clause (II).

(iv) by redesignating the period at the end of clause (II) as the period at the end of clause (III).

(E) Requirement for unified grievances and appeals.—For 2021 and subsequent years, the contract of a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) under this title and title XIX with respect to items and services described in the preceding sentence, the Secretary may waive the requirements under section 1852(g)(1)(B) when the specialized MA plan states requirements under this clause and or under title XIX.

(F) The plan meets the requirements applicable to a Medicare Advantage plan under title XIX with respect to any individual who is enrolled in both the specialized MA plan and the Medicaid managed care organization.

(G) Suspension of enrollment for failure to meet requirements during initial period.—During the period of plan years 2021 through 2025, if the Secretary determines that a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) has failed to comply with clause (i), the Secretary may provide for the application of a corrective action against the Medicare Advantage organization offering the plan of the remedy described in section 1857(g)(2)(B) in the same manner as the Secretary may apply such remedy, and in accordance with the same procedures as would apply, in the case of an MA organization determined by the Secretary to have engaged in conduct described in section 1857(g)(1). If the Secretary applies a corrective action against a Medicare Advantage organization under the preceding sentence, the organization shall submit to the Secretary
(at a time, and in a form and manner, specified by the Secretary) information describing how the plan will come into compliance with clause (i).

(2) IN GENERAL.—Not later than March 15, 2022, and, subject to clause (iii), biennially thereafter through 2032, the Medicare Payment Advisory Commission established under section 1805, in consultation with the Medicaid and CHIP Payment and Access Commission established under section 1900, shall submit to the Senate a report on a study to determine how specialized MA plans for special needs individuals described in subparagraph (B) and (ii) as clauses (i) and (ii), respectively, and indenting appropriately; and

(D) by adding at the end the following new subparagraph:

(3) IMPROVEMENTS TO SEVERE OR DISABLING CHRONIC CONDITION SNPS.—

(a) CARE MANAGEMENT REQUIREMENTS.—Sec-

tion 1859(f)(5) of the Social Security Act (42 U.S.C. 1395w–28(f)(5)) is amended—

(A) by striking “ALL SNPS.—The require-

ments” and inserting “A SUBGROUP OF SNPS.—

The requirements”;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately; and

(C) in clause (ii), as redesignated by sub-

paragraph (B), by redesignating clauses (I) and (II) as subclauses (i) and (ii), respectively, and indenting appropriately; and

(d) QUALITY MEASUREMENT AT THE PLAN LEVEL FOR SNPS.—

(1) CARE MANAGEMENT REQUIREMENTS.—Sec-

tion 1859(f)(5) of the Social Security Act (42 U.S.C. 1395w–28(f)(5)) is amended—

(A) by striking “ALL SNPS.—The require-

ments” and inserting “A SUBGROUP OF SNPS.—

The requirements”;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately; and

(C) in clause (ii), as redesignated by sub-

paragraph (B), by redesignating clauses (I) and (II) as subclauses (i) and (ii), respectively, and indenting appropriately; and

(D) by adding at the end the following new subparagraph:

(2) QUALITY MEASUREMENT AT THE PLAN LEVEL FOR SNPS.—

(1) REQUIREMENTS.—In establishing and updating the list under subparagraph (A), the panel shall take into account the availability of varied benefits, cost-sharing, and supplemental benefits under the model described in paragraph (2) of section 1859(h), including the expansion under paragraph (1) of such section.

(3) QUALITY MEASUREMENT AT THE PLAN LEVEL FOR SNPS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may require reporting of data under section 1852(e) for, and apply under this subsection, quality measures at the plan level for specialized MA plans for special needs individuals instead of at the contract level.

(B) CONSIDERATIONS.—Prior to applying quality measurement at the plan level under this paragraph, the Secretary may require reporting of data under section 1852(e) for, and apply under this subsection, quality measures at the plan level for specialized MA plans for special needs individuals instead of at the contract level.

(iv) take into consideration the minimum number of enrollees in a specialized MA plan for special needs individuals in order to determine if a statistically significant or valid measurement of quality at the plan level is possible under this paragraph;

(v) take into consideration the impact of such application on plans that serve a disproportionate number of individuals dually eligible for benefits under this title and title XIX;

(vi) quality measures are reported at the plan level, ensure that MA plans are not required to provide duplicative information; and

(vi) ensure that such reporting does not interfere with the collection of encounter data submitted by MA organizations or the
administration of any changes to the program under this part as a result of the collection of such data.

(C) APPLICATION.—If the Secretary applies quality measurement at the plan level under this paragraph—

(i) such quality measurement may include Medicare Health Outcomes Survey (HOS) for Chronic Conditions Data and Information Set (HEDIS), Consumer Assessment of Healthcare Providers and Systems (CAHPS) measures and quality measures under Part IV, D.

(ii) the Secretary shall consider applying administrative actions, such as remedies described in section 1857(g)(2), at the plan level.

(7) DETERMINATION OF FEASIBILITY OF QUALITY MEASUREMENT AT THE PLAN LEVEL FOR ALL MA PLANS.—

(A) DETERMINATION OF FEASIBILITY.—The Secretary shall determine the feasibility of requiring reporting of data under section 1832(e) for, and applying under this subsection, quality measures at the plan level for all MA plans under this part.

(B) CONSIDERATION OF CHANGE.—After making a determination under subparagraph (A), the Secretary shall consider applying such reporting and applying such quality measures at the plan level as described in such subparagraph:

(1) the benefits under the Medicare Advantage Value-Based Insurance Design model, as revised under paragraph (1), begin on January 1, 2020, and

(2) the report under paragraph (1) is submitted to Congress at least once each calendar year for the period beginning on January 1, 2020, and ending on December 31, 2025.

(C) The impact supplemental benefits have on—

(i) the quality of care received by such enrollees, including the overall health of the enrollees;

(ii) the utilization of items and services for which benefits are available under the original Medicare fee-for-service program option under parts A and B of title XVIII of the Social Security Act;

(D) The frequency in which supplemental benefits are utilized by such enrollees.

(E) The characteristics of individuals enrolled in such special MA plans.

(F) As practicable, the following with respect to the data described in paragraph (5)(B)(vi)(II) of such Act (42 U.S.C. 1395w–28a):—

(i) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(ii) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iii) the amount of the bids submitted by Medicare Advantage plans under this part for long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iv) the characteristics of individuals enrolled in such special MA plans.

(v) The impact supplemental benefits have on—

(A) the quality of care received by such enrollees, including the overall health of the enrollees;

(B) the utilization of items and services for which benefits are available under the original Medicare fee-for-service program option under parts A and B of title XVIII of the Social Security Act;

(C) The frequency in which supplemental benefits are utilized by such enrollees.

(D) As practicable, the following with respect to the data described in paragraph (5)(B)(vi)(II) of such Act (42 U.S.C. 1395w–28a):—

(i) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(ii) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iii) the amount of the bids submitted by Medicare Advantage plans under this part for long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iv) the characteristics of individuals enrolled in such special MA plans.

(V) The impact supplemental benefits have on—

(A) the quality of care received by such enrollees, including the overall health of the enrollees;

(B) the utilization of items and services for which benefits are available under the original Medicare fee-for-service program option under parts A and B of title XVIII of the Social Security Act;

(C) The frequency in which supplemental benefits are utilized by such enrollees.

(D) As practicable, the following with respect to the data described in paragraph (5)(B)(vi)(II) of such Act (42 U.S.C. 1395w–28a):—

(i) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(ii) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iii) the amount of the bids submitted by Medicare Advantage plans under this part for long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iv) the characteristics of individuals enrolled in such special MA plans.

(V) The impact supplemental benefits have on—

(A) the quality of care received by such enrollees, including the overall health of the enrollees;

(B) the utilization of items and services for which benefits are available under the original Medicare fee-for-service program option under parts A and B of title XVIII of the Social Security Act;

(C) The frequency in which supplemental benefits are utilized by such enrollees.

(D) As practicable, the following with respect to the data described in paragraph (5)(B)(vi)(II) of such Act (42 U.S.C. 1395w–28a):—

(i) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(ii) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iii) the amount of the bids submitted by Medicare Advantage plans under this part for long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iv) the characteristics of individuals enrolled in such special MA plans.

(V) The impact supplemental benefits have on—

(A) the quality of care received by such enrollees, including the overall health of the enrollees;

(B) the utilization of items and services for which benefits are available under the original Medicare fee-for-service program option under parts A and B of title XVIII of the Social Security Act;

(C) The frequency in which supplemental benefits are utilized by such enrollees.

(D) As practicable, the following with respect to the data described in paragraph (5)(B)(vi)(II) of such Act (42 U.S.C. 1395w–28a):—

(i) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(ii) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iii) the amount of the bids submitted by Medicare Advantage plans under this part for long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iv) the characteristics of individuals enrolled in such special MA plans.

(V) The impact supplemental benefits have on—

(A) the quality of care received by such enrollees, including the overall health of the enrollees;

(B) the utilization of items and services for which benefits are available under the original Medicare fee-for-service program option under parts A and B of title XVIII of the Social Security Act;

(C) The frequency in which supplemental benefits are utilized by such enrollees.

(D) As practicable, the following with respect to the data described in paragraph (5)(B)(vi)(II) of such Act (42 U.S.C. 1395w–28a):—

(i) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(ii) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iii) the amount of the bids submitted by Medicare Advantage plans under this part for long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iv) the characteristics of individuals enrolled in such special MA plans.

(V) The impact supplemental benefits have on—

(A) the quality of care received by such enrollees, including the overall health of the enrollees;

(B) the utilization of items and services for which benefits are available under the original Medicare fee-for-service program option under parts A and B of title XVIII of the Social Security Act;

(C) The frequency in which supplemental benefits are utilized by such enrollees.

(D) As practicable, the following with respect to the data described in paragraph (5)(B)(vi)(II) of such Act (42 U.S.C. 1395w–28a):—

(i) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(ii) the percentage of enrollees in Medicare Advantage plans under this part that receive long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iii) the amount of the bids submitted by Medicare Advantage plans under this part for long-term services and supports under such title XIX through a managed care program, including the requirements under such title XIX with respect to long-term services and supports;

(iv) the characteristics of individuals enrolled in such special MA plans.

(V) The impact supplemental benefits have on—

(A) the quality of care received by such enrollees, including the overall health of the enrollees;

(B) the utilization of items and services for which benefits are available under the original Medicare fee-for-service program option under parts A and B of title XVIII of the Social Security Act;
is not made under section 1834(m) due to the conditions for payment under such section; and

(iI) that are identified for such year as clinical services to furnish using electronic information and telecommunications technology when a physician (as defined in section 1861(v)(11)) or practitioner (described in section 1842(t)) providing the service is not at the same location as the plan enrollee.

(ii) Exclusion of capital and infrastructure costs and investments.—The term ‘additional telehealth benefits’ does not include capital and infrastructure costs and investments relating to such benefits.

(iII) that are identified for such year as clinical services to furnish using electronic information and telecommunications technology when a physician (as defined in section 1861(v)(11)) or practitioner (described in section 1842(t)) providing the service is not at the same location as the plan enrollee.

(iii) What types of items and services (including those provided through supplemental health care benefits, such as remote patient monitoring, secure messaging, store and forward technologies, and other non-face-to-face communication) should be considered to be additional telehealth benefits; and

(iv) the requirements for the provision or furnishing of such benefits (such as training and compliance).

(3) Requirements for additional telehealth benefits.—The Secretary shall specify requirements for the provision or furnishing of such telehealth benefits, including with respect to the following:

(A) Physician or practitioner qualifications (other than licensure) and other requirements such as specific training.

(B) Factors necessary for the coordination of such benefits with other items and services including those furnished in person.

(C) Such other areas as determined by the Secretary.

(4) Enrollee choice.—If an MA plan provides a service as an additional telehealth benefit (as defined in paragraph (2))—

(A) the MA plan shall also provide access to such benefit through an in-person visit (and not only as an additional telehealth benefit); and

(B) an individual enrollee shall have discretion as to whether to receive such service through the in-person visit or as an additional telehealth benefit.

(5) Treatment under MA.—For purposes of this subsection and section 1851, if a plan provides telehealth benefits, such additional telehealth benefits shall be treated as if they were benefits under the original Medicare fee-for-service program option.

(6) Nothing in this subsection shall be construed as affecting the requirement under subsection (a)(1) that MA plans provide enrollees with items and services (other than hospice care) for which benefits are available under parts A and B, including benefits available under section 1834(m).

(b) Certification regarding inclusion in bid amount.—Section 1854(a)(6)(A)(ii)(I) of the Social Security Act (42 U.S.C. 1395w–24(a)(6)(A)(ii)(I)) is amended by inserting “, including such year 2020 and subsequent plan years, the provision of additional telehealth benefits as described in section 1832(m)”, before the semicolon at the end.

SEC. 50324. PROVIDING ACCOUNTABLE CARE ORGANIZATIONS THE ABILITY TO EXPAND THE USE OF TELEHEALTH SERVICES.

(a) In General.—Section 1899 of the Social Security Act (42 U.S.C. 1399jj(c)) is amended by adding at the end the following new subsection:

(1) Providing ACOs the ability to expand the use of telehealth services.—In General.—In the case of telehealth services for which payment would otherwise be made under this title, furnished on or after January 1, 2020, for purposes of this subsection only, the following shall apply with respect to such services furnished by a physician or practitioner participating in an applicable ACO (as defined in paragraph (2)) to a Medicare fee-for-service beneficiary as assigned to the applicable ACO:

(A) Inclusion of home as originating site.—Subject to paragraph (3), the home of a beneficiary shall be treated as an originating site described in section 1834(m)(4)(C)(ii).

(B) No application of geographic limitation.—The limitation under section 1834(m)(4)(C)(i) shall not apply with respect to an originating site described in section 1834(m)(4)(C)(ii) (including the home of a beneficiary as determined by the Secretary, subject to State licensing requirements.

(2) Definitions.—In this subsection:

(A) Applicable ACO.—The term ‘applicable ACO’ means an ACO participating in a model tested or expanded under section 1115A or under this section—

(i) that operates under a two-sided model—

(I) described in section 425.600(a) of title 42, Code of Federal Regulations; or

(II) tested or expanded under section 1115A; and

(ii) for which Medicare fee-for-service beneficiaries are assigned to the ACO using a prospective assignment method, as determined appropriate by the Secretary.

(B) Home.—The term ‘home’, means, with respect to a Medicare fee-for-service beneficiary, the place of residence used as the home setting for the beneficiary.

(C) Additional telehealth benefits.—Any payment may be made for such services that are inappropriate to furnish in the home setting such as services that are typically furnished in inpatient settings such as a hospital.”.

(b) Study and Report.—

(1) Study.—

(A) In General.—The Secretary of Health and Human Services (in this subsection referred to as the ‘Secretary’ or ‘the Secretary’) shall conduct a study of the utilization of, and expenditures for, telehealth services under such section.

(B) Collection of data.—The Secretary may collect such data as the Secretary determines necessary to carry out the study under this paragraph.

(2) Report.—Not later than January 1, 2020, the Secretary shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 50325. EXPANDING THE USE OF TELEHEALTH FOR INDIVIDUALS WITH MEDICARE Advantage Plans.

Section 1834(m) of the Social Security Act (42 U.S.C. 1395w–24(m)), as amended by section 50302(b)(1), is amended—

(1) in paragraph (4)(C)(i), in the matter preceding subclause (A) by striking ‘‘The term’’ and inserting ‘‘Except as provided in paragraph (6), the term’’; and

(2) by adding at the end the following new paragraph:

(6) Treatment of stroke telehealth services.—

‘‘(A) Non-application of originating site requirements.—The requirements described in paragraph (4)(C) shall not apply with respect to telehealth services furnished on or after January 1, 2019, for purposes of diagnosis, evaluation, or treatment of symptoms of an acute stroke, as determined by the Secretary.

(B) Inclusion of certain sites.—With respect to telehealth services described in subparagraph (A), the term ‘originating site’ shall include any hospital (as defined in section 1861(e)) or critical access hospital (as defined in section 1861(mm)(1)), any mobile stroke unit (as defined in section 1834(m)(ii)), or any other site determined appropriate by the Secretary, at which the eligible telehealth individual is located at the time the service is furnished via a telecommunications system.

(C) No originating site facility fee for new sites.—No facility fee shall be paid under paragraph (2)(a) in respect of a telehealth service described in subparagraph (A) if the originating site does not otherwise meet the requirements for an originating site under paragraph (4)(C).’’.

Subtitle D—Identifying the Chronically Ill Population

SEC. 50331. PROVIDING FLEXIBILITY FOR BENEFICIARIES TO BE PART OF AN ACCOUNTABLE CARE ORGANIZATION.

Section 1899(c) of the Social Security Act (42 U.S.C. 1399jj(c)) is amended—

(1) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(2) by striking ‘‘ACOs.—The Secretary’’ and inserting ‘‘ACOs.—’’

‘‘(1) In general.—Subject to paragraph (2), the Secretary’’;

and

(3) by adding at the end the following new paragraph:

‘‘(2) Providing Flexibility.—

(A) Choice of prospective assignment.—For each agreement period (effective for agreements entered into or renewed on or after January 1, 2020), in the case where an ACO established under the program is in a Track that provides for the retrospective assignment of Medicare fee-for-service beneficiaries to the ACO, the Secretary shall permit the ACO to choose to have Medicare fee-for-service beneficiaries assigned prospectively, rather than retrospectively, to the ACO for an agreement period.

(B) Assignment based on voluntary identification by Medicare fee-for-service beneficiaries.—

‘‘(i) In general.—For performance year 2020 and each subsequent performance year, if a system is available for electronic designation, the Secretary shall permit a Medicare fee-for-service beneficiary to voluntarily identify the ACO as the primary care provider of the beneficiary for purposes of assigning such beneficiary to an ACO, as determined by the Secretary.

(ii) Notification process.—The Secretary shall establish a process under which a Medicare fee-for-service beneficiary is—

(I) notified of their ability to make an identification described in clause (i), and the consequences of the process by which they may make and change such identification.

(III) superseding claims-based assignment.—A voluntary identification by a Medicare fee-for-service beneficiary under this paragraph shall supersede any claims-based assignment otherwise determined by the Secretary.’’. 
(a) IN GENERAL.—Section 1899 of the Social Security Act (42 U.S.C. 1399j), as amended by section 50323(a), is amended—

(1) in subsection (b)(2), by adding at the end the following new subsubsection:

“(ii) in an amount up to $20, with such maximum amount updated annually by the percentage increase in the consumer price index for all urban consumers (United States city average) for the period ending with June of the previous year;

(2) by adding at the end the following new subsection:

“(m) AUTHORITY TO PROVIDE INCENTIVE PAYMENTS TO BENEFICIARIES WITH RESPECT TO QUALIFYING PRIMARY CARE SERVICES.—

“(1) PROGRAM.—

“(A) IN GENERAL.—In order to encourage Medicare fee-for-service beneficiaries to obtain medically necessary primary care services, an ACO participating under this section shall receive an ACO Beneficiary Incentive Program pursuant to subsection (m) shall apply to the Secretary at such time and in such manner, and with such information as the Secretary may require.’’;

(2) by adding at the end the following new subsection:

“(M) NO APPLICATION TO SHARED SAVINGS CALCULATION.—Incentive payments made by an ACO under this subsection shall be disregarded, for purposes of calculating benchmarks, estimated average per capita Medicare expenditures, and shared savings under this section.

(3) EXCLUSION OF INCENTIVE PAYMENTS.—Any payment made under an ACO Beneficiary Incentive Program established under this subsection shall not be counted toward the ACO’s participation in the Medicare Shared Savings Program established under this section.

(4) TERMINATION.—The Secretary may terminate an ACO Beneficiary Incentive Program established under this subsection at any time for reasons determined appropriate by the Secretary.

(5) ELIMINATING BARRIERS TO CARE ORGANIZATIONS.

(a) STUDY.—The Comptroller General shall conduct a study on the establishment under part B of the Medicare program under title XVIII of the Social Security Act of a payment code for a visit for longitudinal comprehensive care planning services. Such study shall include an analysis of the extent to which such information is available:

(1) The frequency with which those services similar to longitudinal comprehensive care planning services are furnished to Medicare beneficiaries, which providers of services and suppliers are furnishing those services, whether Medicare reimbursement is being received for those services, and, if so, through which codes those services are being reimbursed.

(2) Whether, and the extent to which, longitudinal comprehensive care planning services would overlap, and could therefore result in duplicative payment, with services covered under the hospice benefit as well as the chronic disease management benefit.

(b) REPORT.—Not later than October 1, 2023, the Secretary shall submit to Congress a report containing the results of the evaluation under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 50341. ELIMINATING BARRIERS TO CARE DELIVERY

(a) IN GENERAL.—Section 1320a–7b(b)(3) of the Social Security Act (42 U.S.C. 1395f–1(b)(3)) is amended—

(1) in section (b)(3), by striking the period at the end of subsection (b)(3) and inserting “, including program integrity requirements, as the Secretary determines necessary.

(2) by striking the end of subsection (b)(3) and inserting “, and no later than January 1, 2020.

(3) in section (c)(3), by adding at the end the following new subparagraph:

“(D) INCENTIVE PAYMENTS.—An incentive payment made to a Medicare fee-for-service beneficiary by an ACO participating under an ACO Beneficiary Incentive Program established under subsection (m) of section 1899, if the payment is made in accordance with the requirements of such subsection and meets such other conditions as the Secretary may establish.’’.

(c) EVALUATION AND REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall conduct an evaluation of the ACO Beneficiary Incentive Program established under subsection (m) of section 1899, if the payment is made in accordance with the requirements of such subsection and meets such other conditions as the Secretary may establish.’’.

(2) ANNUAL REPORT.—Not later than October 1, 2023, the Secretary shall submit to Congress a report containing the results of the evaluation under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 50342. GAO STUDY AND REPORT ON LONGITUDINAL COMPREHENSIVE CARE PLANNING SERVICES UNDER MEDICARE PART B.

(a) STUDY.—The Comptroller General shall conduct a study on the establishment under part B of the Medicare program under title XVIII of the Social Security Act of a payment code for a visit for longitudinal comprehensive care planning services. Such study shall include an analysis of the following to the extent such information is available:

(1) The frequency with which those services similar to longitudinal comprehensive care planning services are furnished to Medicare beneficiaries, which providers of services and suppliers are furnishing those services, whether Medicare reimbursement is being received for those services, and, if so, through which codes those services are being reimbursed.

(2) Whether, and the extent to which, longitudinal comprehensive care planning services would overlap, and could therefore result in duplicative payment, with services covered under the hospice benefit as well as the chronic disease management benefit.

(3) Potential options for ensuring that applicable providers are notified of a patient’s existing longitudinal care plan and that applicable providers consider that plan in making treatment decisions, and what the applicable providers consider that plan in making treatment decisions, and what the applicable providers consider that plan in making treatment decisions.

(4) Any barriers to providers, other than the provider furnishing longitudinal comprehensive care planning services, accessing the care plan and associated documentation for use related to the care of the Medicare beneficiary.

(b) REPORT.—Not later than October 1, 2023, the Secretary shall submit to Congress a report containing the results of the evaluation under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 50343. GAO STUDY AND REPORT ON LONGITUDINAL COMPREHENSIVE CARE STRATEGIES FOR ELDERLY MEDICARE BENEFICIARIES.

(a) STUDY.—The Comptroller General shall conduct a study on the establishment under part B of the Medicare program under title XVIII of the Social Security Act of a payment code for a visit for longitudinal comprehensive care planning services. Such study shall include an analysis of the following to the extent such information is available:

(1) The frequency with which those services similar to longitudinal comprehensive care planning services are furnished to Medicare beneficiaries, which providers of services and suppliers are furnishing those services, whether Medicare reimbursement is being received for those services, and, if so, through which codes those services are being reimbursed.

(2) Whether, and the extent to which, longitudinal comprehensive care planning services would overlap, and could therefore result in duplicative payment, with services covered under the hospice benefit as well as the chronic disease management benefit.

(3) Potential options for ensuring that applicable providers are notified of a patient’s existing longitudinal care plan and that applicable providers consider that plan in making treatment decisions, and what the applicable providers consider that plan in making treatment decisions.

(4) Any barriers to providers, other than the provider furnishing longitudinal comprehensive care planning services, accessing the care plan and associated documentation for use related to the care of the Medicare beneficiary.

(5) Potential options for ensuring that applicable providers are notified of a patient’s existing longitudinal care plan and that applicable providers consider that plan in making treatment decisions, and what the applicable providers consider that plan in making treatment decisions.

(b) REPORT.—Not later than October 1, 2023, the Secretary shall submit to Congress a report containing the results of the evaluation under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

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(1) the process of eliciting input from the Medicare beneficiary or from a legally authorized representative and documenting in the medical record the patient-directed care plan;

(2) the effectiveness and patient-centeredness of the care plan in organizing delivery of services consistent with the plan;

(3) the availability of the care plan and associated documentation to other providers that care for the beneficiary; and

(4) the extent to which the beneficiary receives services and support that is free from discrimination based on advanced age, disability status, or advanced illness.

The study shall include a analysis of the following:

(1) The extent to which pharmacies have adopted such programs.

(2) The common characteristics of such programs, including how pharmacies structure counseling sessions under such programs and the extent and other arrangements that Medicare prescription drug plans and private payors employ under such programs to support the efforts of pharmacies.

(3) How such programs compare for Medicare prescription drug plans and private payors.

(4) What is known about how such programs affect patient medication adherence and overall patient health outcomes, including if adherence and outcomes vary by patient subpopulations, such as disease state and socioeconomic status.

(5) What is known about overall patient satisfaction with such programs and satisfaction with such programs, including within patient subpopulations, such as disease state and socioeconomic status.

(6) To what extent laws and regulations of the Medicare program support such programs.

(7) Barriers to the use of medication synchronization programs by Medicare prescription drug plans.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

Subtitle F—Other Policies to Improve Care for the Chronically Ill

SEC. 50351. GAO STUDY AND REPORT ON IMPROVING MEDICATION SYNCHRONIZATION

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the “Comptroller General”) shall conduct a study on Medicare prescription drug plans to examine the use and impact of these obesity drugs on patient health and health outcomes, including if adherence and outcomes vary by patient subpopulations, such as disease state and socioeconomic status.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50352. GAO STUDY AND REPORT ON IMPACT OF OBESITY DRUGS ON PATIENT HEALTH

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the “Comptroller General”) shall, to the extent determined by the Comptroller General, conduct a study on the use of prescription drugs to manage the weight of obese patients and the impact of coverage of such drugs on patient health and health outcomes, including if adherence and outcomes vary by patient subpopulations, such as disease state and socioeconomic status.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50353. HHS STUDY AND REPORT ON LONG-TERM RISK FACTORS AMONG MEDICARE BENEFICIARIES

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall conduct a study on long-term risk factors among Medicare beneficiaries.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 50354. PROVIDING PRESCRIPTION DRUG PLANS WITH PARTS A AND B CLAIMS DATA TO PROMOTE THE APPROPRIATE USE OF MEDICATIONS AND IMPROVE HEALTH OUTCOMES

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)) is amended by adding at the end the following new paragraph:

“(6) PROVIDING PRESCRIPTION DRUG PLANS WITH PARTS A AND B CLAIMS DATA TO PROMOTE THE APPROPRIATE USE OF MEDICATIONS AND IMPROVE HEALTH OUTCOMES.

(A) PROCESS.—Subject to subparagraph (B), the Secretary shall establish a process under which a PDP sponsor of a prescription drug plan may submit a request for the Secretary to provide the sponsor, on a periodic basis and in an electronic format in the plan year 2020, data described in subparagraph (D) with respect to enrollees in such
plan. Such data shall be provided without regard to whether such enrollees are described in clause (ii) of paragraph (2)(A).

(b) PURPOSES.—A PDP sponsor may use the data described in paragraph (2)(A) for any of the following purposes:

(1) To optimize therapeutic outcomes through improved medication use, as such phrase is used in clause (i) of paragraph (2)(A).

(2) To improve care coordination so as to prevent adverse health outcomes, such as preventable emergency department visits and hospital readmissions.

(3) To determine the necessary data to be reported to the Secretary pursuant to subparagraph (A) for any of the following purposes:

(1) To inform coverage determinations under this part.

(2) To conduct retrospective reviews of medically accepted indications determinations.

(3) To facilitate enrollment changes to a different therapeutic action, drug plan or an MA-PD plan offered by the same parent organization.

(4) To inform marketing of benefits.

(5) For any other purpose that the Secretary determines is necessary to include in order to protect the identity of individuals entitled to, or enrolled for, benefits under this title or to protect the security of personal health information.

(D) DATA DESCRIBED.—The data described in this clause are standardized extracts (as determined by the Secretary) of claims data under parts A and B for items and services determined by the Secretary) of claims data in this clause are standardized extracts (as determined by the Secretary) of claims data under parts A and B for items and services determined by the Secretary.

(E) CLARIFICATIONS.—

(1) PAYMENT CATEGORY 1.—The Secretary shall create a payment category 1 and assign to such category drugs which are covered under the Local Coverage Determination on External Infusion Pumps (LID number L33794) and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary): J0133, J0285, J0287, J0288, J0985, J1170, J1256, J1265, J1325, J1455, J1457, J1570, J2175, J2560, J2561, J2565, J2570, J2575, J2585.

(2) PAYMENT CATEGORY 2.—The Secretary shall create a payment category 2 and assign to such category drugs which are covered under the Local Coverage Determination and billed to the following HCPCS codes (as identified as of June 1, 2018, and as subsequently modified by the Secretary): J1555 JB, J1559 JB, J1561 JB, J1562 JB, J1569 JB, or J1575 JB.

(3) PAYMENT CATEGORY 3.—The Secretary shall create a payment category 3 and assign to such category drugs which are covered under local coverage determination and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary): J0900, J0908, J0940, J0965, J1900, J1900, J9200, J9360, or J9370.

(F) ELIGIBLE HOME INFUSION SUPPLIERS.—

In this paragraph, the term ‘eligible home infusion supplier’ means a supplier that is enrolled under this part as a pharmacy that provides external infusion pumps and external infusion pump supplies and that maintains all pharmacy licensure requirements in the State in which applicable infusion drugs are administered.

(G) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the payment by program instruction or otherwise.

(2) CONFORMING AMENDMENTS.—(1) Section 1834(u) of the Social Security Act (42 U.S.C. 1395u(b)(6)(I)) is amended by inserting “or, in the case of items and services described in clause (i) of section 1834(u)(7)(A) furnished to an individual for a period described in clause (ii) of such section, payment shall be made to the eligible home infusion therapy supplier after “payment shall be made to the qualified home infusion therapy supplier”.

(2) Section 5021(d) of the 21st Century Cures Act is amended by inserting the following before the period at the end: “,” except that the amendments made by paragraphs (1)
and (2) of subsection (c) shall apply to items and services furnished on or after January 1, 2019.”.

SEC. 50402. ORTHOTISTS AND PROSTHETISTS—CLINICAL NOTES AS PART OF THE PATIENT’S MEDICAL RECORD.

Section 1834(b) of the Social Security Act (42 U.S.C. 1395bb) is amended—

(A) in subsection (a)—

(i) in paragraph (1), in the matter preceding subparagraph (B), by striking “or the conditions and requirements under section 1881(b)”; and

(ii) in paragraph (3), by inserting “including a record on dialysis facility” after “facility”;

and

(B) by adding at the end the following new subparagraph:

“(e) With respect to an accreditation body that has received approval from the Secretary under subsection (a)(3)(A) for accreditation of provider entities that are required to meet the conditions and requirements under section 1881(b), in addition to review and oversight authorities otherwise applicable under this title, the Secretary shall (as the Secretary determines appropriate) conduct, with respect to such accreditation body and provider entities that are required to be conducted under this title with respect to other accreditation bodies or other provider entities—

(1) Validation surveys referred to in subsection (d).

(2) Accreditation program reviews (as defined in section 488(c)(1) of title 42 of the Code of Federal Regulations, or a successor regulation).

(3) Performance reviews (as defined in section 488(d) of title 42 of the Code of Federal Regulations, or a successor regulation).”.

(2) TIMING FOR ACCEPTANCE OF REQUESTS FOR ACCREDITATION ORGANIZATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall begin accepting requests from national accreditation bodies for a finding described in section 1865(a)(3)(A) of the Social Security Act (42 U.S.C. 1395bb(a)(3)(A)) for purposes of accrediting provider entities that are required to meet the conditions and requirements under section 1881(b) of such Act (42 U.S.C. 1395rr(b)).

(b) REIMBURSEMENT OF COSTS OF NEW DIALYSIS FACILITIES.—Section 1881(b)(1) of the Social Security Act (42 U.S.C. 1395rr(b)(1)) is amended by adding at the end the following new paragraph:

“(b) Payment of Costs.—No amounts that are paid to a provider of services for the lease of office space or equipment, which immediately follows a lease arrangement for the use of such equipment and that expired after a term of at least 1 year, payments made by the lessor to the lessee pursuant to such lease arrangement are—

(i) the lease arrangement met the conditions of subparagraph (A) for the lease of office space or subparagraph (B) for the use of equipment when the arrangement expired; and

(ii) the holdover lease arrangement is on the same terms and conditions as the immediately preceding arrangement; and

(iii) the lessor continues to satisfy the conditions of subparagraph (A) for the lease of office space or subparagraph (B) for the use of equipment.”.

(c) HOLDOVER PERSONAL SERVICE ARRANGEMENT.—In the case of a holdover personal service arrangement for the use of such equipment when the arrangement expired; and

(i) the personal service arrangement met the conditions of subparagraph (A) when the arrangement expired; and

(ii) the holdover personal service arrangement is on the same terms and conditions as the immediately preceding arrangement; and

(iii) the lessor continues to satisfy the conditions of subparagraph (A).”.

SEC. 50404. MODERNIZING THE APPLICATION OF THE STARK RULE UNDER MEDICARE.

(a) CLARIFICATION OF THE WRITING REQUIREMENT AND SIGNATURE REQUIREMENT FOR ARRANGEMENTS PURSUANT TO THE STARK RULE.—

(1) WRITING REQUIREMENT.—Section 1877(h)(1) of the Social Security Act (42 U.S.C. 1395nn(h)(1)), as amended by paragraph (1), is further amended by adding at the end the following new subparagraph:

“(D) Written requirement clarified.—In the case of any requirement pursuant to this section for a compensation arrangement to be in writing, such requirement shall be satisfied by such means as determined by the Secretary, including a collaboration document evidencing the course of conduct between the parties involved.”.

(b) SIGNATURE REQUIREMENT.—Section 1877(h) of the Social Security Act (42 U.S.C. 1395nn(h)), as amended by adding at the end the following new subparagraph:

“(E) Special rule for signature requirements.—In the case of any requirement pursuant to this section for a compensation arrangement to be in writing and signed by the parties, such signature requirement shall be met if—

(i) not later than 90 consecutive calendar days immediately following the date on which the compensation arrangement became noncompliant, the parties obtain the required signatures; and

(ii) the compensation arrangement otherwise complies with all the criteria of the applicable exception.”.

(b) INDEFINITE HOLDOVER FOR LEASE ARRANGEMENTS AND PERSONAL SERVICES ARRANGEMENTS PURSUANT TO THE STARK RULE.—Section 1877(e) of the Social Security Act (42 U.S.C. 1395nn(e)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

“(C) Holdover lease arrangements.—In the case of a holdover lease arrangement for the lease of office space or equipment, which immediately follows a lease arrangement described in subparagraph (A) for the use of such equipment and that expired after a term of at least 1 year, payments made by the lessor to the lessee pursuant to such lease arrangement are—

(i) the lease arrangement met the conditions of subparagraph (A) for the lease of office space or subparagraph (B) for the use of equipment when the arrangement expired; and

(ii) the holdover lease arrangement is on the same terms and conditions as the immediately preceding arrangement; and

(iii) the lessor continues to satisfy the conditions of subparagraph (A) for the lease of office space or subparagraph (B) for the use of equipment.”.

and

(2) by adding at the end the following new subparagraph:

“(D) Holdover personal service arrangement.—In the case of a holdover personal service arrangement which immediately follows an arrangement described in subparagraph (A) that expired after a term of at least 1 year, remuneration from an entity pursuant to such personal service arrangement, if—

(i) the personal service arrangement met the conditions of subparagraph (A) when the arrangement expired; and

(ii) the holdover personal service arrangement is on the same terms and conditions as the immediately preceding arrangement; and

(iii) the lessor continues to satisfy the conditions of subparagraph (A).”.

SEC. 50412. INCREASED CIVIL AND CRIMINAL PENALTIES AND FEDERAL HEALTH CARE PROGRAM FRAUD AND ABUSE.

(a) INCREASED CIVIL MONEY PENALTIES AND CRIMINAL FINES.—

(1) INCREASED CIVIL MONEY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended—

(A) in subsection (a), in the matter following paragraph (10)—

(i) by striking “$10,000” and inserting “$20,000” each place it appears; and

(ii) by striking “$15,000” and inserting “$30,000”;

and

(B) by striking “$50,000” and inserting “$100,000” each place it appears; and

in paragraph (10), in the matter following subparagraph (B), by striking “$2,000” and inserting “$5,000”; and

(ii) by striking “$15,000” and inserting “$30,000”;

and

(iii) by striking “$100,000” and inserting “$250,000” each place it appears;

and

in paragraph (11), by striking “$2,000” and inserting “$5,000”; and

(ii) by striking “$15,000” and inserting “$30,000”;

and

(B) in subsection (b)—

(i) in paragraph (1), in the flush text following subparagraph (B), by striking “$2,000” and inserting “$5,000”;

(ii) in paragraph (2), by striking “$2,000” and inserting “$5,000”; and

(iii) by striking “$5,000” and inserting “$10,000”;

(2) INCREASED CRIMINAL FINES.—Section 1127 of such Act (42 U.S.C. 1320a–7b) is amended—

(A) in subsection (a), in the matter following paragraph (6)—

(i) by striking “$25,000” and inserting “$100,000”.

and

(B) in subsection (b)—

(i) in paragraph (1), in the flush text following subparagraph (B), by striking “$25,000” and inserting “$100,000”;

and

(ii) by striking “$100,000” and inserting “$250,000”;

and

in paragraph (2), by striking “$2,000” and inserting “$4,000”;

and

(B) in subsection (b), by striking “$2,000” and inserting “$10,000”;

and

(b) INCREASED SENTENCES FOR FELONIES INVOLVING FEDERAL HEALTH CARE PROGRAM FRAUD AND ABUSE.—

(1) FALSE STATEMENTS AND REPRESENTATIONS.—Section 1128B(c) of the Social Security Act (42 U.S.C. 1320a–7b(a)) is amended, in the matter following paragraph (6), by striking “not more than five years or both” and inserting “not more than five years or both, or”;

(2) ANTIKICKBACK.—Section 1128B(b) of such Act (42 U.S.C. 1320a–7b(b)) is amended—

(A) in paragraph (1), in the flush text following subparagraph (B), by striking “not more than five years or both” and inserting “not more than 10 years or both”;

(i) in paragraph (1), in the flush text following subparagraph (B), by striking “not more than five years or both” and inserting “not more than 10 years or both”;

(3) FALSE STATEMENT OR REPRESENTATION WITH RESPECT TO CONDITIONS OR OPERATIONS OF FACILITIES.—Section 1128B(c) of such Act (42 U.S.C. 1320a–7b(c)) is amended by striking “and before October 1, 2013” and inserting “before October 1, 2018”;

SEC. 50413. MODERNIZING THE APPLICATION OF THE STARK RULE FOR DURABLE MEDICAL EQUIPMENT AND MEDICARE WITH RESPECT TO SPEECH GENERATING DEVICES.


SEC. 50414. MODERNIZING THE APPLICATION OF THE STARK RULE FOR DURABLE MEDICAL EQUIPMENT UNDER MEDICARE.

(a) CLARIFICATION OF THE WRITING REQUIREMENT AND SIGNATURE REQUIREMENT FOR ARRANGEMENTS PURSUANT TO THE STARK RULE.—
(c) EFFECTIVE DATE.—The amendments made by this section shall apply to acts committed after the date of the enactment of this Act.

SEC. 50413. REDUCING THE VOLUME OF FUTURE EHR-RELATED SIGNIFICANT HARDSHIP REQUESTS.

Section 1846(w)(3)(A) of the Social Security Act (42 U.S.C. 1395w–4(10)(2)(A) and section 1866(n)(3)(A) of such Act (42 U.S.C. 1395w(d)(3)(A)) are each amended to read as follows:

“(1) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—

(2) in paragraph (3), by inserting the following new sentence: ‘‘With respect to bids to furnish such types of products on or after January 1, 2018, the volume for such types of products shall be determined by the Secretary through the use of multiple sources of data (from mail order and non-mail order Medicare markets), including market-based data measuring the volume of diabetic testing strip products that are not exclusively sold by a single retailer from such markets.’’; and

(3) by adding at the end the following new subparagraph:

‘‘(C) DEMONSTRATION OF ABILITY TO FURNISH TYPES OF DIABETIC TESTING STRIP PRODUCTS.—

With respect to bids to furnish diabetic testing strip products on or after January 1, 2019, an entity shall attest to the Secretary that the entity has the ability to obtain an inventory of the types and quantities of diabetic testing strip products that will allow the entity to furnish such products in a manner consistent with its bid and—

(i) demonstrate to the Secretary, through letters of intent with manufacturers, wholesalers, or other suppliers, or other evidence as the Secretary may specify, such ability; or

(ii) demonstrate to the Secretary that it made a good faith attempt to obtain such a letter of intent or such other evidence.

‘‘(D) TYPES IN CALCULATION OF PERCENTAGE.—

With respect to bids to furnish diabetic testing strip products on or after January 1, 2019, in determining under subparagraph (A) a bid submitted by an entity under such subparagraph covers 50 percent (or such higher percentage as the Secretary may specify) of all types of diabetic testing strip products, the Secretary may not attribute a percentage to types of diabetic testing strip products that the Secretary does not identify by brand, model, and market share volume.

‘‘(E) ADHERENCE TO DEMONSTRATION.—

(i) IN GENERAL.—In the case of an entity that is furnishing diabetic testing strip products on or after January 1, 2019, under a contract entered into under the competition conducted pursuant to paragraph (1), the Secretary shall establish a process to monitor, on an ongoing basis, the extent to which such entity continues to cover the product types included in the entity’s bid.

(ii) TERMINATION.—If the Secretary determines that the entity described in clause (i) fails to maintain in inventory, or otherwise maintain ready access to (through requirements, contracts, or otherwise) a type of product included in the entity’s bid, the Secretary may terminate such contract unless the Secretary finds that the failure of the entity to maintain inventory of, or ready access to, the result of the entity’s bid may not apply to such entity or the amendments made by this section.
“(2) REQUIRED COMPONENTS.—Education on sexual risk avoidance pursuant to an allotment under this section shall—

(A) ensure that the unambiguous and primary prevention methodology for each topic described in paragraph (3) is a message to youth that normalizes the optimal health behavior of avoiding nonmarital sexual activity;

(B) be medically accurate and complete;

(C) be age-appropriate;

(D) be based on adolescent learning and developmental theories for the age group receiving the education; and

(E) be culturally appropriate, recognizing the experiences of youth from diverse communities and subpopulations.

(3) TOPICS.—Education on sexual risk avoidance pursuant to an allotment under this section shall ensure that—

(A) The holistic individual and societal benefits associated with personal responsibility, self-regulation, goal setting, healthy decisionmaking, and a focus on the future;

(B) The advantage of refraining from nonmarital sexual activity in order to improve the future prospects and physical and emotional health of youth;

(C) The increased likelihood of avoiding poverty when youth attain self-sufficiency and emotional maturity before engaging in sexual activity;

(D) The foundational components of healthy relationships and their impact on the formation of healthy marriages and safe and stable families;

(E) How other youth risk behaviors, such as drug and alcohol usage, increase the risk of pregnancy;

(F) How to resist and avoid, and receive help regarding, sexual coercion and dating violence, recognizing that even with consent youth sex remains a youth risk behavior.

(4) CONTRA bestellen.—Education on sexual risk avoidance pursuant to an allotment under this section shall ensure that—

(A) any information provided on contraception is medically accurate and complete and ensures that students understand that contraception offers physical risk reduction, but not risk elimination; and

(B) the program does not include demonstrations, simulations, or distribution of contraceptive devices.

(5) RESEARCH.—

(A) IN GENERAL.—A State or other entity receiving an allotment pursuant to subsection (a) may use up to 20 percent of such allotment to build the evidence base for sexual risk avoidance education by conducting or supporting research.

(B) REQUIREMENTS.—Any research conducted or supported pursuant to subparagraph (A) shall be—

(i) rigorous;

(ii) evidence-based; and

(iii) designed and conducted by independent researchers who have experience in conducting and publishing research in peer-reviewed outlets.

(6) INFORMATION COLLECTION AND REPORTING.—A State or other entity receiving an allotment pursuant to subsection (a) shall, as specified by the Secretary:

(A) report the implementation of the programs and activities funded through the allotment; and

(B) submit reports to the Secretary on the development of such programs and activities.

(7) NATIONAL EVALUATION.—

(A) IN GENERAL.—The Secretary shall—

(i) summarize the information collected pursuant to subsection (b)(6); and

(ii) conduct evaluation in accordance with paragraph (1), ensuring that the establishment of rigorous evaluation methodologies, the Secretary shall consult with relevant stakeholders and evaluation experts.

(B) APPLICABILITY OF CERTAIN PROVISIONS.—

(i) Sections 503, 507, and 508 apply to allotments under subsection (a) to the same extent and in the same manner as such sections apply to allotments under section 502(c).

(ii) Sections 505 and 506 apply to allotments under subsection (a) to the extent determined by the Secretary to be appropriate.

(8) DEFINITIONS.—In this section:

(A) The term ‘age-appropriate’ means suitable (in terms of topics, messages, and teaching methods) to the developmental and social maturity of the particular age or age group of children or adolescents, based on developing, cognitive, emotional, and behavioral capacity typical for the age or age group.

(B) The term ‘medically accurate and complete’ means verified or supported by the weight of research or evidence in accordance with accepted scientific methods and—

(A) published in peer-reviewed journals, where applicable; or

(B) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

(C) The term ‘rigorous’, with respect to research or evaluation, means—

(A) established scientific methods for measuring the impact of an intervention or program, including behavior (specifically sexual activity or other sexual risk behaviors), or reducing pregnancy, among youth; or

(B) other evidence-based methodologies established by the Secretary for purposes of this section.

(9) The term ‘youth’ refers to one or more individuals who have attained age 10 but not age 20.

(10) FUNDING.—

(A) IN GENERAL.—To carry out this section, there is appropriated, out of any money in the Treasury, in addition to any other amount otherwise appropriated, $75,000,000 for each of fiscal years 2018 and 2019.

(B) RESERVATION.—The Secretary shall reserve, for each of fiscal years 2018 and 2019, not more than 20 percent of the amount appropriated pursuant to paragraph (A) for administering the program under this section, excluding the conducting of national evaluations and the provision of technical assistance to the recipients of allotments.

(11) EFFECTIVE DATE.—The amendment made by this section shall take effect as if enacted on October 1, 2017.

SEC. 50601. CONTINUING EVIDENCE-BASED HOME VISITING PROGRAM.

(a) REQUIRE SERVICE DELIVERY MODELS TO DEMONSTRATE IMPROVEMENT IN APPLICABLE BENCHMARK AREAS.—Section 511(h)(H) of the Social Security Act (42 U.S.C. 711(h)) is amended by striking “fiscal year 2017” and inserting “each of fiscal years 2017 through 2022.”

(b) DEMONSTRATION OF IMPROVEMENTS IN SUBSEQUENT YEARS.—Section 511(d)(1) of such Act (42 U.S.C. 711) is amended by adding at the end the following:

“(D) DEMONSTRATION OF IMPROVEMENTS IN SUBSEQUENT YEARS.—

(i) CONTINUOUS MEASUREMENT OF IMPROVEMENT IN APPLICABLE BENCHMARK AREAS.—The eligible entity, after demonstrating improvements for eligible families as specified in subparagraph (A) and (B), shall continue to track and report, not later than 30 days after the end of fiscal year 2020 and every 3 years thereafter, information demonstrating that the program results for the eligible families participating in the program in at least 4 of the areas specified in subparagraph (A) that the service delivery model or models selected by the entity are intended to improve.

(ii) CORRECTIVE ACTION PLAN.—If the eligible entity fails to demonstrate improvement in at least 4 of the areas specified in subparagraph (A), as compared to eligible families who do not receive services under an early childhood home visitation program, the entity shall develop and submit to the Secretary a corrective action plan to improve outcomes in each of the areas specified in subparagraph (A) that the service delivery model or models selected by the entity are intended to improve, subject to approval by the Secretary. The plan shall include provisions for the Secretary to monitor implementation of the plan and continue oversight of the program, including through submission by the entity of regular reports to the Secretary.

(iii) TECHNICAL ASSISTANCE.—The Secretary shall provide an eligible entity required to develop and implement an improvement plan under clause (ii) with technical assistance to develop and implement the plan. The Secretary may provide the technical assistance directly or through grants, contracts, or cooperative agreements.

(iv) NO IMPROVEMENT OR FAILURE TO SUBMIT REPORT.—If the Secretary determines after a period of time specified by the Secretary that an eligible entity implementing an improvement plan has failed to demonstrate any improvement in at least 4 of the areas specified in subparagraph (A), or if the Secretary determines that an improvement plan under clause (i) has failed to demonstrate any improvement in at least 4 of the areas specified in subparagraph (A), the Secretary may terminate the grant made to the entity awarded for any of fiscal years 2015 through 2017;”.

(3) in subsection (c)(1), by inserting after “youth with HIV/AIDS,” the following: “victims of domestic violence,” and

(4) in subsection (f), by striking “2017” and inserting “2019.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on October 1, 2017.

TITLE VI—CHILD AND FAMILY SERVICES AND SUPPORTS EXTENDERS

Subtitle A—Continuing the Maternal, Infant, and Early Childhood Home Visiting Program SEC. 50601. CONTINUING EVIDENCE-BASED HOME VISITING PROGRAM.
under this section and may include any un-
expended grant funds in grants made to non-
profit organizations under subsection (h)(2)(B).

(c) ENDING INFORMATION ON APPLICABLE BENCHMARKS IN APPLICATION.—Section 511(e)(5) of such Act (42 U.S.C. 711(e)(5)) is amended—

(1) by striking “(5) AVAILABILITY.—Funds and inserting in its place—

“(A) IN GENERAL.—Except as provided in subparagraph (B), funds;

(2) by adding at the end the following:

“(B) FUNDS FOR PAY FOR OUTCOMES INITIATIVES.—Funds made available to an eligible entity under the pay for outcomes initiative for a fiscal year (or a portion of a fiscal year) for a pay for outcomes initiative shall remain available for expenditure by the eligible entity for not more than three years after the funds are so made available.”.

SEC. 50606. DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.

(a) In General.—Section 511(b) of the Social Security Act (42 U.S.C. 711(b)) is amended by adding at the end the following:

“(4) DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.—

“(A) DESIGNATION AND USE OF DATA EXCHANGE STANDARDS.—

“(i) DESIGNATION.—The head of the department or agency responsible for administering a program funded under this section shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, designate data exchange standards for necessary categories of information to be electronically exchanged under this program.

“(ii) DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.—The data exchange standards designated under clause (i) shall, to the extent practicable, be nonproprietary and interoperable.

“(iii) OTHER REQUIREMENTS.—In designating data exchange standards under this paragraph, the Secretary shall, to the extent practicable, incorporate—

“(I) interoperable standards developed and maintained by an international voluntary consensus body, as defined by the Office of Management and Budget;

“(II) interoperable standards developed and maintained by intergovernmental partnership, such as the National Information Exchange Model; and

“(III) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance.

“(B) DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.—The data exchange standards designated under clause (i) shall, to the extent practicable, be nonproprietary and interoperable.

“(C) INCORPORATING NONPROPRIETARY STANDARDS.—In developing data exchange standards under this paragraph, the Secretary shall, to the extent practicable, incor-

porate existing nonproprietary standards, such as the eXtensible Mark up Language.

“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require a change to existing data exchange standards for Federal reporting about a program referred to in this section, if the head of the department or agency responsible for administering that program determines that the standards to be effective and efficient.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 50607. ALLOCATION OF FUNDS.

Section 511(i) of the Social Security Act (42 U.S.C. 711(i)) is amended by adding at the end the following:

“(4) ALLOCATION OF FUNDS.—To the extent that the grant amount awarded under this section to an eligible entity is determined on the basis of relative population or poverty considerations, the Secretary shall make the determination using the most accurate Fed-

eral data available for the eligible entity.”.

Subtitle B—Extension of Health Professions Workforce Development Projects

SEC. 50611. EXTENSION OF HEALTH WORKFORCE DEMONSTRATION PROJECTS FOR LOW-INCOME INDIVIDUALS.

Section 2008(c)(1) of the Social Security Act (42 U.S.C. 1397g(c)(1)) is amended by striking “2017” and inserting “2019.”

TITLE VII—FAMILY FIRST PREVENTION SERVICES

Subtitle A—Investing in Prevention and Supporting Families

SEC. 50701. SHORT TITLE.

This subtitle may be cited as the “Bipartisian Budget Act of 2018.”

SEC. 50702. PURPOSE.

The purpose of this subtitle is to enable States to use Federal funds available under parts B and E of title IV of the Social Security Act to provide enhanced support to children and families and to improve care and services through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator serv-

ices.

PART I—PREVENTION ACTIVITIES UNDER TITLE IV-E

SEC. 50711. FOSTER CARE PREVENTION SERV-

ICES AND PROGRAMS.

(a) State Option.—Section 471 of the Social Security Act (42 U.S.C. 671) is amended—

(1) in subsection (a)(1), by striking “and” and inserting “, adoption assistance in ac-

corporation of this Act.

“(B) DATA EXCHANGE STANDARDS FOR FED-

ERAL REPORTING.—

“(I) DIVERSION.—The head of the depart-

ment or agency responsible for admin-

istering a program referred to in this section shall, in consultation with an interagency work group established by the Office of Manage-

ment and Budget, and considering State government perspectives, designate data ex-

change standards to govern Federal report-

ing and exchange requirements under appli-

cable Federal law.

“(ii) REQUIREMENTS.—The data exchange reporting standards required by clause (i) shall, to the extent practicable—

“(I) incorporate a widely accepted, non-

proprietary, searchable, computer-readable format;

“(II) be consistent with and implement ap-

plicable accounting principles;

“(III) be implemented in a manner that is cost-effective and improves program effi-

ciency and effectiveness;

“(IV) be capable of being continually up-

graded as necessary;

“(V) INCORPORATION OF NONPROPRIETARY STANDARDS.—In developing data exchange standards under this paragraph, the Secretary shall, to the extent practicable, incor-

porate existing nonproprietary standards, such as the eXtensible Mark up Language.

“(IV) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require a change to existing data exchange standards for Federal reporting about a program referred to in this section, if the head of the department or agency responsible for admin-

istering that program determines that the standards to be effective and efficient.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 2 years after the date of en-

actment of this Act.

SEC. 50607. ALLOCATION OF FUNDS.

Section 511(i) of the Social Security Act (42 U.S.C. 711(i)) is amended by adding at the end the following:

“(4) ALLOCATION OF FUNDS.—To the extent that the grant amount awarded under this section to an eligible entity is determined on the basis of relative population or poverty considerations, the Secretary shall make the determination using the most accurate Fed-

eral data available for the eligible entity.’’.

Subtitle B—Extension of Health Professions Workforce Development Projects

SEC. 50611. EXTENSION OF HEALTH WORKFORCE DEMONSTRATION PROJECTS FOR LOW-INCOME INDIVIDUALS.

Section 2008(c)(1) of the Social Security Act (42 U.S.C. 1397g(c)(1)) is amended by striking “2017” and inserting “2019.”

TITLE VII—FAMILY FIRST PREVENTION SERVICES

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SEC. 50702. PURPOSE.

The purpose of this subtitle is to enable States to use Federal funds available under parts B and E of title IV of the Social Security Act to provide enhanced support to children and families and to improve care and services through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services.

PART I—PREVENTION ACTIVITIES UNDER TITLE IV-E

SEC. 50711. FOSTER CARE PREVENTION SERV-

ICES AND PROGRAMS.

(a) State Option.—Section 471 of the Social Security Act (42 U.S.C. 671) is amended—

(1) in subsection (a)(1), by striking “and” and adding at the end the following:

“(B) DATA EXCHANGE STANDARDS FOR FED-

ERAL REPORTING.—

“(I) DIVERSION.—The head of the depart-

ment or agency responsible for admin-

istering a program referred to in this section shall, in consultation with an interagency work group established by the Office of Management and Budget, and considering State government perspectives, designate data exchange standards to govern Federal reporting and exchange requirements under applicable Federal law.

“(ii) REQUIREMENTS.—The data exchange reporting standards required by clause (i) shall, to the extent practicable—

“(I) incorporate a widely accepted, non-

proprietary, searchable, computer-readable format;

“(II) be consistent with and implement applicable accounting principles;

“(III) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness;

“(IV) be capable of being continually upgraded as necessary;

“(V) INCORPORATION OF NONPROPRIETARY STANDARDS.—In developing data exchange standards under this paragraph, the Secretary shall, to the extent practicable, incor-

porate existing nonproprietary standards, such as the eXtensible Mark up Language.

“(IV) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require a change to existing data exchange standards for Federal reporting about a program referred to in this section, if the head of the department or agency responsible for admin-

istering that program determines that the standards to be effective and efficient.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 2 years after the date of enactment of this Act.
and treatment services provided by a qualified clinician for not more than a 12-month period that begins on any date described in paragraph (3) with respect to the child.

(3) CHILD DESCRIBED.—For purposes of paragraph (1), a child described in this paragraph is the following:

(1) A child who is a candidate for foster care (as defined in section 475(13)) but can remain safely at home or in a kinship placement.

(2) A child for foster care who is a pregnant or parenting foster youth.

(3) DATE DESCRIBED.—For purposes of paragraph (1), the dates described in this paragraph are the following:

(A) The date on which a child is identified in a prevention plan maintained under paragraph (4) as a child who is a candidate for foster care (as defined in section 475(13)).

(B) The date on which a child is identified in a prevention plan maintained under paragraph (4) as a pregnant or parenting foster youth in need of services or programs specified in subparagraphs (B) through (E).

(4) REQUIREMENTS RELATED TO PROVIDING SERVICES AND PROGRAMS.—Services and programs specified in paragraph (1) may be provided under this subpart only if specified in advance in the child’s prevention plan described in subparagraph (A) and the requirements in subparagraphs (B) through (E) are met:

(A) PREVENTION PLAN.—The State maintains a written prevention plan for the child that meets the following requirements (as applicable):

(i) CANDIDATES.—In the case of a child who is a candidate for foster care described in paragraph (2)(A), the prevention plan shall—

(1) identify the foster care prevention strategy for the child so that the child may remain safely at home, live temporarily with a kin caregiver, or be placed in foster care (as defined in section 475(13));

(ii) PREGNANT OR PARENTING FOSTER YOUTH.—In the case of a child who is a pregnant or parenting foster youth described in paragraph (2)(B), the prevention plan shall—

(1) be included in the child’s case plan required under section 475(1);

(ii) list the services or programs to be provided, and the extent to which the child can be safely achieved, or live permanently with a kin caregiver;

(iii) comply with such other requirements as the Secretary shall establish if specified in advance in the child’s prevention plan described in subparagraph (A) and the requirements in subparagraphs (B) through (E) are met;

(B) PREVENTION STRATEGY.—For purposes of this subpart, a prevention strategy means a written prevention plan maintained under paragraph (1) that meets the following requirements specified in clause (iii) of this subparagraph and that meet the requirements specified in clause (iii), (iv), or (v), respectively, for being a promising, supported or well-supported practice.

(i) The practice has a book, manual, or other available writings that specify the components of the practice protocol and describe how to administer the practice.

(ii) There is no empirical basis suggesting that, compared to its likely benefits, the practice constitutes a risk of harm to those receiving it.

(iii) If multiple outcome studies have been conducted, the overall weight of evidence supports the benefits of the practice.

(iv) Outcome measures are reliable and valid, and are administered consistently and accurately across all those receiving the practice.

(v) There is no case data suggesting a risk of harm that was probably caused by the treatment and that is severe or frequent.

(C) PROMISING PRACTICE.—A practice shall be considered to be a ‘promising practice’ if the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least one study that—

(1) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed; and

(2) utilized some form of control (such as an untreated group, a placebo group, or a wait list study).

(D) SUPPORTED PRACTICE.—A practice shall be considered to be a ‘supported practice’ if—

(1) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least one study that—

(a) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed;

(b) was a rigorous random-controlled trial (or, if not available, a study using a rigorous quasi-experimental research design); and

(c) was carried out in a usual care or practice setting.

(ii) the study described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 6 months beyond the end of the treatment.

(E) WELL-SUPPORTED PRACTICE.—A practice shall be considered to be a ‘well-supported practice’ if—

(1) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least two studies that—

(a) were rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed; and

(b) were rigorous randomized-controlled trials (or, if not available, studies using a rigorous quasi-experimental research design); and

(2) the practices were carried out in a usual care or practice setting; and

(3) at least one of the studies described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 1 year beyond the end of treatment.

(4) GUIDANCE ON PRACTICES CRITERIA AND PRE-APPROVED SERVICES AND PROGRAMS.—

(A) IN GENERAL.—Not later than October 1, 2018, the Secretary shall issue guidance to States regarding the practices criteria required for services or programs to satisfy the requirements of subparagraphs (B) through (E). The guidance shall include a pre-approved list of services and programs that satisfy the requirements specified in clause (i).

(B) UPDATES.—The Secretary shall issue updates to the guidance required by clause (i) as often as the Secretary determines necessary.

(C) OUTCOME ASSESSMENT AND REPORTING.—The State shall collect and report to the Secretary the following information with respect to each child within a year or on whose behalf mental health and substance abuse prevention and treatment services or in-home parent skill-based programs are provided during a 12-month period beginning on the date the child is determined by the State to be a child described in paragraph (2):

(i) The specific services or programs provided and the total expenditures for each of the services or programs.

(ii) The duration of the services or programs provided.

(iii) The case data of a child described in paragraph (2)(A), the child’s placement status at the beginning, and at the end, of the 1-year period, respectively, and whether the child was determined a candidate for foster care or, on whose behalf mental health and substance abuse prevention and treatment services or in-home parent skill-based programs are provided during a 12-month period beginning on the date the child is determined by the Secretary the following information with respect to each 5-year period for which the child is determined a candidate for foster care.

(D) STATE PLAN COMPONENT.—

(A) IN GENERAL.—A State electing to provide services or programs specified in paragraph (1) shall submit as part of the State plan required by subsection (a) a prevention and treatment services and programs plan component that meets the requirements of subparagraph (B).

(B) PREVENTION SERVICES AND PROGRAMS PLAN COMPONENT.—In order to meet the requirements of this subparagraph, a prevention and treatment services and programs plan component, with respect to each 5-year period for which the plan component is in operation in the State, shall include the following:

(i) Providing services and programs specified in paragraph (1) is expected to improve specific outcomes for children and families.

(ii) How the State will monitor and oversee the safety of children who receive services and programs specified in paragraph (1), including through periodic risk assessments and periodic reviews of the services and programs provided on behalf of a child and reexamination of the prevention plan maintained for the child under paragraph (1) for the programs or programs if the State determines the risk of the child entering foster care remains high.
despite the provision of the services or programs.

"(iii) With respect to the services and programs specified in subparagraphs (A) and (B) of paragraph (1), information on the specific promising, supported, or well-supported practices the State plans to use to provide the services or programs, including a description (I) the services or programs and whether the practices used are promising, supported, or well-supported;

"(II) how the State plans to implement the services or programs, including how implementation of the services or programs will be compared to ensure fidelity to the practice model and to determine outcomes achieved and how information learned from the monitoring will be used to refine and improve practices;

"(III) how the State selected the services or programs;

"(IV) the target population for the services or programs; and

"(V) how each service or program provided will be evaluated through a well-designed and rigorous process, which may consist of an ongoing formative evaluation approved by the Secretary.

"(iv) A description of the consultation that the State agencies responsible for administering health programs, including mental health and substance use treatment programs and services, and with other public and private agencies with experience in administering child and family services, including community-based organizations, in order to foster a continuum of care for children described in paragraph (2) and their parents or kin caregivers.

"(v) A description of how the State shall assess children and their parents or kin caregivers to determine eligibility for services or programs specified in paragraph (1).

"(VI) a description of how the services or programs specified in paragraph (1) that are provided for or on behalf of a child and the parents or kin caregivers of the child will be coordinated with other child and family services provided to the child and the parents or kin caregivers of the child under the State plan in effect under subparts 1 and 2 of part B.

"(vii) Descriptions of steps the State is taking to enhance a child's education, skilled, and professional child welfare workforce to deliver trauma-informed and evidence-based services, including—

"(I) the qualifications of the staff is qualified to provide services or programs that are consistent with the promising, supported, or well-supported practice models selected; and

"(II) the appropriate prevention plans, and conducting the risk assessments required under clause (iii).

"(viii) A description of how the State will provide training and support for caseworkers in assessing what children and their families need, connecting to the families served, knowing how to access and deliver the needed trauma-informed and evidence-based services, and overseeing and evaluating the continuing appropriateness of the services.

"(ix) A description of how caseload size and type for prevention caseworkers will be determined, managed, and overseen.

"(x) An assurance that the State will report to the Secretary such information and data as may require reporting with respect to the provision of services and programs specified in paragraph (1), including information and data necessary to determine the proportion of the State under part 6 and compliance with paragraph (7).
censed or State-approved child welfare agencies providing services to children described in section 471(e)(1) and their parents or kin caregivers, including on how to determine the" (iii) in section 471(e)(1), in the provision of services or programs, how to identify and provide appropriate services and programs, and how to oversee and evaluate the ongoing appropriateness of the services and programs.

(f) Technical Assistance and Best Practices, Clearinghouse, and Data Collection and Evaluation Requirements—Section 476 of such Act (42 U.S.C. 676) is amended by adding at the end the following:

"(d) TECHNICAL ASSISTANCE AND BEST PRACTICES, CLEARINGHOUSE, AND DATA COLLECTION AND EVALUATION REQUIREMENTS.—Section 471(e) of such Act (42 U.S.C. 676) is amended by adding at the end the following:

"(1) TECHNICAL ASSISTANCE AND BEST PRACTICES. The Secretary shall provide to States and, as applicable, to Indian tribes, tribal organizations, and tribal consortia, technical assistance regarding the provision of services and programs described in section 471(e)(1) and shall disseminate best practices with respect to the provision of the services and programs, including, how to plan and implement a well-designed and rigorous evaluation of a promising, supported, or well-supported practice.

"(2) CLEARINGHOUSE OF PROMISING, SUPPORTED, AND WELL-SUPPORTED PRACTICES. The Secretary shall, directly or through contracts, grants, or interagency agreements, specify practices described in section 471(e)(1) that are provided in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C) (or, with respect to the payments made during the quarter under a cooperative agreement entered into by the State and an Indian tribe, tribal organization, or tribal consortium for the administration or payment of funds under this part, an amount equal to the Federal medical assistance percentage that applies to the State); except that

"(ii) not less than 50 percent of the total amount expended under clause (i) for a fiscal year shall be for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with well-supported practices; plus

"(B) for each quarter specified in subparagraph (A), an amount equal to the sum of the following proportions of the total amount expended during the quarter—

"(i) 50 percent of so much of the expenditures as are for services and programs specified in section 471(e)(1), including expenditures for activities approved by the Secretary that promote the development of necessary processes and procedures to establish and implement the provision of the services and programs for individuals eligible for the services and programs and expenditures allocable to data collection and reporting; and

"(ii) 50 percent of so much of the expenditures as are for services and programs specified in section 471(e)(1) as are for training of personnel employed or preparing for employment by the State and local agencies administering the plan in the political subdivision and of the members of the staff of State-
"(B) the treatment facility provides, as part of the treatment for substance abuse, parenting skills training, parent education, and individual and family counseling; and

"(C) the substance abuse treatment, parenting skills training, parent education, and individual and family counseling is provided under an organizational structure and treatment program that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed care approach, and how using evidence-based interventions to address the consequences of trauma and facilitate healing.

"(2) APPLICATION.—With respect to children for whom maintenance payments are made under paragraph (1), only the children who satisfy the requirements of paragraphs (1)(A) and (B) of section 479(b)(5) and that the Secretary determines are operated, in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices described in section 471(a)(25), without regard to whether the expenditures are incurred on behalf of children who are, or are potentially, eligible for foster care maintenance payments under this part.

SEC. 50713. TITLE IV-E PAYMENTS FOR EVIDENCE-BASED KINSHIP NAVIGATOR PROGRAMS.

Section 476(a) of the Social Security Act (42 U.S.C. 676(a)), as amended by section 50711(c), is amended by inserting at the end the following:

"(2) the provision of comprehensive services for children and families affected by substance abuse, including:

(a) providing substance abuse treatment, parenting skills training, parent education, and individual and family counseling; and

(b) maintaining services that involve understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of trauma-informed care approach, and how using evidence-based interventions to address the consequences of trauma and facilitate healing.

"(2) APPLICATION.—With respect to children for whom maintenance payments are made under paragraph (1), only the children who satisfy the requirements of paragraphs (1)(A) and (B) of section 479(b)(5) and that the Secretary determines are operated, in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices described in section 471(a)(25), without regard to whether the expenditures are incurred on behalf of children who are, or are potentially, eligible for foster care maintenance payments under this part.

PART II—ENHANCED SUPPORT UNDER TITLE IV-B

SEC. 50721. ELIMINATION OF TIME LIMIT FOR FAMILY REUNIFICATION SERVICES WHILE IN FOSTER CARE AND PERMANENT, TIME-LIMITED FAMILY REUNIFICATION SERVICES WHEN A CHILD RETURNS HOME FROM FOSTER CARE.

(a) In General.—Section 431(a)(7) of the Social Security Act (42 U.S.C. 629(a)(7)) is amended—

(1) in the paragraph heading, by striking "time-limited family" and inserting "family";

and

(2) in subparagraph (A) —

(A) by striking "time-limited family" and inserting "family";

and

(B) by inserting "or a child who has been returned home" after "child care institution";

and

(C) by striking "but only during the 15-month period that begins on the date that the child, pursuant to section 476(b)(5), is considered to have entered foster care and inserting "and ensuring that through the reunification program, the child is provided with services that involve understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of trauma-informed care approach, and how using evidence-based interventions to address the consequences of trauma and facilitate healing.".

(b) Conforming Amendments.—

(1) Section 427(a)(1)(A) of the Social Security Act (42 U.S.C. 629b(a)(1)(A)) is amended in the matter preceding paragraph (1), by striking "time-limited".

(2) Subsections (a)(4), (a)(5)(A), and (b)(1) of section 432 of such Act (42 U.S.C. 629b) are amended by striking "time-limited" each place it appears.

SEC. 50722. REDUCING BUREAUCRACY AND UNNECESSARY DELAYS WHEN PLACING CHILDREN IN HOMES ACROSS STATE LINES.

(a) State Plan Requirement.—Section 471(a)(25) of the Social Security Act (42 U.S.C. 671(a)(25)) is amended—

(1) by striking "provide" and inserting "provides"; and

(2) by inserting ", which, in the case of a State other than the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa, not later than October 1, 2027, shall include the use of an electronic interstate case-processing system" before the first semicolon.

(b) Exemption of Indian Tribes.—Section 479(b)(3) of such Act (42 U.S.C. 679(b)(3)) is amended by adding at the end the following:

"(4) Inapplicability of State Plan Requirement to Have In Effect Procedures Providing for the Use of an Electronic Interstate Case-Processing System.—The requirement in section 471(a)(25) that a State plan provide that the State shall have in effect procedures providing for the use of an electronic interstate case-processing system shall not apply to an Indian tribe, tribal organization, or tribal consortium that elects to operate a program under this part.

(c) Funding for the Development of an Electronic Interstate Case-Processing System to Expedite the Interstate Placement of Children in Foster Care or Guardianship.—Section 437 of such Act (42 U.S.C. 629g) is amended by adding at the end the following:

"(g) Funding for the Development of an Electronic Interstate Case-Processing System to Expedite the Interstate Placement of Children in Foster Care or Guardianship.—

"(1) Purpose.—The purpose of this subsection is to facilitate the development of an electronic interstate case-processing system for the exchange of data and documents to expedite the placements of children in foster, guardianship, or adoptive homes across State lines.

"(2) Requirements.—A State that seeks funding under this subsection shall submit to the Secretary the following:

"(A) A description of the goals and outcomes to be achieved, and which goals and outcomes must result in—

(i) reducing the time it takes for a child to be provided with a safe and appropriate permanent living arrangement across State lines;

(ii) improving administrative processes and reducing costs in the foster care system; and

(iii) the secure exchange of relevant case files and other necessary materials in real time, and timely communications and placement decisions regarding interstate placements of children.

(B) A description of the activities to be funded in whole or in part with the funds, including the expected outcomes for children and families.

(C) A description of the strategies for integrating programs and services for children who are placed across State lines.

(D) The information as the Secretary may require.

(B) Funding Authority.—The Secretary may provide funds to a State that complies with paragraphs (1) and (2). To the extent authorized in this subsection, the Secretary shall prioritize States that are not yet connected to the electronic interstate case-processing system developed pursuant to paragraph (4) has changed the time it takes for children to be placed across State lines.

(b) The number of cases subject to the Interstate Compact on the Placement of Children that were processed through the electronic interstate case-processing system, and the number of interstate child placement cases that were processed outside the electronic interstate case-processing system, by each State in each year.

"(C) The progress made by States in implementing the electronic interstate case-processing system.

"(D) How using the electronic interstate case-processing system has affected various metrics related to child safety and well-being, including the time it takes for children to be placed across State lines.

"(E) How using the electronic interstate case-processing system has affected administrative costs and caseworker time spent on placing children across State lines.

"(F) Data Collection.—The Secretary, in consultation with the Secretariat for the Interstate Compact on the Placement of Children and the States shall assess how the electronic interstate case-processing system developed pursuant to paragraph (4) could be used to better serve and protect children, including but not limited to the attention of the child welfare system, by—

"(1) connecting the system with other data systems (such as systems operated by State law enforcement and judicial agencies, systems operated by the Federal Bureau of Investigation for the purposes of the Immigration and Naturalization Service, and other systems);

"(2) simplifying and improving reporting required pursuant to paragraphs (34) and (35) of section 471(a) regarding children or youth who have been identified as trafficking victims or children missing from foster care; and

"(3) improving the ability of States to quickly comply with background check requirements of sections 471(a)(5) and 471(a)(6) including checks of child abuse and neglect registries as required by section 471(a)(20)(B).

(d) Reservations of Funds to Improve the Interstate Placement of Children.—Section 437(b) of such Act (42 U.S.C. 629g(b)) is amended by adding at the end the following:

"(E) Using the Electronic Interstate Case-Processing System to Expedite the Interstate Placement of Children in Foster Care or Guardianship.—

"(1) Purpose.—The purpose of this subsection is to facilitate the development of an electronic interstate case-processing system for the exchange of data and documents to expedite the placements of children in foster, guardianship, or adoptive homes across State lines.

"(2) Requirements.—A State that seeks funding under this subsection shall submit to the Secretary the following:

"(A) A description of the goals and outcomes to be achieved, and which goals and outcomes must result in—

(i) reducing the time it takes for a child to be provided with a safe and appropriate permanent living arrangement across State lines;

(ii) improving administrative processes and reducing costs in the foster care system; and

(iii) the secure exchange of relevant case files and other necessary materials in real time, and timely communications and placement decisions regarding interstate placements of children.

(B) A description of the activities to be funded in whole or in part with the funds, including the expected outcomes for children and families.

(C) A description of the strategies for integrating programs and services for children who are placed across State lines.

(D) The information as the Secretary may require.

"(F) Funding Authority.—The Secretary may provide funds to a State that complies with paragraphs (1) and (2). To the extent authorized in this subsection, the Secretary shall prioritize States that are not yet connected to the electronic interstate case-processing system developed pursuant to paragraph (4) has changed the time it takes for children to be placed across State lines.

SEC. 50723. ENHANCEMENTS TO GRANTS TO IMPROVE WELL-BEING OF FAMILIES AFFECTED BY SUBSTANCE ABUSE.

Section 437(b) of the Social Security Act (42 U.S.C. 629g(f)) is amended—

(1) in the subsection heading, by striking "INCREASE THE WELL-BEING OF, AND TO IMPROVE THE OUTCOMES FOR, CHILDREN AFFECTED BY" and inserting "IMPLEMENT IV-E PREVENTION SERVICES, AND IMPROVE THE MINISTRY'S OUTCOMES FOR CHILDREN AFFECTED BY HEROIN, OPIOIDS, AND OTHERS";
(2) by striking paragraph (2) and inserting the following:

"(2) REGIONAL PARTNERSHIP DEFINED.—In this subsection, the term ‘‘regional partnership’’ means a collaborative agreement (which may be established on an interstate, State, or intrastate basis) entered into by the following:

(A) MANDATORY PARTNERS FOR ALL PARTNERSHIP GRANTS.—

(i) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.

(ii) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart A of part B of title XIX of the Public Health Service Act.

(B) MANDATORY PARTNERS FOR PARTNERSHIP GRANTS PROPOSING TO SERVE CHILDREN IN OUT-OF-HOME PLACEMENTS.—If the partnership proposes to serve children in out-of-home placements, the Juvenile Court or Administrative Office of the Court that is most appropriate to oversee the administration of court programs in the region to address the population of families who come to the attention of the court due to child abuse or neglect.

(C) OPTIONAL PARTNERS.—At the option of the partnership, any of the following:

(i) An Indian tribe or tribal consortium.

(ii) Nonprofit child welfare service providers.

(iii) Community health service providers, including substance abuse treatment providers.

(iv) Mental health providers.

(v) Local law enforcement agencies.

(vi) School personnel.

(vii) Tribal child welfare agencies (or a consortium of the agencies).

(viii) Any other providers, agencies, personnel, or entities that are related to the provision of child and family services under a State plan approved under this subpart.

"(D) EXCEPTION FOR REGIONAL PARTNERSHIPS WHERE THE LEAD APPLICANT IS AN INDIAN TRIBE OR TRIBAL CONSORCIA.—If an Indian tribe or tribal consortium enters into a regional partnership for purposes of this subsection, the Indian tribe or tribal consortium may (but is not required to) include the State child welfare agency as a partner in the collaborative agreement;

(ii) may not enter into a collaborative agreement only with tribal child welfare agencies (or a consortium of the agencies); and

(iii) if the condition described in paragraph (2)(B) applies, may include tribal court organizations in lieu of other judicial partners.

(3) in paragraph (3), by striking paragraph (A)—

(i) in clause (i), by striking ‘‘2012 through 2016’’ and inserting ‘‘2017 through 2021’’; and

(ii) by striking ‘‘$500,000 and not more than $1,000,000’’ and inserting ‘‘$250,000 and not more than $1,000,000’’;

(B) in subparagraph (B)—

(i) in the subparagraph heading, by inserting ‘‘and’’; and

(ii) in clause (i), by striking ‘‘(A)’’; and

(iii) in clause (ii), by striking ‘‘(B)’’ and inserting ‘‘(C)’’;

(4) in paragraph (4)—

(i) in clause (i), by inserting ‘‘parents, and families’’ after ‘‘children’’; and

(ii) in clause (ii), by striking ‘‘safety and permanence for such children’’; and

(iii) by inserting ‘‘safe, permanent caregiving relationships for the children’’;

(D) LIMITATION ON PAYMENT FOR A FISCAL YEAR.—The total disbursement to a grantee for any period at the end of which the grantee has received a payment under this subsection shall not exceed 2 years and an implementation period, if any; and

(E) a description of the steps the State is taking to support the development of a sustained process, if any; and

(5) in paragraph (5)(A), by striking ‘‘substance abuse treatment’’ and inserting ‘‘disorder treatment including medication assisted treatment and in-home substance abuse disorder treatment and recovery’’;

(6) in paragraph (6), by striking paragraph (A)—

(A) by striking ‘‘and’’ at the end of subparagraph (C) and

(B) by redesignating subparagraph (D) as subparagraph (B) and inserting after subparagraph (C) the following:

"(D) demonstrate a track record of successful collaboration among child welfare, substance abuse treatment, and mental health agencies; and"

(7) in paragraph (8)—

(A) in subparagraph (A), by striking ‘‘establish indicators that will be’’ and inserting ‘‘review indicators that are’’;

(i) by striking ‘‘in using funds made available under such grants to achieve the purpose of this subsection’’ and inserting ‘‘and establish a set of core indicators related to child safety, parental recovery, parenting capacity, and family well-being. In developing the core indicators, to the extent possible, indicators shall be made consistent with the outcome measures described in section 471(e)(6)’’;

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting ‘‘base the performance measures on lessons learned and results of regional partnership grants under this subsection, and’’ before ‘‘consult’’; and

(ii) by striking clauses (iii) and (iv) and inserting the following:

"(iii) Other stakeholders or constituencies as determined by the Secretary.’’;

(iii) in paragraph (9), by striking clause (i) and inserting the following:

"(i) SEMI-ANNUAL REPORTS.—Not later than September 30 of each fiscal year in which a grant under this subsection is paid funds under the grant, and every 6 months thereafter, the grant recipient shall submit to the Secretary a report on the services provided and activities carried out during the reporting period, progress made in achieving the goals of the program, the number of children, adults, and families receiving services, and such additional information as the Secretary determines is necessary. The report due not later than September 30 of the last such fiscal year shall include, at a minimum, data on each of the performance indicators included in the evaluation of the regional partnership.’’; and

(9) in paragraph (10), by striking ‘‘2012 through 2016’’ and inserting ‘‘2017 through 2021’’.

"PART III—MISCELLANEOUS

SEC. 50731. REVIEWING AND IMPROVING LICENSING STANDARDS FOR PLACEMENT IN A RELATIVE FOSTER FAMILY HOME.

(a) IDENTIFICATION OF REPUTABLE MODEL LICENSING STANDARDS.—Not later than October 1, 2018, the Secretary of Health and Human Services shall identify reputable model licensing standards with respect to the licensing of foster family homes, as defined in section 472(c)(1) of the Social Security Act.

(b) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (34)(B), by striking ‘‘and’’ after the semicolon;

(2) in paragraph (35)(B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(36) provides that, not later than April 1, 2019, the State shall submit to the Secretary information addressing—

(A) whether the State licensing standards and procedures are in accord with national model standards identified by the Secretary, and if not, the reason for the specific deviation and a description as to why having a standard that is reasoned in accord with the national model standards is not appropriate for the State;

(B) whether the State has elected to waive national model standards (pursuant to waiver authority provided by 471(a)(10)(A)) for relative foster family homes, a description of which standards the State most commonly waives, and if the State has not elected to waive the standards, the reason for not waiving these standards;

(C) if the State has elected to waive national model standards specified in subparagraph (B), how caseworkers are trained to use the waiver authority and whether the State has developed a process or provided tools to assist caseworkers in making nonsafety determinations, a description of which standards the State most commonly waives, and if the State has not elected to waive the standards, the reason for not waiving these standards;

(D) a description of the steps the State has taken to improve caseworker training or the process, if any; and’’.

SEC. 50732. DEVELOPMENT OF A STATEWIDE PLAN TO PREVENT CHILD ABUSE AND NEGLECT.

Section 422(b)(19) of the Social Security Act (42 U.S.C. 622(b)(19)) is amended to read as follows:

"(19) document steps taken to track and prevent child maltreatment deaths by including—"
SEC. 5074. EFFECTIVE DATES.—

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—In the case of a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), is amended to read as follows:

"(2) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—(1) In general.—In the case of a tribal consortium which the Secretary of Health and Human Services determines requires the amendments made by parts I through III of this subtitle shall take effect on October 1, 2018.

(2) EXCEPTIONS.—The amendments made by sections 50711(d), 50731, and 50733 shall take effect on the date of enactment of this Act.

(b) TRANSITION RULE.—

(1) IN GENERAL.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State participation in order to meet the additional requirements imposed by the amendments made by parts I through III of this subtitle shall begin to apply on the first day of the first full calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular State legislative session.

(2) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—In the case of an Indian tribe, tribal organization, or tribal consortium which the Secretary of Health and Human Services determines requires time to take action necessary to comply with the additional requirements imposed by the amendments made by parts I through III of this subtitle (whether the tribe, organization, or tribal consortium has a plan under section 479B of the Social Security Act or a coordinated or contractual arrangement made with any State into which the tribe, organization, or tribal consortium has a 2-year legislative session, each year of the session shall be deemed to be a separate regular State legislative session. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular State legislative session.

(2) CONFORMING AMENDMENT.—Section 472(j) of the Social Security Act (42 U.S.C. 672(j)), is amended by striking "section 472(j)" and inserting "subsection (k) and (l) of section 472(j)."

(Sec. 5074. EFFECTIVE DATES.)

(a) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY CARE.—

(i) CHANGE IN ALLOCATION OF FEDERAL FINANCIAL RESOURCES.—For purposes of this part, the term 'qualified residential treatment program' means a program that is a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances which respect to a child, is able to implement the treatment identified for the child by the assessment of the child required under section 475A(c).

(ii) Subject to paragraphs (5) and (6), has registered or licensed nursing staff and other licensed professional staff who:

• are on-site whenever children are present or are provided through 24-hour, 7-day-a-week on-site calls;

• maintain contact information for any known biological family of the child, and maintains contact information for any known biological and foster kin of the child; and

• provide discharge planning and family-based aftercare support for at least 6 months post-discharge; and

(iii) is licensed in accordance with section 474(a)(1) and is accredited by any of the following independent, not-for-profit organizations:

• The Joint Commission on Accreditation of Healthcare Organizations (JCAHO);

• The Council on Accreditation (COA);

• Any other independent, not-for-profit accrediting organization approved by the Secretary.

(D) ADMINISTRATIVE COSTS.—The prohibitions in paragraph (1) on Federal payments under section 474(a)(1) shall not be construed as prohibiting Federal payments for administrative expenditures incurred on behalf of a child placed in a child-care institution and for which payment is available under section 474(a)(3).

(E) RULE OF CONSTRUCTION.—The requirements in paragraph (4)(B) shall not be construed as requiring a qualified residential treatment program to acquire nursing and behavioral health staff solely through means of a direct employer to employee relationship.

(2) CONFORMING AMENDMENT.—Section 472(c) of the Social Security Act (42 U.S.C. 672(c)(1)), as amended by section 50712(b), is amended by striking "section 472(j)" and inserting "subsection (k) and (l) of section 472(j)."

(b) DEFINITION OF FOSTER FAMILY HOME, CHILD-CARE INSTITUTION.—Section 472(c)(1) of such Act (42 U.S.C. 672(c)(1)) is amended to read as follows:

"(1) FOSTER FAMILY HOME.

"(2) CHILD-CARE INSTITUTION."
“(A) IN GENERAL.—The term ‘foster family home’ means the home of an individual or family—

(i) that is licensed or approved by the State as a foster family home that meets the standards established for the licensing or approval; and

(ii) in which a child in foster care has been placed, in accordance with the standards of an individual, who resides with the child and who has been licensed or approved by the State to be a foster parent.

(iii) that the State deems capable of adhering to the reasonable and prudent parent standard;

(iv) that provides 24-hour substitute care for children placed away from their parents or other caretakers; and

(v) that provides the care for not more than six children in foster care.

(B) STATE FLEXIBILITY.—The number of foster children that may be cared for in a home under subparagraph (A) may exceed the numerical limitation in subparagraph (A)(i)(III), at the option of the State, for any of the following reasons:

(i) To allow a parenting youth in foster care to remain with the child of the parenting youth.

(ii) To allow siblings to remain together.

(iii) To allow a child with an established case plan to remain with the family.

(iv) To allow a family with special training or skills to provide care to a child who has a disability.

(C) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as prohibiting a foster parent from renting the home in which the parent cares for a foster child placed in the parent’s care.

(2) CHILD-CARE INSTITUTION.—

(A) IN GENERAL.—The term ‘child-care institution’ includes the following:

(i) that is licensed or approved by the State to be a foster family home;

(ii) that is licensed or approved by the State to be a child-care institution which accommodates no more than 25 children, which is licensed by the State in which it is situated or has been approved by the agency of the State responsible for licensing or approval of institutions of this type as meeting the standards established for the licensing.

(B) SUPERVISED SIGHTINGS.—In the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations.

(C) EXCLUSIONS.—The term shall not include detention facilities, forestry camps, or, if not, which setting from among the settings specified in the permanency plan for the child can be met with family members or, if not, which setting from among the settings specified in the permanency plan for the child; and

(D) DETERMINATION OF NONIMPACT ON JUVENILE JUSTICE SYSTEM.—

(I) STATE PLAN REQUIREMENT.—Section 471(a)(1) of the Social Security Act (42 U.S.C. 671(a)(1), as amended by section 50731, is further amended by adding at the end the following:

(37) includes a certification that, in response to an assessment imposed under section 472(k) with respect to foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, the State will not establish policies or procedures that would result in a significant increase in the population of youth in the State’s juvenile justice system.”.

(II) GAO STUDY AND REPORT.—The Comptroller General of the United States shall evaluate the extent to which States juvenile justice systems of the limitation imposed under section 472(k) of the Social Security Act (as added by section 50741(a)(1)) on placement of foster children are made on behalf of any child who is placed in a setting that is not a foster family home, in accordance with the amendments made by subsections (a) and (b). In particular, the Comptroller General shall evaluate the extent to which in foster care who also are subject to the juvenile justice system of the jurisdiction of the child welfare systems is a contributing factor to that result. Not later than December 31, 2025, the Comptroller General shall submit to Congress a report on the results of the evaluation.

SEC. 50742. ASSESSMENT AND DOCUMENTATION OF THE NEED FOR PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.

Section 475A of the Social Security Act (42 U.S.C. 675aa) is amended by adding at the end the following:

(3) ASSESSMENT, DOCUMENTATION, AND JUDICIAL DETERMINATION REQUIREMENTS FOR PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—In the case of any child who is placed in a qualified residential treatment program (as defined in section 472(k)(4)), the following requirements shall apply for purposes of approving the case plan for the child and the case plan review procedure for the child:

(I) Withinsubparagraph (A) shall—

(i) assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool approved by the Secretary;

(ii) determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, whether among the settings specified in section 472(k)(2) would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

(iii) develop a list of child-specific short- and long-term mental and behavioral health goals.

(II) The State shall assemble a family and permanency team for the child in accordance with the requirements of clauses (i) and (iii). The qualified individual conducting the assessment required under subparagraph (A) shall work in conjunction with the family of, and permanency team for, the child while conducting and making the assessment.

(III) The State shall document in the child’s case plan—

(I) the reasonable and good faith effort of the State to identify and include all the individuals described in clause (ii) on the child’s family and permanency team;

(II) all contact information for members of the family and permanency team, as well as contact information for other family members and fictive kin who are not part of the family and permanency team;

(III) evidence that the meetings and meetings including meetings relating to the assessment required under subparagraph (A), are held at a time and place convenient for the child and the family and permanency team;

(IV) that evidence that the assessment required under subparagraph (A) is determined in conjunction with the family and permanency team;

(V) the placement preferences of the family and permanency team relative to the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the child’s short- and long-term goals for the child, as specified in the permanency plan for the child.

(IV) Subject to clause (ii), in this subsection, the term ‘qualified individual’ means a trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State.

(V) The Secretary may approve a request of a State to waive any requirement in clause (i) upon a submission by the State, in accordance with criteria established by the Secretary, that certifies that the trained professionals or licensed clinicians with responsibilities for performing the assessments described in subparagraph (A) shall maintain objectivity with respect to determining the most effective and appropriate placement for a child.

(VI) Within 60 days of the start of each placement in a qualified residential treatment program, a family or juvenile court or the qualified individual conducting the assessment under subparagraph (A) determines that the placement should be placed with their siblings unless there is a finding by the court that such placement is contrary to their best interest; and

(VII) if the placement preferences of the family and permanency team and child are not the placement setting recommended by the qualified individual conducting the assessment under subparagraph (A), the reasons why the preferences of the team and of the child were not recommended.

(V) In the case of a child who the qualified individual conducting the assessment under subparagraph (A) determines should not be placed in a foster family home, the qualified individual shall specify in writing the reasons why the needs of the child cannot be met in the foster family home. A shortage or lack of foster family homes shall not be an acceptable reason for determining that the needs of the child cannot be met in a foster family home. The qualified individual also shall specify in writing why the recommended placement in a qualified residential treatment program is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the child’s short- and long-term goals for the child, as specified in the permanency plan for the child.

(VI) Subject to clause (ii), in this subsection, the term ‘qualified individual’ means a trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State.
“(B) determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

“(C) approve or disapprove the placement.

(2) Data and documentation made under paragraph (1)(C) and documentation of the determination and approval or disapproval in a qualified residential treatment program by a court or administrative body under paragraph (2) shall be included in and made part of the case plan for the child.

(3) As long as a child remains placed in a qualified residential treatment program, the State agency shall submit evidence at each status review and each permanency hearing held with respect to the child—

“(A) demonstrating that ongoing assessment of the strengths and needs of the child continues; the determination that placement in the program provides the most appropriate level of care for the child in the least restrictive environment and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

“(B) documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

“(C) documenting the efforts made by the State agency to train the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.

(4) In the case of any child who is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months (or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months), the State agency shall submit to the Secretary—

“(A) the most recent versions of the evidence and documentation specified in paragraph (4); and

“(B) the signed approval of the head of the State legislature that begins after the day of the first calendar quarter beginning after the expiration (determined without regard to the terms of the waiver) of the waiver approved under section 1130 of the Social Security Act which the Secretary determines that the State desires to extend beyond June 30, 2018.

SEC. 50743. PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES.

(a) STATE PLAN REQUIREMENT.—Section 422(b)(15)(A) of the Social Security Act (42 U.S.C. 622(b)(15)(A)) is amended—

(1) in clause (vi), by striking “and” after the semicolon;

(2) by redesignating clause (vii) as clause (vi); and

(3) by inserting after clause (vi) the following:

“(vii) the procedures and protocols the State has established to ensure that children in foster care are not inappropriately diagnosed with mental illness, other emotional or behavioral disorders, medically fragile conditions, or developmental disabilities, and that such children and their family members are not regarded as foster family homes as a result of the inappropriate diagnoses; and”;

(b) EVALUATION.—Section 476 of such Act (42 U.S.C. 671(a)(20)) is amended by striking 5071(d), is further amended by adding at the end the following:

“(e) EVALUATION OF STATE PROCEDURES AND PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES OF MENTAL ILLNESS OR OTHER CONDITIONS.—The Secretary shall conduct an evaluation of the procedures and protocols established by States in accordance with the requirements of section 422(b)(15)(A)(vii).

The Secretary shall determine to what extent to which States comply with and enforce the procedures and protocols and the effectiveness of various State procedures and protocols for the accurate diagnosis of: psychiatric disorders, mental illness, emotional disorders, behavior disorders, and developmental disabilities. Not later than January 1, 2020, the Secretary shall submit a report on the results of the evaluation to Congress.

SEC. 50744. DATA AND REPORTS REGARDING CHILDREN PLACED IN A SETTING THAT IS NOT A FOSTER FAMILY HOME.

Section 479A(a)(7)(A) of the Social Security Act (42 U.S.C. 679a(a)(7)(A)) is amended by striking clauses (i) through (vi) and inserting the following:

“(i) with respect to each such placement—

“(I) the type of the placement setting, including whether the placement is shelter care, a group home and if so, the range of the child population in the home, a residential treatment facility, a hospital or institution providing medical, rehabilitative, or psychiatric care, a setting specializing in providing prenatal, post-partum, or parenting supports, or some other kind of child-care institution and if so, what kind;

“(II) the dates in the placement setting and the age, race, ethnicity, and gender of each of the children;

“(III) for each child in the placement setting, whether the placement of the child in the setting is the first placement of the child in the setting, whether the placement of the child in the setting is the first placement of the child if and not, the number and type of placements of the child before and whether the child has special needs or other diagnosed mental or physical illness or condition; and

“(IV) the extent of any specialized education, treatment, counseling, or other services provided in the setting; and

“(V) separately, the number and ages of children in the placements who have a permanency plan of another planned permanent living arrangement; and”.

SEC. 50745. CRIMINAL RECORDS CHECKS AND CHECKS OF CHILD ABUSE AND NEGLECT REGISTRIES FOR ADULTS WORKING IN CHILDCARE INSTITUTIONS AND OTHER GROUP CARE SETTINGS.

(a) STATE PLAN REQUIREMENT.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(1) in subparagraph (A)(i), by striking “and” after the semicolon;

(2) in subparagraph (B)(iii), by striking “and” after the semicolon;

(3) in subparagraph (C), by adding “and” after the semicolon; and

(4) by inserting in subparagraph (C), the following new subparagraph:

“(D) provides for procedures for any child-care institution, including a group home, residential treatment center, or other congregate care setting, to conduct criminal records checks, including fingerprint-based checks of national crime information data bases and checks described in subparagraph (B) of this paragraph, on any adult working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, unless the State reports to the Secretary the alternative criminal records check procedures; the House registry checks the State conducts on any adult working in a child-care institution, including a group home, residential treatment center, and any other congregate care setting, and why the checks specified in this subparagraph are not appropriate for the State;”;

(b) TECHNICAL AMENDMENTS.—Subparagraphs (A) and (C) of section 471(a)(20) of the Social Security Act (42 U.S.C. 671a(20)) are each amended by striking “section 534(f)(3)(A)” and inserting “section 534(f)(3)(A)”;.

SEC. 50746. EFFECTIVE DATES; APPLICATION TO WAIVERS.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2) and subsections (b), (c), and (d), the amendments made by this part shall take effect as if enacted on January 1, 2018.

(2) TRANSITION RULE.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services requires State legislative action (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this part, the State plan shall not be regarded as failing to comply with the requirements of part B or E of title IV of such Act solely on the basis of the failure of the plan to meet the additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(b) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES AND RELATED PROVISIONS.

(1) IN GENERAL.—The amendments made by sections 50741(a), 50741(b), 50741(c), and 50742 shall take effect on October 1, 2019.

(2) STATE OPTION TO DELAY EFFECTIVE DATE PERIODS MORE THAN 2 YEARS.—If a State requests a delay in the effective date, the State for the amount of time requested by the State, not to exceed 2 years. If the effective date is so delayed for a period with respect to a State under the preceding sentence, then—

(A) notwithstanding section 50734, the date that the amendments made by section 50711(c) take effect with respect to the State shall be delayed for the period; and

(B) in applying section 474(a)(b) of the Social Security Act with respect to the State, on or after the date this paragraph takes effect with respect to the State, the amendment is deemed to be substituted for “after September 30, 2019” in subparagraph (A)(i)(I) of such section.

(3) CRIMINAL RECORDS CHECKS AND CHECKS OF CHILD ABUSE AND NEGLECT REGISTRIES FOR ADULTS WORKING IN CHILD-CARE INSTITUTIONS AND OTHER GROUP CARE SETTINGS.—Subject to subsection (a)(2), the amendments made by section 50745 shall take effect on October 1, 2018.

(d) APPLICATION TO STATES WITH WAIVERS.—In the case of a State that, on the date of enactment of this Act, has in effect a waiver approved under section 1130 of the Social Security Act (42 U.S.C. 1320a-9), the amendments made by this part shall not apply with respect to the extent to which the expiration (determined without regard to any extensions) of the waiver to the extent the amendments are inconsistent with the terms of the waiver.

PART V—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES

SEC. 50751. SUPPORTING AND RETAINING FOSTER PARENTS FOR CHILDREN.

(a) SUPPORTING AND RETAINING FOSTER PARENTS AS A FAMILY SERVICE SUPPORT.—Section 431(a)(2)(B) of the Social Security
Act (42 U.S.C. 631(a)(2)(B)) is amended by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively, and inserting after clause (ii) the following:

“(iii) by retaining foster families so they can provide quality family-based settings for children in foster care.”

(b) SUPPORT FOR FOSTER FAMILY HOUSEHOLDS—Section 436 of such Act (42 U.S.C. 629f) is amended by adding at the end the following:

“(c) SUPPORT FOR FOSTER FAMILY HOUSEHOLDS.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary for fiscal year 2018, $8,000,000 for the Secretary to make grants to States, Indian tribes, or tribal consortia to support the recruitment and retention of high-quality foster families to increase their capacity to place more children in family settings, focused on States, Indian tribes, or tribal consortia with the highest percentage of children in non-family settings. The amount appropriated under this subparagraph shall remain available through fiscal year 2022.”

SEC. 50723. IMPROVEMENTS TO THE JOHN H. GIONAL PARTNERSHIP GRANTS.—Section 438(c)(1) of such Act (42 U.S.C. 629h(c)(1)) is amended by striking “2012 through 2016” and inserting “2017 through 2021”.

SEC. 50724. EXPANDING AND CLARIFYING THE USE OF EDUCATION AND TRAINING VOUCHERS.—(1) GENERAL.—Section 477(i)(1)(C) of such Act (42 U.S.C. 677(i)(1)(C)) is amended by inserting “who have attained 14 years of age” before the period.

(d) OTHER IMPROVEMENTS.—Section 477 of such Act (42 U.S.C. 677) is amended by subsections (a), (b), and (c), as amended—

(1) in the section heading, by striking “INDEPENDENCE PROGRAM” and inserting “PROGRAM FOR SUCCESSFUL TRANSITION TO ADULTHOOD”;

(2) in subsection (a)—

(A) by striking “identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services” and inserting “support all youth who have experienced foster care at age 14 or older in their transition to adulthood through transitional services”;

(B) in paragraph (1), by striking “and post-secondary education” after “high school diploma”; and

(iii) by striking “training in daily living skills, training in budgeting and financial management skills, training and opportunities to practice daily living skills (such as financial literacy training and daily living skills)” and inserting “training and opportunities to practice daily living skills”;

(c) EXPANDING AND CLARIFYING THE USE OF EDUCATION AND TRAINING VOUCHERS.—(1) IN GENERAL.—The Secretary shall provide educational, professional, and other services and assistance the youths would otherwise receive if the State had made such an election, if the certification required under clause (i) may provide that the State will provide assistance and services to youths who have aged out of foster care and have not attained 21 years of age; and

(2) in paragraph (3), by striking “youths who have aged out of foster care and have not attained 21 years of age, in accordance with subparagraph (A)(i)”.

(b) AUTHORITY TO REDISTRIBUTE UNEXPENDED AMOUNTS.—Section 477(i)(4) of such Act (42 U.S.C. 677(i)(4)) is amended—

(1) in paragraph (4), by inserting “or does not expend allocated funds within the time period specified under section 477(d)(3)” after “provided by the Secretary”;

(2) by adding at the end the following:

“(5) REDISTRIBUTION OF UNEXPENDED AMOUNTS.—(A) AVAILABILITY OF AMOUNTS.—To the extent that amounts made available under this section in a fiscal year remain unexpended by the States at the end of the succeeding fiscal year, the Secretary may make the amounts available in the second succeeding fiscal year among the States that apply for additional funds under this section for that second succeeding fiscal year.

(B) REDISTRIBUTION.—(i) IN GENERAL.—The Secretary shall redistribute the amounts made available under subparagraph (A) for a fiscal year among eligible applicant States. In this subparagraph, the term ‘eligible applicant State’ means a State that has applied for additional funds under this section in a fiscal year remain unexpended that amounts paid to States under this section in the second succeeding fiscal year among the States that apply for additional funds under this section for that second succeeding fiscal year.

(ii) AMOUNT TO BE REDISTRIBUTED.—The amount to be redistributed to each eligible applicant State shall be the amount so made available multiplied by the State foster care ratio, as defined in subsection (c)(4), except that, in such subsection, ‘all eligible applicant States (as defined in subsection (d)(3)(B)(i)) shall be substituted for ‘all States’.

(iii) TREATMENT OF REDISTRIBUTED AMOUNT.—Any amount made available to a State under this paragraph shall be regarded as part of the allotment of the State under this section for the fiscal year in which the redistribution is made.

(C) Purposes of this paragraph, the term ‘State’ includes an Indian tribe, tribal organization, or tribal consortium that receives an allotment under this section.

(e) EXPANDING AND CLARIFYING THE USE OF EDUCATION AND TRAINING VOUCHERS.—(1) IN GENERAL.—Section 477(i)(3) of such Act (42 U.S.C. 677(i)(3)) is amended—

(A) by striking “youths who have aged out of foster care and have not attained 21 years of age,” and

(C) by adding at the end the following:

“(ii) If the State has elected under section 475(b)(3) to extend eligibility for foster care to all children who have not attained 21 years of age by the States at the end of the succeeding fiscal year among the States that apply for additional funds under this section for that second succeeding fiscal year.

(b) by inserting “, but in no event may a youth participate in the program for more than 5 years (whether or not consecutive)” before the period.

(2) REPORT TO CONGRESS.—Not later than October 1, 2019, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the National Youth in Transition Database and any other databases in which States report outcomes data related to the outcomes of children in foster care and children who have aged out of foster care.
care or foster careeka for kinship guardian-ship or adoption. The report shall include the following:

‘(A) A description of the reasons for entry into foster care; and

‘(B) An analysis of the association between types of placement, number of overall placement changes, and foster care, any official documentation necessary to evaluate child welfare agency performance in providing services to children transitioning from foster care.

‘(C) Benchmarks for determining what constitutes a poor outcome for youth who re-main in or have exited from foster care and plans the executive branch will take to incor-porate these benchmarks in efforts to evaluate child welfare agency performance in providing services to children transitioning from foster care.

‘(D) An analysis of the association between types of placement, number of overall placement changes in foster care, any other factors, and outcomes at ages 19 and 21.

‘(E) An analysis of the differences in outcomes for children in and formerly in foster care at age 19 and 21 among States.’

(e) CLARIFYING DOCUMENTATION PROVIDED TO FOSTER YOUTH LEAVING FOSTER CARE.—Section 479(b)(1) of such Act (42 U.S.C. 679(b)(1)) is amended by inserting after ‘‘REAL ID Act of 2005’’ the following: ‘‘; and any official documentation necessary to prove that the child was previously in foster care’’.

PART VI—CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP INTERCHANGE

SEC. 50761. REAUTHORIZING ADOPTION AND LEGAL GUARDIANSHIP INTERCHANGE PROGRAMS.

(a) IN GENERAL.—Section 473a of the Social Security Act (42 U.S.C. 673a) is amended—

‘(1) incorporate a widely accepted, non-proprietary, searchable, computer-readable format, such as the Extensible Markup Language;

‘(2) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

‘(3) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

‘(4) be consistent with and implement applicable accounting principles;

‘(5) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness;

‘(6) be capable of being continually upgraded as necessary.

‘(b) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.’’.

(b) EFFECTIVE DATE.—Not later than the date that is 24 months after the date of the enactment of this section, the Secretary of Health and Human Services shall issue a proposed rule that—

‘(1) identifies federally required data exchanges, include specification and timing of exchanges to be standardized, and address whether and when to standardize data exchanges; and

‘(2) specifies State implementation options and describes future milestones.

SEC. 50771. TECHNICAL CORRECTIONS TO DATA EXCHANGE STANDARDS REQUIRED TO ADDRESS THE DEVELOPMENTAL NEEDS OF YOUNG CHILDREN.

Section 622(b)(18) of the Social Security Act (42 U.S.C. 622(b)(18)) is amended by striking ‘‘such children and inserting ‘‘all vulnerable children’’.

PART VII—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE

SEC. 50781. DELAY OF ADOPTION ASSISTANCE PHASE-IN.

(a) IN GENERAL.—The table in section 479(e)(1)(B) of the Social Security Act (42 U.S.C. 679(e)(1)(B)) is amended by striking the last 2 rows and inserting the following:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>2024</td>
<td>2</td>
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<tr>
<td>2025</td>
<td>2</td>
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(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if enacted on October 1, 2017.

PART VIII—TECHNICAL CORRECTIONS

SEC. 50771. TECHNICAL CORRECTIONS TO DATA EXCHANGE STANDARDS TO IMPROVE PROGRAM COORDINATION.

(a) IN GENERAL.—Section 440 of the Social Security Act (42 U.S.C. 629m) is amended to read as follows:

‘‘SEC. 440. DATA EXCHANGE STANDARDS TO IMPROVE INTEROPERABILITY.

‘‘(a) DESIGNATION.—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, by rule, designate data exchange standards to govern, under this part and part E—

‘‘(1) necessary categories of information that State agencies operating programs under State plans approved under this part are required under applicable Federal law to exchange with another State agency; and

‘‘(2) Federal reporting and data exchange required under applicable Federal law.

‘‘(b) E FFECTIVE DATE.—The data exchange standards required by paragraph (1) shall, to the extent practicable—

‘‘(1) incorporate a widely accepted, non-proprietary, searchable, computer-readable format, such as the Extensible Markup Language;

‘‘(2) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

‘‘(3) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

‘‘(4) be consistent with and implement applicable accounting principles;

‘‘(5) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness;

‘‘(6) be capable of being continually upgraded as necessary.

‘‘(b) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.’’.

‘‘(2) EFFECTIVE DATE.—Not later than the date that is 24 months after the date of the enactment of this section, the Secretary of Health and Human Services shall issue a proposed rule that—

‘‘(1) identifies federally required data exchanges, include specification and timing of exchanges to be standardized, and address whether and when to standardize data exchanges; and

‘‘(2) specifies State implementation options and describes future milestones.

SEC. 50782. TECHNICAL CORRECTIONS TO STATE REQUIREMENT TO ADDRESS THE DEVELOPMENTAL NEEDS OF YOUNG CHILDREN.

Section 622(b)(18) of the Social Security Act (42 U.S.C. 622(b)(18)) is amended by striking ‘‘such children and inserting ‘‘all vulnerable children’’.

SEC. 50791. DELAY OF ADOPTION ASSISTANCE PHASE-IN.

(a) IN GENERAL.—The table in section 479(e)(1)(B) of the Social Security Act (42 U.S.C. 679(e)(1)(B)) is amended by striking the last 2 rows and inserting the following:

<table>
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<tr>
<th>Year</th>
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<tbody>
<tr>
<td>2024</td>
<td>2</td>
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<tr>
<td>2025</td>
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subtitle, the Secretary of the Treasury, in consultation with the Federal Interagency Council on Social Impact Partnerships, shall publish in the Federal Register a request for proposals by State or local governments for social impact partnership projects in accordance with this section.

"(b) REQUIRED OUTCOMES FOR SOCIAL IMPACT PARTNERSHIP PROJECT.—To qualify as a social impact partnership project under this subtitle, a project must produce one or more measurable, clearly defined outcomes that result in social benefit and Federal, State, or local savings through any of the following:

"(1) Increasing employment and earnings by individuals who have attained 18 years of age but not 25 years of age.

"(2) Increasing employment among individuals receiving Federal disability benefits.

"(3) Increasing the dependency of low-income families on Federal means-tested benefits.

"(4) Improving rates of high school graduation.

"(5) Reducing teen and unplanned pregnancies.

"(6) Improving birth outcomes and early childhood development among low-income families and individuals.

"(7) Reducing rates of asthma, diabetes, or other preventable diseases among low-income individuals and families to reduce the utilization of emergency and other high-cost care.

"(8) Increasing the proportion of children living in two-parent families.

"(9) Reducing incidences and adverse consequences of child abuse and neglect.

"(10) Reducing the number of youth in foster care or other high-risk populations.

"(11) Reducing the number of children in foster care residing in group homes, child care institutions, agency-operated foster homes, other non-family foster homes.

"(12) Reducing the number of children and youth in foster care residing in group homes, child care institutions, agency-operated foster homes, or other non-family foster homes, unless it is determined that it is in the interest of the child’s long-term health, safety, or psychological well-being to not be placed in a family foster home.

"(13) Reducing the number of children returning to foster care.

"(14) Reducing the number of youth in juvenile offenders, individuals released from prison, or other high-risk populations.

"(15) Reducing the rate of homelessness among our most vulnerable populations.

"(16) Improving the health and well-being of those with mental, emotional, and behavioral health needs.

"(17) Improving the educational outcomes of special-needs or low-income children.

"(18) Improving the employment and well-being of returning United States military members.

"(19) Increasing the financial stability of low-income families.

"(20) Increasing the independence and employability of individuals who are physically or mentally disabled.

"(21) Other measurable outcomes defined by the State or local government that result in positive social outcomes and Federal savings.

"(c) APPLICATION REQUIRED.—The notice described in subsection (a) shall require a State or local government to submit an application for a social impact partnership project that addresses the following:

"(1) The outcome goals of the project.

"(2) A description of each intervention in the project and anticipated outcomes of the intervention.

"(3) Rigorous evidence demonstrating that the intervention can be expected to produce the desired outcomes.

"(4) The target population that will be served by the project.

"(5) The expected benefits to participants who receive the intervention and others who may be impacted.

"(6) Projected Federal, State, and local government costs and other costs to conduct the project.

"(7) Projected Federal, State, and local government savings and savings including an estimate of the savings to the Federal Government, on a program-by-program basis in the aggregate, if the project is implemented and the outcomes are achieved as a result of the intervention.

"(8) If savings resulting from the successful completion of the project are estimated to accrue to the State or local government, the likelihood of the State or local government to realize those savings.

"(9) A plan for delivering the intervention through a social impact partnership model.

"(10) A description of the expertise of each service provider that will administer the intervention, including a summary of the experience of service providers in delivering the proposed intervention or a similar intervention, or demonstrating that the service provider has the expertise necessary to deliver the proposed intervention.

"(11) An explanation of the experience of the State or local government, the intermediary, or the service provider in raising private and philanthropic capital to fund social service investments.

"(12) The detailed roles and responsibilities of each entity participating in the project, including any State or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

"(13) A summary of the experience of the service provider in delivering the proposed intervention or a similar intervention, or a summary demonstrating the service provider has the expertise necessary to deliver the proposed intervention.

"(14) A summary of the unmet need in the area where the intervention will be delivered or among the target population who will receive the intervention.

"(15) The proposed payment terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

"(16) The project budget.

"(17) The project timeline.

"(18) The criteria used to determine the eligibility of an individual for the project, including the process by which individuals will be identified, how they will be referred to the project, and how they will be enrolled in the project.

"(19) The evaluation design.

"(20) The metrics that will be used in the evaluation to determine whether the outcomes have been achieved as a result of the intervention and how the metrics will be measured.

"(21) An explanation of how the metrics used in the evaluation to determine whether the outcomes have been achieved as a result of the intervention are independent, objective indicators of impact and are not subject to manipulation by the service provider, intermediary, or any other entity.

"(22) A summary explaining the independence of the evaluator from the other entities involved in the project and the evaluator’s experience in conducting rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials on the intervention or similar interventions.

"(23) The capacity of the service provider to deliver the intervention to the number of participants the State or local government proposes to serve in the project.

"(24) A description of whether and how the State or local government and service provider plan to sustain the intervention, if it is timely and appropriate to do so, to ensure that successful interventions continue to operate after the period of the social impact partnership.

"(d) PROJECT INTERMEDIARY INFORMATION REQUIRED.—The application described in subsection (c) shall also contain the following information about the intermediary for the social impact partnership project (whether an intermediary is a service provider or other entity):

"(1) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

"(2) The mission and goals.

"(3) Information on whether the intermediary is already working with service providers that provide this intervention or an explanation of the capacity of the intermediary to begin working with service providers to provide the intervention.

"(4) Experience working in a collaborative environment across government and nongovernmental entities.

"(5) Previous experience collaborating with public or private entities to implement evidence-based programs.

"(6) Ability to raise or provide funding to cover operating costs (if applicable to the project).

"(7) Capacity and infrastructure to track outcomes and measure results, including—

"(A) capacity to track and analyze program performance and assess program impact.

"(8) Experience with performance-based awards or performance-based contracting and achieving project milestones and targets.

"(9) Role in delivering the intervention.

"(10) How the intermediary would monitor program success, including a description of the interim benchmarks and outcome measures.

"(e) FEASIBILITY STUDIES FUNDED THROUGH OTHER SOURCES.—The notice described in subsection (a) shall permit a State or local government to submit an application for social impact partnership funding that contains information from a feasibility study developed for purposes other than applying for funding under this subtitle.

"AWARDING SOCIAL IMPACT PARTNERSHIP AGREEMENTS

SEC. 2053. (a) TIMELINE IN AWARDING AGREEMENT.—Not later than 6 months after receiving an application in accordance with section 2052, the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, shall determine whether to enter into an agreement for a social impact partnership project with a State or local government.

"(b) CONSIDERATIONS IN AWARDING AGREEMENT.—In determining whether to enter into an agreement for a social impact partnership project (the application for which was submitted under section 2052) the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, shall consider each of the following:

"(1) The recommendations made by the Commission on Social Impact Partnerships.

"(2) The value to the Federal Government of the outcomes expected to be achieved if
the outcomes specified in the agreement are achieved as a result of the intervention.

“(3) The likelihood, based on evidence provided in the application and other evidence, that the State or local government in collaboration with the intermediary and the service providers will achieve the outcomes.

“(4) The savings to the Federal Government or local government in the cooperation with the intermediary and the service providers that serve the State or local government as specified in the agreement are achieved as a result of the intervention.

“(5) The savings to the State and local governments if the outcomes specified in the agreement are achieved as a result of the intervention.

“(6) A description of the potential quality of the evaluation that would be conducted with respect to the agreement.

“(7) The capacity and commitment of the State or local government to sustain the intervention, if appropriate and timely and if the intervention is successful, beyond the period of the social impact partnership.

“(c) AGREEMENT AUTHORITY.

“(1) AGREEMENT REQUIREMENTS.—In accordance with this section, the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population that serves the project, may enter into an agreement for a social impact partnership project with a State or local government if the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, determines that each of the following requirements are met:

“(A) The State or local government agrees to achieve one or more outcomes as a result of the intervention, as specified in the agreement and validated by independent evaluation, in order to receive payment.

“(B) The Federal payment to the State or local government for each specified outcome achieved as a result of the intervention is less than or equal to the value of the outcome to the Federal Government over a period not to exceed 10 years, as determined by the Secretary, in consultation with the State or local government.

“(C) The duration of the project does not exceed 10 years.

“(D) The State or local government has demonstrated, through the application submitted under section 2052, that, based on prior rigorous experimental evaluations or rigorous quasi-experimental studies, the intervention is expected to achieve each outcome specified in the agreement.

“(E) The State, local government, intermediary, or service provider has experience delivering a similar intervention, or has otherwise demonstrated the expertise necessary to deliver the intervention.

“(2) PAYMENT.—The Secretary shall pay the State or local government only if the independent evaluator described in section 2052 determines that the social impact partnership project has met the requirements specified in the agreement and achieved an outcome as a result of the intervention, as specified in the agreement and validated by independent evaluation.

“(3) NOTICE OF AGREEMENT AWARD.—Not later than 30 days after entering into an agreement under this section the Secretary shall publish a notice in the Federal Register that includes, with regard to the agreement, the following:

“(1) The outcome goals of the social impact partnership project.

“(2) A description of each intervention in the project.

“(3) The target population that will be served by the project.

“(4) The potential social benefits to participants who receive the intervention and others who may be impacted.

“(5) The detailed roles, responsibilities, and purview of the intermediary or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

“(6) The agreement terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

“(7) The project budget.

“(8) The project timeline.

“(9) The project eligibility criteria.

“(10) The independent evaluator.

“(11) The metrics that will be used in the evaluation to determine whether the outcomes have been achieved as a result of each intervention and how these metrics will be measured.

“(12) The estimate of the savings to the Federal, State, and local government, on a project and programmatic basis in the aggregate, if the agreement is entered into and implemented and the outcomes are achieved as a result of each intervention.

“(e) AUTHORITY TO TRANSFER ADMINISTRATION OF AGREEMENT.—The Secretary may transfer to the head of another Federal agency administering (including making payments under) an agreement entered into under subsection (c), and any funds necessary to do so.

“(2) FEASIBILITY STUDY RESTRICTION.—The Federal payment to a State or local government for feasibility study funding under this section may not exceed 10 percent of the estimated total cost of the feasibility study reported in the State or local government application submitted under subsection (a).

“(3) NO GUARANTEE OF FUNDING.—The Secretary may not guarantee funding under this section.

“(4) FUNDING RESTRICTION.—Of the total amount made available to carry out this subtitle, the Secretary may not use more than $10,000,000 to provide feasibility study funding to States or local governments under this section.

“(5) SUBMISSION OF FEASIBILITY STUDY REQUIRED.—Not later than 9 months after the receipt of feasibility study funding under this section, a State or local government receiving the funding shall complete the feasibility study and submit the study to the Federal Interagency Council on Social Impact Partnerships.

“(6) DELEGATION OF AUTHORITY.—The Secretary may transfer to the head of another Federal agency the authorities provided in this section and any funds necessary to exercise the authorities.

“(a) AUTHORITY TO ENTER INTO AGREEMENTS.—For each State or local government awarded a social impact partnership project approved by the Secretary under this subtitle, the head of the relevant agency, as recommended by the Federal Interagency Council on Social Impact Partnerships and determined by the Secretary, shall enter into an agreement with the State or local government to pay for all or part of the independent evaluator and the head of any State or local government project that has achieved a specific outcome as a result of the intervention in order for the State or local government to receive outcome payments under this subtitle.

“(b) EVALUATOR QUALIFICATIONS.—The head of the relevant agency may not enter into an agreement with the State or local government unless the head determines that the evaluator is independent of the other parties
to the agreement and has demonstrated substantial experience in conducting rigorous evaluations of program effectiveness including, where available and appropriate, well-identified randomized controlled trials on the intervention or similar interventions.

(c) METHODOLOGIES TO BE USED.—The evaluation shall determine whether a State or local government will receive outcome payments under this subtitle shall use experimental designs using random assignment and control groups, or, if random assignment is not feasible.

(d) PROGRESS REPORT.—The independent evaluator shall:

(A) not later than 2 years after a project has been approved by the Secretary and bi-annually thereafter until the project is concluded, submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report summarizing the progress that has been made in achieving each outcome specified in the agreement; and

(B) before the scheduled time of the first outcome payment, before the scheduled time of each subsequent payment, submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a report that describes the results of the evaluation conducted to determine whether an outcome payment should be made along with information on the subject factors that contributed to achieving or failing to achieve the outcome, the challenges faced in attempting to achieve the outcome, and information on the proposed future delivery of this or similar interventions.

"(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—Not later than 30 days after re-cipt of the written report pursuant to paragraph (1)(B), the Federal Interagency Council on Social Impact Partnerships shall submit the report to the Secretary and each committee of jurisdiction in the House of Representatives and the Senate.

"(e) FINAL REPORT.—

(1) SUBMISSION OF REPORT.—Within 6 months after a social impact partnership project is completed, the independent evaluator shall:

(A) evaluate the effects of the activities undertaken pursuant to the agreement with regard to each outcome specified in the agreement; and

(B) submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report that includes the results of the evaluation and the conclusion of the evaluator as to whether the State or local government has fulfilled each obligation of the agreement, along with information on the unique factors that contributed to the success or failure of the State or local government in attempting to achieve the outcome, and information on the improved future delivery of this or similar interventions.

"(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—Not later than 30 days after re-cipt of the written report pursuant to paragraph (1)(B), the Federal Interagency Council on Social Impact Partnerships shall submit the report to the Secretary and each committee of jurisdiction in the House of Representatives and the Senate.

"(f) LIMITATION ON COST OF EVALUATIONS.—Of the amount made available under this subtitle for social impact partnership projects, the Secretary may not obligate more than 15 percent to evaluate the implementation and outcomes of the projects.

"(g) DELEGATION OF AUTHORITY.—The Secretary may transfer to the head of another Federal agency the authorities provided in this section and any funds necessary to exercise the authorities.

"FEDERAL INTERAGENCY COUNCIL ON SOCIAL IMPACT PARTNERSHIPS

"SEC. 2056. (a) ESTABLISHMENT.—There is established the Federal Interagency Council on Social Impact Partnerships (in this section referred to as the ‘Council’) to:

(1) coordinate with the Secretary on the efforts of social impact partnership projects funded under this section and the evaluator in evaluating the performance and outcomes of the projects;

(2) advise and assist the Secretary in the development and implementation of the projects;

(3) advise the Secretary on specific programmatic and policy matter related to the projects;

(4) provide subject-matter expertise to the Secretary with regard to the projects;

(5) certify to the Secretary that each State or local government that has entered into an agreement with the Secretary for a social impact partnership project under this subtitle and each evaluator selected by the head of the relevant agency under section 2055 has access to Federal administrative data to assist with the evaluation and the evaluator in evaluating the performance and outcomes of the project;

(6) address issues that will influence the future of social impact partnership projects in the United States;

(7) provide guidance to the executive branch on the future of social impact partnership projects in the United States;

(8) prior to approval by the Secretary, certify that each State and local government application for a social impact partnership contains comparable data and reliable, evidence-based research methodologies to support the conclusion that the project will yield savings to the State or local government or the Federal Government if the project outcomes are achieved;

(9) certify to the Secretary, in the case of each approved social impact partnership that is expected to yield savings to the Federal Government, that the project will yield a projected savings to the Federal Government if the project outcomes are achieved, and coordinate with the Federal agency to produce an after-action accounting once the project is complete to determine the actual Federal savings realized, and the extent to which actual savings aligned with projected savings; and

(10) provide periodic reports to the Secretary and make available reports periodically to Congress and the public on the implementation of this subtitle.

"(b) COMPOSITION OF COUNCIL.—The Council shall have 11 members, as follows:

(1) CHAIR.—The Chair of the Council shall be the Director of the Office of Management and Budget.

(2) OTHER MEMBERS.—The head of each of the following entities shall designate one of its officers or a designee of the entity to be a Council member:

(A) The Department of Labor.

(B) The Department of Health and Human Services.

(C) The Social Security Administration.

(D) The Department of Agriculture.

(E) The Department of Justice.

(F) The Department of Housing and Urban Development.

(G) The Department of Education.

(H) The Department of Veterans Affairs.

(I) The Inspector General of the Treasury.

(J) The Corporation for National and Community Service.

"COMMISSION ON SOCIAL IMPACT PARTNERSHIPS

"SEC. 2057. (a) ESTABLISHMENT.—There is established the Commission on Social Impact Partnerships (in this section referred to as the ‘Commission’).

(b) DUTIES.—The duties of the Commission shall be to:

(1) establish the Secretary and the Federal Interagency Council on Social Impact Partnerships in reviewing applications for funding under this subtitle;

(2) make recommendations to the Secretary and the Federal Interagency Council on Social Impact Partnerships for the funding of social impact partnership agreements and feasibility studies; and

(3) provide other assistance and information, as requested by the Secretary or the Federal Interagency Council on Social Impact Partnerships.

(3) QUALIFICATIONS OF COMMISSION MEMBERS.—The members of the Commission shall:

(1) be experienced in finance, economics, pay for performance, or program evaluation;

(2) have relevant professional or personal experience in a field related to one or more of the outcomes listed in section 2053 or have practical knowledge of how the outcomes are measured;

(3) be qualified to review applications for social impact partnership projects to determine whether the proposed metrics and evaluation methodologies are appropriate, rigorous and reliant upon independent data and evidence-based research.

(c) TIMING OF APPOINTMENTS.—The appointments of the members of the Commission shall be made not later than 120 days after the date of the enactment of this subtitle, or, in the event of a vacancy, not later than 90 days after the date the vacancy arises. If a member of Congress fails to appoint a member by that date, the President may select a member of the President’s choice on behalf of the Congress. Notwithstanding the preceding sentence, if not all appointments have been made to the Commission as of that date, the Commission may operate with no fewer than five members until all appointments have been made.

(d) TERMS OF APPOINTMENTS.—

(1) IN GENERAL.—The members appointed under subsection (c) shall serve as follows:

(A) three members shall serve for 2 years;

(B) three members shall serve for 3 years;

(C) three members (one of which shall be Chair of the Commission appointed by the President) shall serve for 4 years.

(2) ASSIGNMENT OF TERMS.—The Commission shall be composed of nine members, of whom:

(1) one shall be appointed by the President, who will serve as the Chair of the Commission;

(2) one shall be appointed by the Majority Leader of the Senate;

(3) one shall be appointed by the Minority Leader of the Senate;

(4) one shall be appointed by the Speaker of the House of Representatives;

(5) one shall be appointed by the Minority Leader of the House of Representatives;

(6) one shall be appointed by the Chair- man of the Committee on Finance of the Senate;

(7) one shall be appointed by the ranking member of the Committee of Finance of the Senate;

(8) one member shall be appointed by the Committee on Ways and Means of the House of Representatives; and

(9) one shall be appointed by the ranking member of the Committee on Ways and Means of the House of Representatives.

(3) COMMISSION ON SOCIAL IMPACT PARTNERSHIPS (in this section referred to as the ‘Council’)

(a) ESTABLISHMENT.—There is established the Commission on Social Impact Partnerships under this section.

(b) DUTIES.—The Commission shall:

(1) receive any report that is submitted to the Secretary or the Federal Interagency Council on Social Impact Partnerships under this section and any funds necessary to exercise the authorities.

(c) REQUIREMENTS FOR REPORTS.—Any report submitted to the Secretary or the Federal Interagency Council on Social Impact Partnerships under this section shall:

(1) be designed to support the conclusion that the project will yield savings to the Federal Government or the Federal Government if the project outcomes are achieved;

(2) be evidence based and contain rigorous and reliable research methodologies appropriate for the project and the evaluation.

(3) be prepared in accordance with the Commission as of that date, the Commission shall serve by unanimous agreement. In the event that unanimous agreement cannot be
reached, term lengths shall be assigned to the members by a random process.

"(g) VACANCIES.—Subject to subsection (e), in the event of a vacancy in the Commission, whether due to the resignation of a member, the expiration of a member’s term, or any other reason, the vacancy shall be filled in the manner in which the original appointment was made and shall not affect the powers of the Commission.

"(h) APPOINTMENT POWER.—Members of the Commission appointed under subsection (c) shall not be subject to confirmation by the Senate.

"LIMITATION ON USE OF FUNDS

"Sec. 2058. Of the amounts made available to carry out the subtitle, the Secretary may not use more than $2,000,000 in any fiscal year to support the review, approval, and oversight of social impact partnership projects, including activities conducted by—

"(1) the Federal Interagency Council on Social Impact Partnerships; and

"(2) any other agency consulted by the Secretary before approving a social impact partnership project or a feasibility study under section 2054.

"NO FEDERAL FUNDING FOR CREDIT ENHANCEMENTS

"Sec. 2059. Amounts made available to carry out this subtitle may be used to provide any insurance, guarantee, or other credit enhancement to a State or local government agency, or Federal entity, intermediary, service provider, or other stakeholder.

"(b) APPOINTMENT POWER.—The person making the award of a grant or loan under this section shall appoint a person to carry out the award or loan.

"(c) USE OF FUNDS.—Sec. 2054 of the Consolidated Appropriations Act, 2018, is amended by inserting the following:

"(3) the Secretary may consider whether the health center is meeting the requirements of subsection (d) or subsection (e).

"(iv) by inserting 'or (A) Federal funds are awarded to a State or local government agency, or Federal entity, intermediary, service provider, or other stakeholder with service providers, investors (if applicable to the project), and (if necessary) an intermediary to identify—

"(i) an intervention expected to produce the outcome;

"(ii) a service provider to deliver the intervention to the target population; and

"(iii) investors to fund the delivery of the intervention.'.

"(d) FUNDING.—Sec. 2064. Out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated $100,000,000 for fiscal year 2018 to carry out this subtitle.

"TITLE IX—PUBLIC HEALTH PROGRAMS

"SEC. 50901. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

"(a) COMMUNITY HEALTH CENTERS FUNDING.—Section 15530(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)), as amended by section 3101 of Public Law 115–96, is amended to read as follows:

"(2) by inserting ‘‘FEDERAL PROGRAMS’’; and

"(b) OTHER COMMUNITY HEALTH CENTERS PROVISIONS.—Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

"(1) in subsection (b)(2)(A), by striking ‘‘abolish a care act’’;

"(2) in subsection (a)(2), by striking ‘‘abolish a care act’’;

"(3) in subsection (c)—

"(A) in paragraph (1), by striking subparagraphs (B) and (C) of subsection (c)(1); and

"(i) by striking or plan (as described in subparagraphs (B) and (C) of subsection (c)(1));

"(ii) by striking ‘‘or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))’’;

"(b) by striking ‘‘or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))’’;

"(c) by striking ‘‘or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))’’; and

"(d) by striking ‘‘or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))’’.

"(ii) by inserting ‘‘or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))’’; and

"(iii) by striking ‘‘or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))’’.

"(ii) by striking ‘‘or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))’’.

"(iii) by striking ‘‘or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))’’.

"(iii) by striking ‘‘or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))’’.

"(ii) by striking ‘‘or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))’’.

"(ii) by striking ‘‘or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))’’.

"(ii) by striking ‘‘or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))’’.
(A) in the heading of subparagraph (B), by striking "AND PLANS"; and
(B) by striking "and subparagraphs (B) and (C) of subsection (c)(1) to a health center or to a "new access point plan" and inserting "to a health center or to a network";
(C) in subsection (e)(2), by striking the following:
"(ii) by redesignating subparagraph (C) as subparagraph (B); and
(iii) in subparagraph (A), by inserting "unmet" before "need";
(D) in the matter preceding subparagraph (A), by inserting "or subsection(e)(9)" after "subsection(e)(8)"); and
(E) by adding after subparagraph (C) the following:
'(iv) in the catchment area of the center and in service area, including, at a minimum:
(1) the number and reason for any grants awarded pursuant to subsection (e)(2)B) and (1) the number and reason for any waivers provided pursuant to subsection (q)(4);'
(F) by striking subparagraph (A), by inserting "or subsection(e)(9)" after "subsection(e)(8)"); and
(G) by inserting after subparagraph (C) the following:
'IVE in subparagraph (B), by striking "in the catchment area of the center and in service area, including, at a minimum:
(1) the number and reason for any grants awarded pursuant to subsection (e)(2)B) and (1) the number and reason for any waivers provided pursuant to subsection (q)(4);'
and
(H) the number and reason for any grants waived pursuant to subsection (e)(2)B) and (1) the number and reason for any waivers provided pursuant to subsection (q)(4);'
and
(1) in the paragraph preceding subparagraph (A), by inserting "or subsection(e)(9)" after "subsection(e)(8)"); and
(2) in paragraph (2), by striking "(C)" and inserting "(C)(i)";
(I) in the paragraph preceding subparagraph (A), by inserting "and subparagraph (C) as subparagraph (B); and
(j) in subparagraph (A), by inserting "unmet" before "need";
(k) in subparagraph (A), by inserting "or subsection(e)(9)" after "subsection(e)(8)"); and
(l) by adding after subparagraph (C) the following:
'(iv) in the catchment area of the center and in service area, including, at a minimum:
(1) the number and reason for any grants awarded pursuant to subsection (e)(2)B) and (1) the number and reason for any waivers provided pursuant to subsection (q)(4);'
and
(M) by inserting "or subsection(e)(9)" after "subsection(e)(8)"); and
(N) by adding after subparagraph (C) the following:
'IVE in subparagraph (B), by striking "in the catchment area of the center and in service area, including, at a minimum:
(1) the number and reason for any grants awarded pursuant to subsection (e)(2)B) and (1) the number and reason for any waivers provided pursuant to subsection (q)(4);'
and
(O) by striking subparagraph (A), by inserting "or subsection(e)(9)" after "subsection(e)(8)"); and
(P) by adding after subparagraph (C) the following:
'(iv) in the catchment area of the center and in service area, including, at a minimum:
(1) the number and reason for any grants awarded pursuant to subsection (e)(2)B) and (1) the number and reason for any waivers provided pursuant to subsection (q)(4);'
and
(Q) by striking subparagraph (A), by inserting "or subsection(e)(9)" after "subsection(e)(8)"); and
(R) by adding after subparagraph (C) the following:
'(iv) in the catchment area of the center and in service area, including, at a minimum:
(1) the number and reason for any grants awarded pursuant to subsection (e)(2)B) and (1) the number and reason for any waivers provided pursuant to subsection (q)(4);'
and
(S) by striking subparagraph (A), by inserting "or subsection(e)(9)" after "subsection(e)(8)"); and
(T) by adding after subparagraph (C) the following:
'(iv) in the catchment area of the center and in service area, including, at a minimum:
(1) the number and reason for any grants awarded pursuant to subsection (e)(2)B) and (1) the number and reason for any waivers provided pursuant to subsection (q)(4);'
second quarters of fiscal year 2018,” and inserting “$126,500,000 for each of fiscal years 2018 and 2019.”

(3) ANNUAL REPORTING.—Subsection (b)(1) of section 332 of the Public Health Service Act (42 U.S.C. 256h) is amended—

(A) by redesignating subparagraph (D) as subparagraph (H); and

(B) by inserting after subparagraph (C) the following:

“(D) The number of patients treated by residents described in paragraph (4).

“(E) The number of residents described in paragraph (4) who completed their residency training at the end of such residency academic year, the number and percentage of such residents who entered primary care practice (meaning any of the areas of practice listed in the definition of a primary care residency program in section 718A).

“(F) Of the number of residents described in paragraph (4) who completed their residency training at the end of such residency academic year, the number and percentage of such residents who entered practice at a health care facility—

“(i) primarily serving a health professional shortage area with a designation in effect under section 709 of the Public Health Service Act (42 U.S.C. 254c-1), or an area medically underserved community (as defined in section 799B); or

“(ii) located in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395fff(b))).

“(4) REPORT ON TRAINING COSTS.—Not later than March 31, 2019, the Secretary of Health and Human Services shall submit to the Congress a report on the direct graduate expenses of approved graduate medical residency training programs, and the indirect expenses associated with the additional costs of teaching residents of qualified teaching health centers (as such terms are used or defined in section 340H of the Public Health Service Act (42 U.S.C. 256h)).

(5) DEFINITION.—Subsection (j) of section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) NEW APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term ‘new approved graduate medical residency training program’ means an approved graduate medical residency training program for which the Secretary of Health and Human Services has not received a payment under this section for a previous fiscal year.

(6) TECHNICAL CORRECTION.—Subsection (f) of section 340H (42 U.S.C. 256h) is amended by striking “hospital” each place it appears and inserting “residency training center”.

(7) PAYMENTS FOR FUTURE FISCAL YEARS.—The provisions of section 340I of the Public Health Service Act (42 U.S.C. 256i) as in effect on the day before the date of enactment of Public Law 115-96, shall continue to apply with respect to payments under such section for fiscal years before fiscal year 2018.

(8) EQUITY.—Amounts appropriated pursuant to this section for fiscal year 2018 or 2019, subject to the requirements contained in Public Law 115-31 for funds for programs authorized under sections 330 through 333 of the Public Health Service Act (42 U.S.C. 254b–254e).

(f) CONFORMING AMENDMENTS.—Paragraph (4) of section 330I(b) of title 16, United States Code, as directed by section 330I of Public Law 115-96, is amended by striking “and section 310(d) of the CHIP and Public Health

Funding Extension Act” and inserting “and section 5001(e) of the Advancing Chronic Care, Extend, and Social Services Act”.

SEC. 50092. EXTENSION FOR SPECIAL DiABETES PROGRAM.

(a) SPECIAL DIABETES PROGRAM FOR Type I DiABETEs.—Section 330B(d)(2)(D) of the Public Health Service Act (42 U.S.C. 254c-2(d)) is amended in section 3102 of Public Law 115-96, is amended to read as follows:

“(d) $150,000,000 for each of fiscal years 2018 and 2019 to remain available until expended.”.

(b) SPECIAL DIABETES PROGRAM FOR INDIAN NATION.—Section 330B(c)(2) of the Public Health Service Act (42 U.S.C. 254c-3(c)(2)), as added by section 3102 of Public Law 115-96, is amended to read as follows:

“(d) $150,000,000 for each of fiscal years 2018 and 2019, to remain available until expended.”.

TITLE X—MISCELLANEOUS HEALTH CARE POLICIES

SEC. 5101. HOME HEALTH PAYMENT REFORM.

(a) BUDGET NEUTRAL TRANSITION TO A 30-DAY UNIT OF PAYMENT FOR HOME HEALTH SERVICES.—Section 1886(b) of the Social Security Act (42 U.S.C. 1395fff(b)) is amended—

(1) in paragraph (2)—

(A) by striking “PAYMENT.—In defining and inserting “(A) In general.—In defining”;

(B) by adding at the end the following new subparagraph:

“(B) 30-DAY UNIT OF SERVICE.—For purposes of implementing the prospective payment system with respect to home health units of service furnished during a year beginning on January 1, 2020, the Secretary shall apply a 30-day unit of service as the unit of service applied under this paragraph.”;

(2) in paragraph (3)—

(A) in subparagraph (A), by adding at the end the following new clause:

“(iv) BUDGET NEUTRALITY FOR 2020.—With respect to payments for home health units of service furnished during the 12-month period beginning January 1, 2020, the Secretary shall calculate a standard prospective payment amount (or amounts) for 30-day units of service and a 30-day unit of service amount for a unit of home health services under the prospective payment system under this subsection.”;

(b) TECHNICAL EXPERT PANEL.—In general.—The Secretary of Health and Human Services shall hold at least one session of a technical expert panel, the participants of which shall include home health providers, patient representatives, and other relevant stakeholders. The technical expert panel shall identify and prioritize recommendations with respect to the prospective payment system for home health services under section 1886(b) of the Social Security Act (42 U.S.C. 1395fff(b)), on the following:

(A) The Home Health Groupings Model, as described in the proposed rule “Medicare and Medicaid Programs: CY 2018 Home Health Prospective Payment System Rate Update and Proposed CY 2019 Case-Mix Adjustment Methodology Refinements; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements” (82 Fed. Reg. 35294 through 35332 (July 28, 2017)),

(B) Alternative case-mix models to the Home Health Groupings Model, as described in the proposal “Proposed CY 2018 Case-Mix Adjustment Methodology Refinements: Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements” (82 Fed. Reg. 35294 through 35332 (July 28, 2017)),

(C) Inapplicability of FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the technical expert panel.

(3) REPORT.—Not later than April 1, 2019, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate

Mr. Chairman and Members of the Committee:

DIRECTED BY:
(a) PART A—Section 181(a) of the Social Security Act (42 U.S.C. 1395a(a)) is amended by inserting, after "(A)," the following new sentence: "For purposes of documentation for physician certification and recertification made under paragraph (2) on or after January 1, 2019, and with respect to home health services furnished by a home health agency, in addition to using documentation in the medical record of the physician who certifies or the medical record of the acute or post-acute care facility (in the case that home health services were furnished to an individual who was directly admitted to the cost of delivering home health services, and any unintended consequences, including with respect to behavioral changes and quality.

(b) PART B—Section 1835(a)(3) of the Social Security Act (42 U.S.C. 1395w-4(a)) is amended by inserting, after "(A)," the following new sentence: "For purposes of documentation for physician certification and recertification made under paragraph (2) on or after January 1, 2019, and with respect to home health services furnished by a home health agency, in addition to using documentation in the medical record of the physician who certifies or the medical record of the acute or post-acute care facility (in the case that home health services were furnished to an individual who was directly admitted to the cost of delivering home health services, and any unintended consequences, including with respect to behavioral changes and quality.

(2) TRANSITION YEARS.—For each of the second, third, fourth, and fifth years for which the MIPS applies to payments, the performance score for the performance category described in paragraph (2)(A)(ii) shall not take into account the transition to the performance threshold described in clause (i) of the previous sentence.

(3) IN THE CASE OF COVERED PROFESSIONAL SERVICES (AS DEFINED IN SUBSECTION (K)(3)(A)) BILLED BY SUCH PROFESSIONAL FOR SUCH PERFORMANCE PERIOD; AND

(ii) by striking "subject to clause (iii)," after "For each of the second, third, fourth, and fifth years for which the MIPS applies to payments, the performance score for the performance category described in paragraph (2)(A)(ii) shall not take into account the transition to the performance threshold described in clause (i) of the previous sentence;" and

(iii) TRANSITION YEARS.—For each of the second, third, fourth, and fifth years for which the MIPS applies to payments, the performance score for the performance category described in paragraph (2)(A)(ii) shall not take into account the transition to the performance threshold described in clause (i) of the previous sentence.

(iv) by adding at the end the following new clause:

"(III) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(III) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.

(ii) by adding at the end the following new clause:

"(II) THE MINIMUM AMOUNT (AS DETERMINED BY THE SECRETARY OF—"

(a) for performance periods beginning on or after January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

(b) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.
Heart Association (NYHA) class II to IV symptoms despite being on optimal heart failure therapy for at least 6 weeks; or (viii) any additional condition for which the Secretary has determined that a cardiac rehabilitation program shall be covered, unless the Secretary determines, using the same process used to determine that the condition is covered for a cardiac rehabilitation program, that such coverage is not supported by the clinical evidence.

SEC. 51005. EXTENSION OF BLENDED SITE NEUTRAL PAYMENT RATE FOR CERTAIN LONG-TERM CARE HOSPITAL DISCHARGES; TEMPORARY ADJUSTMENT TO SITE NEUTRAL PAYMENT RATES.

(a) Extension.—Section 1886(m)(6)(B)(i) of the Social Security Act (42 U.S.C. 1395ww(m)(6)(B)(i)) is amended—

(1) in subclause (I), by striking “fiscal year 2016 or fiscal year 2017” and inserting “fiscal years 2016 through 2019”;

(2) in subclause (II), by striking “2018” and inserting “2020”.

(b) Temporary Adjustment to Site Neutral Payment Rates.—Section 1886(m)(6)(B) of the Social Security Act (42 U.S.C. 1395ww(m)(6)(B)) is amended—

(1) in clause (i), in the matter preceding subsection (a)(3), by striking “In this paragraph” and inserting “Subject to clause (iv),” in this paragraph; and

(2) by adding at the end the following new clause:

“(iv) Adjustment.—For each of fiscal years 2018 through 2026, the amount that would otherwise apply under clause (i)(i) for the year in question (without regard to this clause) shall be reduced by 4.6 percent.”.

SEC. 51006. RECOGNITION OF ATTENDING PHYSICIAN ASSISTANTS AS ATTENDING PHYSICIANS TO SERVE HOSPICE PATIENTS.

(a) Recognition of Attending Physician Assistant.—Section 1861(di)(3)(B) of the Social Security Act (42 U.S.C. 1395x(di)(3)(B)) is amended—

(A) by striking “or nurse” and inserting “the nurse”; and

(B) by inserting “or the physician assistant (as defined in subsection (aa)(5))” after “subsection (aa)(5))”.

(b) Clarification of Hospice Physician Assistant.—Section 1861(a)(7)(A)(ii) of the Social Security Act (42 U.S.C. 1395x(a)(7)(A)(ii)) is amended by inserting “under the supervision of” before “a nurse practitioner,” “or clinical nurse specialist (as those terms are defined in subsection (aa)(5))” before “subsection (aa)(5))”.

SEC. 51007. EXTENSION OF ENFORCEMENT INTRUSION RULE FOR CERTAIN TYPES OF CARE AND PAYMENTS.

(a) Modification of Third Party Liability Rules Related to Special Treatment for Certain Types of Payments.—

(1) In general.—Section 9202(a)(25)(E) of the Social Security Act (42 U.S.C. 1396a(a)(25)(E)) is amended, in the matter preceding clause (I), by striking “2018” and inserting “2020”;

(2) in paragraph (1), by striking subclauses (I) through (VIII) and inserting the following:

“(I) $1,000,000,000 for each fiscal year 2020 and

(II) $8,000,000,000 for each of fiscal years 2021 through 2025.”.

SEC. 51008. ALLOWING PHYSICIAN ASSISTANTS, NURSE PRACTITIONERS, AND CLINICAL NURSE SPECIALISTS TO SUB-PRESCRIBE VARIOUS PRESCRIPTION DRUGS, CERTAIN RADIATION THERAPY SERVICES UNDER THE PHYSICIAN FEE SCHEDULE.

(a) Cardiac and Intensive Cardiac Rehabilitation Programs.—Section 1887(c) of the Social Security Act (42 U.S.C. 1395x(eee)) is amended—

(1) in paragraph (1)—

(A) by striking “physician-supervised”; and

(B) by inserting “under the supervision of a physician”;

(2) in subparagraph (B), by striking “(iv) a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))” before “paragraph (3)”.

(b) Clarification of Hospice Physician Assistant.—Section 1861(f)(1)(F) of the Social Security Act (42 U.S.C. 1395x(f)(1)(F)) is amended—

(1) by striking “physician-supervised”;

(2) by inserting “or the supervision of a physician as defined in subsection (y)(1)” or “a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))” before “paragraph (3)”.

(c) Effective Date.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2024.

SEC. 51009. TRANSITIONAL PAYMENT RULES FOR CERTAIN RADIATION THERAPY SERVICES UNDER THE PHYSICIAN FEE SCHEDULE.

(a) No Repeal.—Section 1814(a)(7) of the Social Security Act (42 U.S.C. 1395l(a)(7)) is amended by striking “December 31, 2016” and inserting “October 1, 2019.”.

(b) Delay in Effective Date and Repeal of Certain Bipartisan Budget Act of 2013 Amendments.—

(1) Delay in Effective Date.—The amendment made by paragraph (a) shall take effect on the date of enactment of this Act.

(2) Delay in Effective Date and Repeal of Certain Bipartisan Budget Act of 2013 Amendments.—

(a) Modification of Third Party Liability Rules Related to Special Treatment for Certain Types of Payments.—

(1) In general.—Section 9202(a)(25)(E) of the Social Security Act (42 U.S.C. 1396a(a)(25)(E)) is amended, in the matter preceding clause (I), by striking “2018” and inserting “2020”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2019.”.

(c) Effective Date.—The amendments made by subsection (a) shall take effect as if enacted on September 30, 2017, and shall apply with respect to any open claims, including claims pending, generated, or filed, after such date. The amendment made by subsection (b) of section 202 of the Bipartisan Budget Act of 2013 (Public Law 113–67; 127 Stat. 1177; 42 U.S.C. 1396a note) (including any amendments made by such subsection) is repealed and the provisions amended by such subsection shall be applied and administered as if such amendments had never been enacted.

SEC. 51010. REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD.

(a) Repeal.—Section 1899A of the Social Security Act (42 U.S.C. 13989k) is repealed.

(b) Conforming Amendments.—

(1) Lobbying Cooling-Off Period.—Paragraph (3) of section 207(c) of title 18, United States Code, is repealed.

(2) GAO Study and Report.—Section 4303(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 1396k–1) is repealed.

(c) MedPAC Review and Comment.—Section 1885(b) of the Social Security Act (42 U.S.C. 1395f–6(b)) is amended—

(1) by striking “(c)” and inserting “(A)”;

(2) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively; and

(3) by redesignating the paragraph (9) that was redesignated by section 9203(c)(1) of the Patient Protection and Affordable Care Act (Public Law 111–148) as paragraph (8).

(d) Name Change.—Section 9203(b) of the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed.

(e) Rule of Construction.—Section 10020(b) of the Affordable Care Act (Public Law 111–148) is repealed.

(f) Application to CHIP.—
SEC. 53103. TREATMENT OF LOTTERY WINNINGS AND OTHER LUMP-SUM INCOME FOR PURPOSES OF INCOME ELIGIBILITY UNDER MEDICAID.

(a) IN GENERAL.—Section 1902(a)(25) of the Social Security Act (42 U.S.C. 1396a(a)(25)) is amended—

(1) in subsection (a)(17), by striking (e)(14) and inserting (e)(15); and

(2) in subsection (e)(14), by adding at the end following new subparagraph:

"(K) TREATMENT OF CERTAIN LOTTERY WINNINGS AND INCOME RECEIVED AS A LUMP SUM.—"

"(i) In general. In the case of an individual who is the recipient of qualified lottery winnings (pursuant to lotteries occurring on or after January 1, 2018) or qualified lump sum income (received on or after such date) and whose eligibility for medical assistance is determined based on the application of modified adjusted gross income under subparagraph (A), a State shall, in determining such eligibility, include such winnings or income (as applicable) as income received:

(I) in the month in which such winnings or income (as applicable) is received if the amount of such winnings or income is less than $80,000;

(II) over a period of 2 months if the amount of such winnings or income (as applicable) is greater than or equal to $80,000 but less than $90,000;

(III) over a period of 3 months if the amount of such winnings or income (as applicable) is greater than or equal to $90,000 but less than $100,000; and

(IV) over a period of 3 months plus 1 additional month for each increment of $10,000 of such income (as applicable) received, not to exceed a period of 120 months (for winnings or income of $1,200,000 or more), if the amount of such winnings or income is greater than or equal to $100,000.

(ii) COUNTING IN EQUAL INSTALLMENTS.—For purposes of subclauses (II), (III), and (IV) of clause (i), winnings or income (as applicable) received shall be counted in equal monthly installments over the period of months specified under such subclause.

(iii) HARDSHIP EXEMPTION.—An individual whose income, by application of clause (i), exceeds the applicable eligibility threshold established by the State, shall continue to be eligible for medical assistance to the extent that such cause applies shall be counted in equal monthly installments under the period of times specified under such subclause.

(iv) NOTIFICATIONS AND ASSISTANCE REQUIRED.—The State shall, with respect to an individual who loses eligibility for medical assistance under the State plan (or a waiver of such plan) by reason of clause (i)—

"(I) before the date on which the individual loses such eligibility, inform the individual—

(a) the identity of the lottery to which such winnings or income relates;

(b) by inserting after subparagraph (A) the following new subparagraph:

"(B) by striking "(and, at State option, child) and inserting "(and child) and;

and

(C) by striking "title XXI" and inserting "title XXI".

(b) by striking "(e)(14), (e)(14)" and inserting "(e)(14), (e)(14)".

SEC. 53104. REBATE OBLIGATION WITH RESPECT TO LINE EXTENSION DRUGS.

(a) IN GENERAL.—Section 1927(c)(2)(C) of the Social Security Act (42 U.S.C. 1396w–2(c)(2)(C)) is amended by striking "TREATMENT OF NEW FORMULATIONS.—" in the case and all that follows through the period at the end of the first sentence and inserting the following:

"(C) TREATMENT OF NEW FORMULATIONS.—" in the case and all that follows through the period at the end of the first sentence and inserting the following:

"(i) IN GENERAL.—In the case of a drug that is a line extension of a single source drug or an innovator multiple source drug that is an oral solid dosage form, the rebate obligation for a rebate period with respect to such drug under this subsection shall be the greater of the amount described in clause (ii) for such drug or the amount described in clause (iii) for such drug.

(II) the highest additional rebate (calculated as a percentage of average manufacturer price) per unit of the line extension of the original single source drug or innovator multiple source drug and

(III) the total number of units of each dosage form and strength of the line extension product paid for under the State plan in the rebate period (as reported by the Secretary) and

(b) EFFECTIVE DATE.—The amendments made subsection (a) shall apply with respect to rebate periods beginning on or after October 1, 2018.

SEC. 53105. MEDICAID IMPROVEMENT FUND.

Section 1941(b) of the Social Security Act (42 U.S.C. 1396w–1(b)) is amended—

(1) in paragraph (1), by striking "$5,000,000" and inserting "$0"; and

(2) in paragraph (3)(A), by striking "$390,000,000" and inserting "$0".

SEC. 53106. PHYSICIAN FEE SCHEDULE UPDATE.

Section 1848(d)(18) of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new paragraph:

"(4)(A) ESTABLISHMENT.—Not later than January 1, 2022, the Secretary shall establish a line extension rebate period for any strength of the line extension product paid for under the State plan in the rebate period (as reported by the Secretary) and

(b) REQUIRED USE.—Each request for payment under section 1848(d)(18) of the Social Security Act (42 U.S.C. 1395m) (as so added) shall be for payment with respect to such a rebate period beginning on or after January 1, 2022, for which payment is made under section 1848 or subsection (k), that is furnished in whole or in part by a therapy assistant (as defined by the Secretary; the amount of payment for such service shall be an amount equal to 85 percent of the amount of payment otherwise applicable for the service under this part.

Nothing in the preceding sentence shall be construed to change applicable requirements with respect to such services.

(b) USE OF MODIFIER.—Not later than January 1, 2019, the Secretary shall establish a modifier to indicate in a form and manner specified by the Secretary, in the case of an outpatient occupational therapy service furnished by a therapy assistant (as defined by the Secretary), the amount of payment for such service furnished in whole or in part by a therapy assistant (as so defined), that the service was furnished by a therapy assistant.

(2) REQUIRED USE.—Each request for payment, or bill submitted, for an outpatient
physical therapy service or outpatient occupational therapy service furnished in whole or in part by a therapy assistant (as so defined) on or after January 1, 2020, shall include the following: "(a) in subclause (III), by striking "or" and inserting "and"; and (b) in paragraph (3), by striking "and" and inserting "or".

(2) Section 1861(s)(15) of the Social Security Act (42 U.S.C. 1395t(b)(3)(B)) is amended by striking "or" and inserting "and".

(3) Preliminary Results.—Not later than March 15, 2021, the Commission shall submit to Congress a report on the evaluation conducted under paragraph (1).
(1) In general.—The amendments made by subsection (a) shall take effect on the 1st day of the 1st fiscal year that begins on or after the date of the enactment of this Act, and shall apply to payments under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) for calendar quarters beginning on or after such 1st day.

(2) Delay permitted if state legislation required.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) necessary for such purposes is not in place for a State or States, the Secretary may delay, as long as practicable without prejudice to the administration of such payments, the effective date of such amendments.

SEC. 53118. INCREASING EFFICIENCY OF PRISON DATA REPORTING.

(a) In general.—Section 1611(e)(1)(I)(ii)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) is amended by striking “30 days’ each place it appears and inserting “15 days’.

(b) Effective date.—The amendments made by subsection (a) shall apply with respect to any payment made by the Commissioner of Social Security pursuant to section 1611(e)(1)(I)(ii)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) (as amended by such subsection) on or after the date that is 6 months after the date of enactment of this Act.

SEC. 53119. PREVENTION AND PUBLIC HEALTH FUND.

Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11(b)), as amended by section 3103 of Public Law 115-96, is amended by striking paragraphs (4) through (9) and inserting the following:

“(4) for fiscal year 2019, $900,000,000; 

“(5) for fiscal years 2020 and 2021, $500,000,000; 

“(6) for fiscal years 2022 and 2023, $1,000,000,000; 

“(7) for fiscal years 2024 and 2025, $1,500,000,000; 

“(8) for fiscal years 2026 and 2027, $1,800,000,000; and 

“(9) for fiscal year 2028 and each fiscal year thereafter, $2,000,000,000.”.

DIVISION F.—IMPROVEMENTS TO AGRICULTURE PROGRAMS

SEC. 60101. (a) Treatment of Seed Cotton.—

(1) Designation of seed cotton as a covered commodity.—Section 1111(b)(18) of the Agricultural Act of 2014 (7 U.S.C. 9011(b)(18)) is amended—

(A) by striking ‘‘(b) by adding at the end the following:’’; and

(B) by inserting after paragraph (19) the following:

“(20) SEED COTTON.—The term ‘seed cotton’ means unginned upland cotton that includes both lint and

(4) Payment yield.—Section 1113 of the Agricultural Act of 2014 (7 U.S.C. 9013) is amended by adding at the end the following:

“(e) Payment yield.—

“(1) PAYMENT YIELD.—Subject to paragraph (2), the payment yield for seed cotton for a crop year for which subparagraph (a) applies shall be the payment yield for upland cotton for the farm established under section 1104(e)(3) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8714(e)(3)) (as in effect on September 30, 2013).

“(2) UPDATE.—At the sole discretion of the owner of a farm with a yield for upland cotton under subparagraph (a) of section 1116 for each of the 2018 crop year, the owner of such farm may update the payment yield for upland cotton for the farm, as provided in subsection (a), for the purpose of calculating the payment yield for seed cotton under paragraph (1).”.

(5) Payment acres.—Section 1114(b) of the Agricultural Act of 2014 (7 U.S.C. 9014(b)) is amended by adding at the end the following:

“(d) Payment acres.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall make the following:

“(A) by redesignating paragraphs (20)

“(B) by adding at the end the following:

“(c) Payment base.—Section 1115 of the Agricultural Act of 2014 (7 U.S.C. 9015) is amended—

“(1) price loss coverage under section 1116 for acres allocated on the farm to seed cotton.”.

(8) Effective price.—Section 1116 of the Agricultural Act of 2014 (7 U.S.C. 9016) is amended by adding at the end the following:

“(d) Effective price for seed cotton.—

“(1) IN GENERAL.—The effective price for seed cotton under subsection (b) shall be equal to the marketing year average price for seed cotton, as calculated under paragraph (2).

“(2) Calculation.—The marketing year average price for seed cotton for a crop year shall be equal to the quotient obtained by dividing—

“(A) the sum obtained by adding—

“(i) the product obtained by multiplying—

“(I) the upland cotton lint marketing year average price; and

“(II) the total United States upland cotton lint production, measured in pounds; and

“(ii) the product obtained by multiplying—

“(I) the cottonseed marketing year average price; and

“(II) the total United States cottonseed production, measured in pounds; by

“(B) the sum obtained by adding—

“(i) the total United States upland cotton lint production, measured in pounds; and

“(ii) the total United States cottonseed production, measured in pounds.”.

(9) Deemed loan rate for seed cotton.—Section 1202 of the Agricultural Act of 2014 (7 U.S.C. 9032) is amended by adding at the end the following:

“(d) Deemed loan rate for seed cotton.—

“(1) IN GENERAL.—For purposes of section 1116(b)(2) and paragraphs (1)(B)(ii) and (2)(A)(ii)(II) of section 1117(b), the loan rate for seed cotton shall be deemed to be equal to $0.25 per pound.

“(2) Effect.—Nothing in this subsection authorizes any nonmarketing recourse loan under this subtitle for seed cotton.”.

(10) Limitation on stacked income protection plan for producers of upland cotton.—Section 508(c)(4) of the Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

“(d) Limitation.—Effective beginning with the 2019 crop year, a farm shall not be eligible for the Stacked Income Protection Plan for upland cotton for a crop year for which the farm is enrolled in coverage for seed cotton under—

“(I) price loss coverage under section 1116 of the Agricultural Act of 2014 (7 U.S.C. 9016); or

“(II) agriculture risk coverage under section 1117 of that Act (7 U.S.C. 9017).”.

(11) Technical correction.—Section 1116(d) of the Agricultural Act of 2014 (7 U.S.C. 9016(b)(2)) is amended by striking “paragraphs (1)(B) and (2)(B)” and inserting “paragraphs (1) and (2)”.

(12) Administration.—The Secretary of Agriculture shall carry out the amendments made by this subsection in accordance with
section 1601 of the Agricultural Act of 2014 (7 U.S.C. 9091).''

(13) APPLICATION.—Except as provided in paragraph (10), the amendments made by this subsection shall apply beginning with the 2018 crop year.

(b) MARGIN PROTECTION PROGRAM FOR DAIRY PRODUCERS.—

(1) MONTHLY CALCULATION OF ACTUAL DAIRY PRODUCTION MARGIN.—

(A) DEFINITIONS.—Section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051) is amended—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively.

(B) CALCULATION OF ACTUAL DAIRY PRODUCTION MARGIN.—Section 1402(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9052(b)(1)) is amended by striking “consecutive 2-month period” each place it appears and inserting “month”.

(C) MARGIN PROTECTION PAYMENTS.—Section 1403 of the Agricultural Act of 2014 (7 U.S.C. 9056) is amended—

(i) by striking “consecutive 2-month period” each place it appears and inserting “month”;

(ii) by redesignating paragraphs (5) through (10) as paragraphs (4) through (9), respectively; and

(iii) by inserting “calendar year, including dairy operations in the base production history, as defined in subsection (a),” after “beginning of the calendar year”.

(D) PRODUCTION HISTORY.—A production history established under subsection (a) shall be the base production history that is used to determine the margin protection payment for each of the 3 calendar years beginning with the calendar year in which the production history is established.

(E) CANCELLATION OF PRODUCTION HISTORY.—A production history established under subsection (a) may be cancelled by the Secretary by not less than 90 days after the date of enactment.

(F) LIMITATION ON CROP INSURANCE.

G—BUDGETARY EFFECTS

SEC. 70101. BUDGETARY EFFECTS.

(a) In General.—The effects of division A, subdivision 2 of division B, and Division C and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

SA 1931. Mr. McCONNELL proposed an amendment to amendment SA 1930 proposed by Mr. McCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, as follows:

“At the end add the following.

‘‘This Act shall take effect 1 day after the date of enactment.’’

SA 1932. Mr. McCONNELL proposed an amendment to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, as follows:

At the end add the following.

‘‘This Act shall take effect 2 days after the date of enactment.’’

SA 1933. Mr. McCONNELL proposed an amendment to amendment SA 1932 proposed by Mr. McCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, as follows:

Strike “2” and insert “3”

SA 1934. Mr. McCONNELL proposed an amendment to amendment SA 1933 proposed by Mr. McCONNELL to the amendment SA 1932 proposed by Mr. McCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, as follows:

Strike “3 days” and insert “4 days”

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCOTT. Mr. President, I have 9 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, February 7, 2018, at 9:30 a.m., to conduct a hearing on the nomination of Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, February 7, 2018, at 10 a.m., to conduct a hearing entitled “The Impact of Federal Environmental Regulations and Policies on American Farming and Ranching Communities.”