

Calendar No. 31

117TH CONGRESS
1ST SESSION**H. R. 1868**

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2021

Received

MARCH 24, 2021

Read the first time

MARCH 25, 2021

Read the second time and placed on the calendar

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,*

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

4 (a) STATUTORY PAYGO SCORECARDS.—The budg-
5 etary effects of this Act and the American Rescue Plan
6 Act of 2021 (Public Law 117–2) shall not be counted on
7 either PAYGO scorecard maintained pursuant to section

1 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2
2 U.S.C. 933(d)).

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

7 **SEC. 2. EXTENSION OF TEMPORARY SUSPENSION OF MEDI-**
8 **CARE SEQUESTRATION.**

9 (a) IN GENERAL.—Section 3709(a) of division A of
10 the CARES Act (2 U.S.C. 901a note) is amended by strik-
11 ing “March 31, 2021” and inserting “December 31,
12 2021”.

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

16 **SEC. 3. TECHNICAL CORRECTIONS.**

17 (a) DISREGARD OF CERTAIN ADDITIONAL COM-
18 PENSATION FOR PURPOSES OF MEDICAID AND CHIP.—
19 Section 2104(h) of the CARES Act (15 U.S.C. 9023(h))
20 is amended by striking “Federal pandemic unemployment
21 compensation” and inserting “Federal Pandemic Unem-
22 ployment Compensation or Mixed Earner Unemployment
23 Compensation”.

24 (b) RURAL HEALTH CLINIC PAYMENTS.—

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

4 (A) in subparagraph (A)—

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

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

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

19 “(bb) the limit described in para-
20 graph (2)(A); and

21 “(II) with respect to a rural health
22 clinic that did not have a per visit payment
23 amount established for services furnished
24 in 2020—

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

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

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

11 (B) in subparagraph (B)—

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

15 (ii) in clause (i), by inserting “was”
16 after “(i)”; and

17 (iii) by striking clause (ii) and insert-
18 ing the following:

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

23 “(II) submitted an application for enroll-
24 ment under section 1866(j) (or requested such
25 a temporary enrollment for such period) that

1 was received not later than December 31,
2 2020.”.

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

7 (c) ELIGIBILITY FOR REEMPLOYMENT SERVICES.—
8 Section 306(a) of the Social Security Act (42 U.S.C.
9 506(a)) is amended—

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

15 (2) by striking “such individuals” and inserting
16 “such claimants”.

17 (d) ADDITIONAL AMOUNT FOR CERTAIN HOSPITALS
18 WITH HIGH DISPROPORTIONATE SHARE.—Effective as
19 if included in the enactment of section 203(a) of title II
20 of division CC of Public Law 116–260, subsection (g) of
21 section 1923 of the Social Security Act (42 U.S.C. 1396r–
22 4) amended by such section 203(a) is amended by adding
23 at the end the following new paragraph:

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

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

21 “(B) HOSPITAL WITH HIGH
22 DISPROPORTIONATE SHARE DEFINED.—In
23 subparagraph (A), a hospital is a ‘hospital with
24 high disproportionate share’ if—

1 “(i) the hospital is owned or operated
2 by the State (or by an instrumentality or
3 a unit of government within the State);
4 and

5 “(ii) the hospital—

6 “(I) meets the requirement de-
7 scribed in subparagraphs (A) or (B)
8 of subsection (b)(1); or

9 “(II) has the largest number of
10 inpatient days attributable to individ-
11 uals entitled to benefits under the
12 State plan of any hospital in such
13 State for the previous fiscal year.

14 “(C) APPLICABLE MINIMUM AMOUNT DE-
15 FINED.—In subparagraph (A), the ‘applicable
16 minimum amount’ for a hospital for a fiscal
17 year is equal to the difference between the
18 amount of the hospital’s payment adjustment
19 for the fiscal year and the costs to the hospital
20 of furnishing hospital services described in
21 paragraph (1)(A) during the fiscal year.”.

Passed the House of Representatives March 19,
2021.

Attest: CHERYL L. JOHNSON,
Clerk.

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