

117TH CONGRESS  
1ST SESSION

# H. R. 1868

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## AN ACT

To prevent across-the-board direct spending cuts, and for  
other purposes.

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

1 **SECTION 1. PREVENTING PAYGO SEQUESTRATION.**

2 (a) STATUTORY PAYGO SCORECARDS.—The budg-  
 3 etary effects of this Act and the American Rescue Plan  
 4 Act of 2021 (Public Law 117–2) shall not be counted on  
 5 either PAYGO scorecard maintained pursuant to section  
 6 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2  
 7 U.S.C. 933(d)).

8 (b) SENATE PAYGO SCORECARDS.—The budgetary  
 9 effects of this Act shall not be counted on any PAYGO  
 10 scorecard maintained for purposes of section 4106 of H.  
 11 Con. Res. 71 (115th Congress).

12 **SEC. 2. EXTENSION OF TEMPORARY SUSPENSION OF MEDI-**  
 13 **CARE SEQUESTRATION.**

14 (a) IN GENERAL.—Section 3709(a) of division A of  
 15 the CARES Act (2 U.S.C. 901a note) is amended by strik-  
 16 ing “March 31, 2021” and inserting “December 31,  
 17 2021”.

18 (b) EFFECTIVE DATE.—The amendment made by  
 19 subsection (a) shall take effect as if enacted as part of  
 20 the CARES Act (Public Law 116–136).

21 **SEC. 3. TECHNICAL CORRECTIONS.**

22 (a) DISREGARD OF CERTAIN ADDITIONAL COM-  
 23 PENSATION FOR PURPOSES OF MEDICAID AND CHIP.—  
 24 Section 2104(h) of the CARES Act (15 U.S.C. 9023(h))  
 25 is amended by striking “Federal pandemic unemployment  
 26 compensation” and inserting “Federal Pandemic Unem-

1 ployment Compensation or Mixed Earner Unemployment  
2 Compensation”.

3 (b) RURAL HEALTH CLINIC PAYMENTS.—

4 (1) IN GENERAL.—Section 1833(f)(3) of the  
5 Social Security Act (42 U.S.C. 1395l(f)(3)) is  
6 amended—

7 (A) in subparagraph (A)—

8 (i) in clause (i), by striking subclauses  
9 (I) and (II) and inserting the following:

10 “(I) with respect to a rural health  
11 clinic that had a per visit payment amount  
12 established for services furnished in  
13 2020—

14 “(aa) the per visit payment  
15 amount applicable to such rural  
16 health clinic for rural health clinic  
17 services furnished in 2020, increased  
18 by the percentage increase in the MEI  
19 applicable to primary care services  
20 furnished as of the first day of 2021;  
21 or

22 “(bb) the limit described in para-  
23 graph (2)(A); and

24 “(II) with respect to a rural health  
25 clinic that did not have a per visit payment

1 amount established for services furnished  
2 in 2020—

3 “(aa) the per visit payment  
4 amount applicable to such rural  
5 health clinic for rural health clinic  
6 services furnished in 2021; or

7 “(bb) the limit described in para-  
8 graph (2)(A); and”; and

9 (ii) in clause (ii)(I), by striking  
10 “under clause (i)(I)” and inserting “under  
11 subclause (I) or (II) of clause (i), as appli-  
12 cable,”; and

13 (B) in subparagraph (B)—

14 (i) in the matter preceding clause (i),  
15 by striking “2019, was” and inserting  
16 “2020”;

17 (ii) in clause (i), by inserting “was”  
18 after “(i)”; and

19 (iii) by striking clause (ii) and insert-  
20 ing the following:

21 “(ii)(I) was enrolled under section 1866(j)  
22 (including temporary enrollment during the  
23 emergency period described in section  
24 1135(g)(1)(B) for such period); or

1 “(II) submitted an application for enroll-  
2 ment under section 1866(j) (or requested such  
3 a temporary enrollment for such period) that  
4 was received not later than December 31,  
5 2020.”.

6 (2) EFFECTIVE DATE.—The amendments made  
7 by this subsection shall take effect as if included in  
8 the enactment of the Consolidated Appropriations  
9 Act, 2021 (Public Law 116–260).

10 (c) ELIGIBILITY FOR REEMPLOYMENT SERVICES.—  
11 Section 306(a) of the Social Security Act (42 U.S.C.  
12 506(a)) is amended—

13 (1) by striking “individuals referred to reem-  
14 ployment services as described in section 303(j)”  
15 and inserting “claimants for unemployment com-  
16 pensation, including claimants referred to reemploy-  
17 ment services as described in section 303(j),”; and

18 (2) by striking “such individuals” and inserting  
19 “such claimants”.

20 (d) ADDITIONAL AMOUNT FOR CERTAIN HOSPITALS  
21 WITH HIGH DISPROPORTIONATE SHARE.—Effective as  
22 if included in the enactment of section 203(a) of title II  
23 of division CC of Public Law 116–260, subsection (g) of  
24 section 1923 of the Social Security Act (42 U.S.C. 1396r–

1 4) amended by such section 203(a) is amended by adding  
2 at the end the following new paragraph:

3 “(3) ADDITIONAL AMOUNT FOR CERTAIN HOS-  
4 PITALS WITH HIGH DISPROPORTIONATE SHARE.—

5 “(A) IN GENERAL.—In the case of a hos-  
6 pital with high disproportionate share (as de-  
7 fined in subparagraph (B)) located in a State  
8 referenced in subsection (e) of section 4721 of  
9 the Balanced Budget Act of 1997, a payment  
10 adjustment during a State fiscal year shall be  
11 considered consistent with subsection (c) if the  
12 payment adjustment does not exceed 175 per-  
13 cent of the costs of furnishing hospital services  
14 during the year, but only if the Governor of the  
15 State certifies to the satisfaction of the Sec-  
16 retary that the hospital’s applicable minimum  
17 amount is used for health services during the  
18 year. In determining the amount that is used  
19 for such services during a year, there shall be  
20 excluded any amounts received under the Public  
21 Health Service Act, title V, title XVIII, or from  
22 third party payors (not including the State plan  
23 under this title) that are used for providing  
24 such services during the year.

1                   “(B)       HOSPITAL       WITH       HIGH  
2                   DISPROPORTIONATE   SHARE   DEFINED.—In  
3                   subparagraph (A), a hospital is a ‘hospital with  
4                   high disproportionate share’ if—

5                   “(i) the hospital is owned or operated  
6                   by the State (or by an instrumentality or  
7                   a unit of government within the State);  
8                   and

9                   “(ii) the hospital—  
10                   “(I) meets the requirement de-  
11                   scribed in subparagraphs (A) or (B)  
12                   of subsection (b)(1); or

13                   “(II) has the largest number of  
14                   inpatient days attributable to individ-  
15                   uals entitled to benefits under the  
16                   State plan of any hospital in such  
17                   State for the previous fiscal year.

18                   “(C) APPLICABLE MINIMUM AMOUNT DE-  
19                   FINED.—In subparagraph (A), the ‘applicable  
20                   minimum amount’ for a hospital for a fiscal  
21                   year is equal to the difference between the  
22                   amount of the hospital’s payment adjustment  
23                   for the fiscal year and the costs to the hospital

1           of furnishing hospital services described in  
2           paragraph (1)(A) during the fiscal year.”.

Passed the House of Representatives March 19,  
2021.

Attest:

*Clerk.*





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