AMENDMENT NO. ________  Calendar No. ________

Purpose: In the nature of a substitute.


(no.)

(title)

Referred to the Committee on ________________ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended

to be proposed by ________________

Viz:

1  Strike all after the enacting clause and insert the fol-
2  lowing:

3  DIVISION A—FURTHER ADDITIONAL

4  CONTINUING APPROPRIATIONS ACT, 2019

5  Sec. 101. The Continuing Appropriations Act, 2019

6  (division C of Public Law 115–245) is further amended—

7  (1) by striking the date specified in section

8  105(3) and inserting “February 8, 2019”; and

9  (2) by adding after section 136 the following:

10 “Sec. 137. Notwithstanding section 251(a)(1) of the

11 Balanced Budget and Emergency Deficit Control Act of

12 1985 and the timetable in section 254(a) of such Act, the

December 18, 2018 (5:51 p.m.)
final sequestration report for fiscal year 2019 pursuant
to section 254(f)(1) of such Act and any order for fiscal
year 2019 pursuant to section 254(f)(5) of such Act shall
be issued, for the Congressional Budget Office, 10 days
after the date specified in section 105(3), and for the Of-

``SEC. 138. The authority provided under title XXI
seq.), as amended by section 2(a) of the Protecting and
Securing Chemical Facilities from Terrorist Attacks Act
of 2014 (Public Law 113–254), shall continue in effect
through the date specified in section 105(3).
``

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

``SEC. 140. Section 405(a) of the Pandemic and All-
Hazards Preparedness Act (42 U.S.C. 247d–6a note) shall
continue in effect through the date specified in section
105(3) of this Act.”.

This division may be cited as the “Further Additional
Continuing Appropriations Act, 2019”.

December 18, 2018 (5:51 p.m.)
DIVISION B—MEDICAID EXTENDERS

SEC. 101. EXTENSION OF MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) GENERAL FUNDING.—Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking “and” after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(F) subject to paragraph (3), $112,000,000 for fiscal year 2019.”;

(2) in paragraph (2)—

(A) by striking “Amounts made” and inserting “Subject to paragraph (3), amounts made”; and

(B) by striking “September 30, 2016” and inserting “September 30, 2021”; and

(3) by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR FY 2019.—Funds appropriated under paragraph (1)(F) shall be made

December 18, 2018 (5:51 p.m.)
available for grants to States only if such States have an approved MFP demonstration project under this section as of December 31, 2018.”.

(b) FUNDING FOR QUALITY ASSURANCE AND IMPROVEMENT; TECHNICAL ASSISTANCE; OVERSIGHT.—Section 6071(f) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by striking paragraph (2) and inserting the following:

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

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

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

SEC. 102. EXTENSION OF PROTECTION FOR MEDICAID RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES AGAINST SPOUSAL IMPOVERISHMENT.

(a) IN GENERAL.—Section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) is amended by striking “the 5-year period that begins on January 1, 2014,” and in-
serting “the period beginning on January 1, 2014, and
ending on March 31, 2019,”.

(b) Rule of Construction.—

(1) Protecting state spousal income and
asset disregard flexibility under waivers
and plan amendments.—Nothing in section 2404
of Public Law 111–148 (42 U.S.C. 1396r–5 note) or
section 1924 of the Social Security Act (42 U.S.C.
1396r–5) shall be construed as prohibiting a State
from disregarding an individual’s spousal income
and assets under a State waiver or plan amendment
described in paragraph (2) for purposes of making
determinations of eligibility for home and commu-
nity-based services or home and community-based
attendant services and supports under such waiver
or plan amendment.

(2) State waiver or plan amendment de-
scribed.—A State waiver or plan amendment de-
scribed in this paragraph is any of the following:

(A) A waiver or plan amendment to pro-
vide medical assistance for home and commu-
nity-based services under a waiver or plan
amendment under subsection (c), (d), or (i) of
section 1915 of the Social Security Act (42
U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315).

(B) A plan amendment to provide medical assistance for home and community-based services for individuals by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) or by reason of section 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual’s spouse in determining the initial and ongoing financial eligibility of an individual for such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r–5).

(C) A plan amendment to provide medical assistance for home and community-based attendant services and supports under section 1915(k) of such Act (42 U.S.C. 1396n(k)).
SEC. 103. REDUCTION IN FMAP AFTER 2020 FOR STATES WITHOUT ASSET VERIFICATION PROGRAM.

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

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

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

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

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

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

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

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

“(A) that is one of the 50 States or the District of Columbia;
“(B) with respect to which the Secretary has not approved a State plan amendment submitted under subsection (a)(2); and

“(C) that is not operating, on an ongoing basis, an asset verification program in accordance with this section.”.

SEC. 104. MEDICAID IMPROVEMENT FUND.

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

SEC. 105. BUDGETARY EFFECTS.

(a) Statutory PAYGO Scorecards.—The budgetary effects of this 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 (2 U.S.C. 933(d)).

(b) Senate PAYGO Scorecards.—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) Classification of Budgetary Effects.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced...
Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

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