The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RASKIN. Mr. Speaker, do the House rules in rule X, clause 11(g), which define the conditions for public disclosures of classified or privileged documents, authorize the chairman of the Intelligence Committee to unilaterally make substantively and materially changed documents to the document after the committee has already voted to approve and release it in its original form?

The SPEAKER pro tempore. The Chair will not issue an advisory opinion. Members may consult the standing rules.

Mr. RASKIN. Further parliamentary inquiry then, Mr. Speaker.

What exactly is an advisory opinion? Because this relates, not to a hypothetical situation, but to an actual situation before the House of Representatives.

The SPEAKER pro tempore. Thegentleman’s inquiry does not relate to any pending proceedings in the House.

HONORING HOMETOWN HEROES ACT

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to provide in writing their remarks and include extraneous material on the further consideration of the Senate amendment to the bill.

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to provide in writing their remarks and include extraneous material on the further consideration of the Senate amendment to the bill.

Mr. RASKIN. Further parliamentary inquiry then, Mr. Speaker.

What exactly is an advisory opinion? Because this relates, not to a hypothetical situation, but to an actual situation before the House of Representatives.

The SPEAKER pro tempore. Thegentleman’s inquiry does not relate to any pending proceedings in the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BÖRJEMAN) announced that the House had adjourned to 1:00 p.m. on Thursday, February 15, 2018, for a period of 3 days, at which time further notice of the time and place of resumption of the session shall be necessary. The Clerk will designate the motion.

The SPEAKER pro tempore. The motion to take the House to 1:00 p.m. on Thursday, February 15, 2018, is in order.

The SPEAKER pro tempore. The motion to call the roll.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Mr. BÖRJEMAN. Mr. Speaker, I have a parliamentary inquiry related to the powers of the chairman of the House Intelligence Committee.

Mr. RASKIN. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

Senate amendment:

On page 3, line 6 through 8, strike ["sec-
section 1204 of the Omnibus Crime Control and
Safe Streets Act of 1968 (42 U.S.C. 3796b)"
] and insert "section 1204 of title I of the Omnibus
Crime Control and Safe Streets Act of 1968
(42 U.S.C. 3796b).

MOTION TO CONCUR

Mr. FRELINGHUYSEN. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

Senate amendment:

On page 3, line 6 through 8, strike ["sec-
section 1204 of the Omnibus Crime Control and
Safe Streets Act of 1968 (42 U.S.C. 3796b)"
] and insert "section 1204 of title I of the Omnibus
Crime Control and Safe Streets Act of 1968
(42 U.S.C. 3796b).

The SPEAKER pro tempore. The motion to concur in the Senate amendment is in order.

The motion to concur is as follows:

Mr. FRELINGHUYSEN. Mr. Speaker, pursuant to House Resolution 727, I call up 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, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

Senate amendment:

On page 3, line 6 through 8, strike ["sec-
section 1204 of the Omnibus Crime Control and
Safe Streets Act of 1968 (42 U.S.C. 3796b)"
] and insert "section 1204 of title I of the Omnibus
Crime Control and Safe Streets Act of 1968
(42 U.S.C. 3796b).

CONGRESSIONAL RECORD—HOUSE

February 6, 2018

At the end of the matter inserted by the Senate amendment, insert the following:

DIVISION D—FURTHER EXTENSION OF CONTINUING APPROPRIATIONS ACT, 2018

SEC. 101. The Continuing Appropriations Act, 2018 (division D of Public Law 115–56) is further amended—

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

(2) by adding after section 155 the following:

“SEC. 156. Notwithstanding section 101, amounts are provided for the ‘Department of Defense—Defense Appropriations and the United States Code Modernization and Censuses and Programs’ at a rate for operations of $1,251,000,000, and such amounts may be apportioned up to the rate for operations necessary to make substantially and material changes in pending legislation at any time before the President subsequently so designates such amount and transmits such designation to the Congress.”

This division may be cited as the “Further Extension of Continuing Appropriations Act, 2018.”

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2018

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018, for programs administered by the Department of Defense and for other purposes, namely:
For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers Training Corps; and for persons in the grades of ensign, lieutenant, and captain of the Marine Corps Reserve on active duty, $102,300,000,000.

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty, $8,383,846,000 (reduced by $5,000,000) (reduced by $5,600,000) (reduced by $6,000,000): Provided, That not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes.

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty, $38,458,000 (reduced by $5,000,000) (reduced by $5,600,000) (reduced by $6,000,000): Provided, That not to exceed $15,055,000 can be used for emergencies and extraordinary expenses, to be expended on the approval of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes.

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty, $7,699,000 (reduced by $7,699,000) (increased by $1,000,000) (reduced by $100,000) (increased by $1,000,000): Provided, That not more than $15,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 106a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $500,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters military forces into a legislative affairs or legislative liaison office: Provided further, That $9,385,000, to remain available until expended, shall be made available for the purposes of section 2411 of title 10, United States Code: Provided further, That not more than $100,000,000 may be used for the establishment of a military college.
OPPOSITION AND MAINTENANCE, ARMY RESERVE
For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,870,163,000.

OPPOSITION AND MAINTENANCE, MARINE CORPS RESERVE
For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; Procurement of services, supplies, and equipment; and communications, $2,822,337,000.

OPPOSITION AND MAINTENANCE, AIR FORCE RESERVE
For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; Procurement of services, supplies, and equipment; and communications, $3,353,745,000.

OPPOSITION AND MAINTENANCE, ARMED SERVICES NATIONAL GUARD
For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard, including transportation (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalions, while inspecting troops, in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard, authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $7,275,820,000.

OPPOSITION AND MAINTENANCE, AIR NATIONAL GUARD
For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for related maintenance, including repair of hazardous waste; vessels; hire of passenger motor vehicles; and the purchase, construction, or repair of facilities and equipment; care of the dead; recruiting; Procurement of services, supplies, and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses; and expenses of repair, maintenance, including training, organization, and administration, of the Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,735,930,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES
For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $14,538,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY (INCLUDING TRANSFER OF FUNDS)
For the Department of the Army, $215,809,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, and removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY (INCLUDING TRANSFER OF FUNDS)
For the Department of the Navy, $286,915,000 (increased by $31,754,000), of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, NAVY (INCLUDING TRANSFER OF FUNDS)
For the Department of the Navy, $233,573,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE (INCLUDING TRANSFER OF FUNDS)
For the Department of the Air Force, $308,749,000 (increased by $30,000,000), to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)
For the Department of Defense, $9,002,000 (increased by $10,000,000), to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES (INCLUDING TRANSFER OF FUNDS)
For the Department of the Army, $233,573,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID
For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid Program, consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title
For construction, procurement, production, other expenses necessary for the foregoing purposes, $2,581,600,000, to remain available for obligation until September 30, 2020.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; contractor-owned equipment; testing, training, and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,556,175,000, to remain available for obligation until September 30, 2020.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,387,826,000 (increased by $26,200,000), to remain available for obligation until September 30, 2020.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, modification, and installation of ordnance, ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ordnance, plant equipment, appliances, and machine tools in public and private plants; reserve plant and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $735,651,000, to remain available for obligation until September 30, 2020.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants; $942,853,000, to remain available for obligation until September 30, 2020.

LCC 1700, $31,950,000; for outfitting, post delivery, conversions, and first destination transportation, $542,626,000; and for completion of Prior Year Shipbuilding Programs, $117,542,000.

In all: $2,503,726,000, to remain available for obligation until September 30, 2022: Provided, That additional obligations may be incurred after September 30, 2022, for engineering services, tests, evaluations, and other such budgeted work that must be performed prior to the next fiscal year; Provided further, That none of the funds provided under this heading for the construction or
conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessels that do not exceed $5,000,000. That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: Provided, further, That funds otherwise made available by this Act for production of the common missile compartment of nuclear-powered vessels may be available for multiyear procurement of missile compartment components to support continuous production of such components only in accordance with the provisions of subsection (i) of section 221(a) of title 10, United States Code (as added by section 1023 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328)).

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including land necessary therefor; the land necessary therefor, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; vehic-les for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things, $3,210,355,000, to remain available for obligation until September 30, 2020.

SPACE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment; special materials not otherwise provided for; ground equipment and supplies, materials, and spare parts therefor; special materials not otherwise provided for; for the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment, and contractor-owned equipment, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things, $3,210,355,000, to remain available for obligation until September 30, 2020.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories thereof; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment, and contractor-owned equipment, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things, $3,210,355,000, to remain available for obligation until September 30, 2020.

PROCUREMENT OF AMMUNITION, NAVY

For construction, procurement, production, and modification of ammunition, and accessories thereof; specialized equipment and training devices; expansion of public and private plants, Government-owned equipment, and contractor-owned equipment, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things, $3,210,355,000, to remain available for obligation until September 30, 2020.

OTHER PROCUREMENT, NAVY

For procurement and modification of equipment and supplies, materials, and spare parts therefor; specialized equipment and training devices; expansion of public and private plants, Government-owned equipment, and contractor-owned equipment, for the foregoing purposes, including rents and transportation of things, $11,553,196,000 (increased by $15,000,000), to remain available for obligation until September 30, 2020.

AIRCRAFT PROCUREMENT, AIR FORCE

For procurement, production, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories thereof; special-ized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things, $11,553,196,000 (increased by $15,000,000), to remain available for obligation until September 30, 2020.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories thereof; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment, and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $5,239,239,000 (reduced by $10,000,000), to remain available for obligation until September 30, 2020.

DEFENSE PROCUREMENT ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Procurement Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), $67,401,000, to remain available until expended.

PROCUREMENT, NATIONAL DEFENSE RESTORATION FUND (INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided elsewhere in this Act, there are appropriated $12,622,931,000, for the “Procurement, National Defense Restoration Fund”: Provided, That such funds provided under this heading shall be available for the following projects and activities necessary to implement the 2018 National Defense Strategy: Provided further, That such funds shall not be available for transfer until 30 days after the Secretary has submitted, and the congressional defense committees have approved, the proposed allocation plan for the use of such funds and a description of how such investments are nec-essary to implement the strategy: Provided further, That none of the funds made available under this heading may be transferred to any program, project, or activity specifically limited or defined in this Act, except for missile defense requirements resulting from a failure to meet emergent operational needs: Provided further, That the transfer authority provided under this heading is in addition to other transfer authority available to the Department of Defense.

TITLe IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $9,674,222,000 (increased by $6,000,000) (increased by $4,000,000) (increased by $12,000,000) (increased by $5,000,000), to remain available for obligation until September 30, 2020.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,196,521,000 (increased by $598,000) (increased by $25,000,000) (reduced by $2,500,000) (increased by $24,000,000), to remain available for obligation until September 30, 2019.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $33,874,980,000 (increased by $2,500,000) (increased by $24,000,000), to remain available for obligation until September 30, 2020.

DEFENSE Procurement Act PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Procurement Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), $67,401,000, to remain available until expended.

PROCurement, NATIONAL Defense Restoration Fund (INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided elsewhere in this Act, there are appropriated $12,622,931,000, for the “Procurement, National Defense Restoration Fund”: Provided, That such funds provided under this heading shall be available for the following projects and activities necessary to implement the 2018 National Defense Strategy: Provided further, That such funds shall not be available for transfer until 30 days after the Secretary has submitted, and the congressional defense committees have approved, the proposed allocation plan for the use of such funds and a description of how such investments are nec-essary to implement the strategy: Provided further, That none of the funds made available under this heading may be transferred to any program, project, or activity specifically limited or defined in this Act, except for missile defense requirements resulting from a failure to meet emergent operational needs: Provided further, That the transfer authority provided under this heading is in addition to other transfer authority available to the Department of Defense.

TITLe IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $9,674,222,000 (increased by $6,000,000) (increased by $4,000,000) (increased by $12,000,000) (increased by $5,000,000), to remain available for obligation until September 30, 2020.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,196,521,000 (increased by $598,000) (increased by $25,000,000) (reduced by $2,500,000) (increased by $24,000,000), to remain available for obligation until September 30, 2019.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $33,874,980,000 (increased by $2,500,000) (increased by $24,000,000), to remain available for obligation until September 30, 2020.
(increased by $30,000,000), to remain available for obligation until September 30, 2019.

Research, Development, Test and Evaluation, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; and advanced technology projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,696,533,000 (reduced by $16,000,000) (reduced by $12,000,000) (reduced by $2,500,000) (reduced by $12,500,000) (increased by $20,000,000) (reduced by $20,000,000) (increased by $1,135,000) (increased by $4,135,000) (reduced by $27,500,000) (increased by $10,000,000), to remain available for obligation until September 30, 2019. Provided, That, of the funds made available in this paragraph, $250,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to conduct research, development, test and evaluation to include proof of concept demonstration, testing, and evaluation; and transition to full-scale production: Provided further, That the Secretary of Defense may transfer funds provided herein for the Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the performance of his duties and authorities concerning operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production of defense equipment and systems; expenses to be expended on the approval or disapproval of civilians and military personnel for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2019, and of which up to $15,348,700,000 may be available for obligation under the TRICARE program; of which $895,328,000, to remain available for obligation until September 30, 2020, shall be for procurement; and of which $13,000,000,000 (increased by $7,000,000) (increased by $10,000,000) (increased by $2,000,000) (increased by $2,000,000) (increased by $1,000,000) (increased by $5,000,000) (increased by $10,000,000) (increased by $2,000,000) (increased by $5,000,000) shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2019, and shall be for research, development, test, and evaluation: Provided, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: Provided further, That $100,000,000 (increased by $1,000,000) (increased by $5,000,000) shall be available for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2019, and shall be for research, development, test, and evaluation: Provided, That upon a determination that all military purposes; and of which $2,800,000, to remain available for obligation until September 30, 2019, shall be for research, development, test and evaluation.

Research, Development, Test and Evaluation, National Defense Restoration Fund

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, for the congressionally directed medical research programs.

Chemical Agents and Munitions Destruction, Defense

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical utilization from units, 951,277,000, and of which 104,237,000 shall be for operation and maintenance, of which no less than $49,401,000 shall be for the Chemical Stockpile Emergence Preparedness Program to assist State and local governments; and $839,414,000, to remain available until September 30, 2019, shall be for research, development, and testing of which, of which $750,700,000 shall only be for the Assembled Chemical Weapons Alternatives program.

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $854,814,000, of which $352,648,000 shall be for counter-narcotics support; $120,913,000 shall be for the National Guard counter-drug program; and $201,333,000 shall be for the National Guard counter-drug program: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds made available under this heading for the time period covered by this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $356,887,000, of which $734,087,000 shall be for operation and maintenance; of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or disapproval of contract actions; of which not to exceed $2,000,000 is available for training; and of which not to exceed $5,000,000 is available for information collection: Provided, That, notwithstanding any other provision of law, of the amount made available under this heading for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2020, of which up to $15,348,700,000 may be available for obligation under the TRICARE program; of which $895,328,000, to remain available for obligation until September 30, 2020, shall be for procurement; and of which $13,000,000,000 (increased by $7,000,000) (increased by $10,000,000) (increased by $2,000,000) (increased by $2,000,000) (increased by $1,000,000) (increased by $5,000,000) (increased by $10,000,000) (increased by $2,000,000) (increased by $5,000,000) shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2019, and shall be for research, development, test, and evaluation: Provided, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: Provided further, That $100,000,000 (increased by $1,000,000) (increased by $5,000,000) shall be available for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2019, and shall be for research, development, test and evaluation.

Related Agencies

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

Intelligence Community Management Account

For necessary expenses of the Intelligence Community Management Account, $522,100,000.

General Provisions

SEC. 1101. No part of any appropriation contained in this Act shall be used for publication or propaganda purposes not authorized by the Congress.

SEC. 1102. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases of direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a
rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That no part of the funds made available in this Act for defense activities shall be used for any purpose, and for the same time period, as provided in title II of the National Defense Authorization Act for Fiscal Year 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense.

Sect. 1101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided.

Sect. 1104. No more than 20 percent of the percentages in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or support values relating to the Reserve Officers’ Training Corps.

Transfer of Funds

Sect. 1105. Upon determination by the Secretary of Defense that such action is necessary and in the national interest, the President may, with the approval of the Office of Management and Budget, transfer not to exceed $4,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military purposes, and for the same time period, as provided in this section: Provided, That the Secretary of Defense shall promptly notify the Committees on Appropriations for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement: Provided, That this section shall not apply to transfers from the following appropriations accounts:

1. “Environmental Restoration, Army”;
2. “Environmental Restoration, Navy”;
3. “Environmental Restoration, Air Force”;
4. “Environmental Restoration, Defense-Wide”;
5. “Environmental Restoration, Formerly Used Defense Sites”;

Transfer of Funds

Sect. 1108. For the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, and in the case of a contract for procurement of items of special significance, such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between working capital funds if the Secretary of Defense has notified the Congress of the proposed transfer: Provided further, That except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund and the Foreign Currency Fluctuations, Defense appropriation and the Operations and Maintenance, Defense appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget. That no part of the funds appropriated in this Act shall be transferred to the military personnel accounts among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

Sect. 1106. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled Explanation of Project Level Adjustments in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities shall not be considered an obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities. That none of the funds of this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for multiyear procurement limitations to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the contract is for an acquisition of fighting vehicles or weapon systems that the Secretary of Defense has notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to the Department of Defense for military functions (except military families and community wide) under a multiyear contract for which the economic order quantity contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government’s liabilities if the Secretary of Defense has notified at least 30 days in advance of the proposed contract award: Provided, That that the limita-
SEC. 1112. (a) During the current fiscal year, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2019 budget request for the Department of Defense as well as all justification and supporting documentation supporting the fiscal year 2019 Department of Defense budget request shall be prepared and submitted in a manner consistent with the budget available with respect to fiscal year 2019. As required by section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2358 note) civilian personnel at the Department of Army Science and Technology Reinvestment Laboratories may not be managed on the basis of the Table of Distribution and Allowances, and the management of the workforce strength shall be done in a manner consistent with the budget available with respect to such Laboratories.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 1113. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 1114. None of the funds appropriated by this Act shall be available for the basic pay of any individual who is an Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Veterans Affairs under the Indian Health Care Improvement Act of 1994 (25 U.S.C. 1801 et seq.) and any veterans' benefits authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That any such individual who is a full-time student is credited to his or her eligibility for the basic pay for which he or she is otherwise eligible.

SEC. 1115. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program development assistance agreement pursuant to section 331 of the National Defense Authorization Act for Fiscal Year 1992 (Public Law 102–515; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 1116. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section, the term ‘manufactured’ shall include cutting, heat treating, fabrication of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section, substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 1117. None of the funds available to the Department of Defense for any military or federal agency, or any subcontract at any tier for acquisition of commercial items produced or manufactured outside the United States, or a small business concern under Federal law, unless the small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 1118. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single organization, unit, activity or function of the Department of Defense in or within the National Capital Region: Provided, That the Secretary of Defense shall waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 1119. Of the funds made available in this Act, $20,000,000 shall be available for incentive awards authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or subcontractor at any tier that makes a subcontract or purchase that is over $500,000 shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year.

SEC. 1120. Funds appropriated by this Act may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or dispose of small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 1121. None of the funds made available in this Act may be used for any national or international political, military or military assistance activity, or for any other appropriation contained in this Act for the Department of Defense Pilot Mentor-Protégé Program.

SEC. 1122. (a) Of the funds made available in this Act, not less than $43,100,000 shall be available to the Civil Air Patrol Corporation for operations.

(b) Of the funds made available in this Act, not less than $30,800,000 shall be available from ‘‘Air- force Procurement, U.S. Air Force’’ for vehicle procurement.

SEC. 1123. (a) None of the funds appropriated in this Act are available to establish or maintain (or expand) a federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization that is not a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no consultant or defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of an entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

SEC. 1124. Notwithstanding any other provision of law, none of the funds available to the Department from any source during the current fiscal year may be used by a defense FFRDC, trust fund, fee or other mechanism, including for construction of new buildings not located on a military installation, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

SEC. 1125. Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2018, not more than 6,000 staff years of technical effort (staff years) may be used or funded for defense FFRDCs: Provided, That, of the specific amount referred to previously in this subsection, not more than 1,180 staff years may be funded for the defense FFRDCs in the Department of the Army, the Department of the Navy, and the Department of the Air Force.

SEC. 1126. Funds appropriated by this Act for the Department of Defense are available for any military construction project in the Department of Defense, of which not more than $350,00,000 on purposes specified in section 2105(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under this section: Provided, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund being used for such purpose.
SEC. 1124. None of the funds appropriated or made available in this Act shall be used to procure armor plate, armor steel or armor steel products for use in any Government-owned facility or property under the control of the Department of Energy that were not manufactured and rolled in the United States or Canada. Provided, That these procurement restrictions shall apply to any and all Federal Supply Class (FSC) Numbers, including the Army, the Navy, the Air Force, the Department of Energy, the Department of Defense, and the other military departments or Defense Agencies. The Secretary of the military department or Defense Agency responsible for the procurement may waive this restriction on a case-by-case basis if the Secretary determines that the delegation to the committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 1125. During the current fiscal year, the Department of Defense may acquire new aircraft, vessels, and equipment, including spare parts, for the military services, when the Secretary of Defense determines that it is necessary to maintain the military readiness of the Armed Forces, or when the Secretary of Defense determines that it is necessary to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 1126. The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall provide to the Armed Services Committee of the Senate, the Subcommittee on the Committee on Appropriations of the House of Representatives, and the Senate Committee on Defense of the Committee on Appropriations of the United States shall report on the acquisition, modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between the Department of Defense depot maintenance activities and private firms: Provided, That the Senior Executive who has been designated by the Secretary of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 1127. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against United States manufactured products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary’s blanket waiver of the Buy American Act with respect to the types of products produced in that foreign country. (2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to the National Security Act of 1947, which the United States has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2018. Such report shall include the dollar value of all items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 2001 and any other international agreement to which the United States is a party.

(c) In the case of any foreign country or products purchased with appropriations provided under this Act, it is the sense of the Congress.
that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are commercially available, of an equal or higher quality, competitive, and available in a timely fashion.

Sec. 1140. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That no rescissions of amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement, or policy to the contrary shall be made to the Department of Defense in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of ‘‘commerci- al-class systems,’’ as defined in section 421 of title 10, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

Sec. 1146. None of the funds made available by this Act for Evolved Expendable Launch Vehicle service competitive procurements may be used unless the competitive procurements are open for award to all certified providers of Evolved Expendable Launch Vehicle-class systems: Provided, That the award shall be made to the provider that offers the best value to the government.

Sec. 1147. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $44,000,000 is hereby appropriated to the Department of Defense: Provided, That upon the determination of the Secretary of Defense that it shall serve the national interest, the Department shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations ($24,000,000 to $4,000,000).

Sec. 1148. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States. Provided further, That the Secretary certifies to the congressional defense committees that such an acquisition must be made.
in order to acquire capability for national security purposes that is not available from United States manufacturers.

Sec. 1149. Notwithstanding any other provision of this Act, the Small Business Innovation Research Program and the Small Business Technology Transfer Program set-asides shall be taken proportionally from all programs and activities under the authority of the Department of Defense. Any costs charged to the Department shall contribute to the extramural budget.

Sec. 1150. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee if:

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such costs are for restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

Sec. 1151. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and available for the same purposes without fiscal constraint relationships which existed on October 1, 2004, for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services furnished outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

Sec. 1152. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) the expired account is not obligated to any other appropriation account of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of such expired account shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

Sec. 1153. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may, with the approval of the Secretary of Defense, establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available to the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 1154. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational control over the United States Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, for the same time period as the appropriations to which written modification has been proposed to the House and Senate Appropriations Committees: Provided further, That the proposed modification shall not take effect until written notification unless an objection is received from either the House or Senate Appropriations Committees: Provided further, That any proposed modification to the command and control relationships which existed on October 1, 2004, for the same time period as the appropriations to which funds are transferred: Provided further, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: Provided further, That this transfer authority is in addition to any other transfer authority provided in this Act.

(INCLUDING TRANSFER OF FUNDS)

Sec. 1155. Of the funds appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, $25,000,000 (increased by $15,000,000) shall be for continued operation and maintenance of the Sexual Assault Special Victims’ Counsel Program: Provided, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, the Department of the Air Force: Provided further, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

Sec. 1156. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve Component unit that is engaged in providing training on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

Sec. 1157. None of the funds provided in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor piercing tracer” (API-T), “armor-piercing incendiary tracer (API–T)”, or “armor-piercing incendiary tracer (API–T)”, except to an entity that provides services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either:

(1) rendered incapable of reuse by the demilitarization process; or

(2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanently Exportable Munitions under section 4010, 4020, 4025, or 4040 of the United States Code.

(INCLUDING TRANSFER OF FUNDS)

Sec. 1158. Of the amounts appropriated in this Act under the heading “Operation and
Maintenance, Army”, $366,881,780 shall remain available until expended: Provided, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of personnel services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable laws, regulations, and procedures, subject to the U.S.-Israel co-production agreement for prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts provided in this Act: $15,707,000,000; provided, That these documents shall include estimates for the current fiscal year and the two preceding fiscal years.

SEC. 1172. None of the funds in this Act may be used to transfer research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 1173. Notwithstanding any other provision of this Act, to reflect savings due to deferral of foreign cooperation transfer, the total amount appropriated in this Act is hereby reduced by $389,000,000.

SEC. 1174. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, or to reduce or disestablish the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 1175. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 as amended by the Fourth Amendment of the United States Constitution as implemented through Executive Order 12333.

SEC. 1176. None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ-1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 1177. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall be available for obligation or expenditure during the current fiscal year, except for funds appropriated for research and technology, which

Included in funds appropriated by this Act under heading "Procurement, Defense-Wide" and "Research, Development, Test and Evaluation, Defense-Wide", $705,800,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, $705,800,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rockets, missiles, and artillery shells, that shall include an Iron Dome Procurement Agreement, as amended; $221,500,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $120,000,000 shall be for co-production activities of SRBMD missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, subject to the U.S.-Israel co-production agreement for prior year shipbuilding cost increases: Provided, That none of the Alternative Processes will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.

(b) The Army shall retain responsibility for all transfer funds to other active duty personnel services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable laws, regulations, and procedures, subject to the U.S.-Israel co-production agreement for prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts provided in this Act: $15,707,000,000; provided, That these documents shall include estimates for the current fiscal year and the two preceding fiscal years.

SEC. 1172. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 1173. Notwithstanding any other provision of this Act, to reflect savings due to deferral of foreign cooperation transfer, the total amount appropriated in this Act is hereby reduced by $389,000,000.

SEC. 1174. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, or to reduce or disestablish the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 1175. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 as amended by the Fourth Amendment of the United States Constitution as implemented through Executive Order 12333.

SEC. 1176. None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ-1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 1177. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall be available for obligation or expenditure during the current fiscal year, except for funds appropriated for research and technology, which
shall remain available until September 30, 2019.

SEC. 1178. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations for the National Intelligence Program in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as the subdivisions of appropriations for the National Intelligence Program in this Act under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of such appropriations.

SEC. 1179. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2018: Provided, That the report shall include:

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustment due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until 30 days prior to the date used in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 1180. None of the funds made available by this Act may be used to eliminate, restructure, or realign Army Contracting Command—New Jersey or make disproportionate personal adjustments to any Army Contracting Command—New Jersey sites without 30-day prior notification to the congressional defense committees.

SEC. 1181. Of the unobligated balances available to the Department of Defense, the following funds are permanently rescinded from the following accounts and programs in the appropriation act rescinding such balances in the Department of Defense Acquisition Workforce Development Fund:

From "Department of Defense Acquisition Workforce Development Fund, Defense": $10,000,000.

SEC. 1182. None of the funds made available by this Act for excess defense articles, assistance under section 333 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2379c) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

SEC. 1183. (a) None of the funds provided for the National Intelligence Program in this Act or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) is not otherwise authorized;

(2) terminates a program with appropriated funding of $10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex to the report to Congress accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds: Provided, That the prohibitions in this section do not apply with respect to any employee or independent contractor performing work related to such contract. For purposes of this subsection, a "contractor" shall mean any person that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

SEC. 1184. The Secretary of Defense may waive the application of subsection (a) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary determines that the waiver is necessary to avoid harm to national security interests of the United States, and that—

(a) the term of the contract or subcontract is not longer than necessary to avoid such harm;

(b) the determination shall set forth with specificity the grounds for the waiver and the reason each such alternative would be less effective to national security interests of the United States; and

(c) the Secretary shall transmit the determination, together with the report to Congress accompanying the Act, to the Senate and the House of Representatives: Provided, That the Secretary, the Deputy Secretary, or the Acting Secretary of Defense shall inform Congress of any determination under this subsection not less than 15 business days before the contractor or subcontract addressed in the determination may be awarded.

SEC. 1185. (a) Not to exceed $500,000,000 appropriated by this Act for operation and maintenance may be used for the purposes of—

(1) the Secretary or Deputy Secretary of Defense to enter into any agreement with any of the following:

(A) the Department of Labor, in accordance with section 503 of title 29, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2379c) or peacekeeping operations in accordance with the four-year forecast for the Department of State, U.S. Agency for International Development, and the United Nations;

(B) the report contains proprietary information;

(C) the head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964, any tort related to pulling out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor if the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964, any tort related to pulling out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

SEC. 1186. During the current fiscal year, not to exceed $115,519,000, shall be available for transfer to the Defense Acquisition Workforce Development Fund in accordance with section 1705 of title 10, United States Code.

SEC. 1187. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if:

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 1188. (a) None of the funds appropriated or otherwise made available by this Act may be transferred to the Secretary of the Treasury for deposit in the Federal government fund designated by section 706 of Public Law 110–417: Provided, That the Secretary of the Treasury shall transmit to Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

SEC. 1189. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $115,519,000, shall be available for transfer to the Secretary of Veterans Affairs Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: Provided, That for purposes of section 1704(b), the facility operations funded are operations of the integrated health care system of the Integrated Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and support facilities described in a combined Federal medical facility as described by section 706 of Public Law 110–417: Provided further, That additional funds may be transferred by the Secretary to the Secretary of Veterans Affairs for purposes of operation and maintenance for the Defense Health Program to the Joint Department of Defense—
Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 1191. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Defense or a component thereof in violation of the provisions of section 130h of title 10, United States Code.

SEC. 1192. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 1193. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $1,500,000,000 of the funds made available in this Act for the National Intelligence Program:

Provided, That such authority to transfer may not be used unless for high-priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested is classified at a lower classification level than the item for which funds were originally appropriated.

Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2017.

SEC. 1194. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions, including Guantanamo Bay, Cuba, or any other Act may be used by the Secretary of Defense or any other official or officer of the Department of Defense, to enter into a contract, agreement, memorandum of understanding, or other arrangement with, or make a grant to, or provide a loan or loan guarantee to, any subsidiary of Rosoboronexport.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security interest of the United States to do so, and certifies in writing to the congressional defense committees that, to the best of the Secretary’s knowledge:

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic;

(2) The armed forces of the Russian Federation have withdrawn from Crimea, other territory of the Ukraine, or any other Act may be used by the Secretary of Defense pursuant to subsection (b), and

(c) Agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine;

(d) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and
dating the report submitted to Congress in accordance with section 702 of the Foreign Intelligence Surveillance Act for Fiscal Year 2012.

SEC. 1202. The Secretary of Defense shall post grant awards on a public Website in a searchable format.

SEC. 1203. None of the funds made available by this Act may be used to fund the performance of a flight demonstration team at a location outside of the United States:

Provided, That this prohibition applies only if a performance of a flight demonstration team at a location outside of the United States is determined by the Secretary of Defense to have suffered harm incident to combat operations.

SEC. 1203. None of the funds made available by this Act may be used by the National Security Agency to—

(1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2102(f) of the United States Code) of electronic communication of a United States person from a provider of electronic communication service to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

SEC. 1202. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 1201. None of the funds made available in this Act or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or authorizes the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency.
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shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 1207. None of the funds made available in this Act may be obligated for activities authorized under section 1206 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 112–81; 123 Stat. 1621) to initiate support for, or expand support to, foreign forces, irregular forces, or individuals unless the congressional defense committees are notified in accordance with the direction contained in the classified annex accompanying this Act, not less than 72 hours after the Secretary of Defense notifies the congressional defense committees of such waiver.

SEC. 1208. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the Introduction of United States armed forces, groups, or individuals unless the Secretary determines, in accordance with the direction contained in the classified annex accompanying this Act, that such introduction is in addition to any other transfer authority provided elsewhere in this Act.

SEC. 1209. None of the funds provided in this Act for the T-AO Fleet Oiler or the Towing, Salvage, and Rescue Ship programs shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard operations.

SEC. 1210. The amount appropriated in title II of this Act for “Operation and Maintenance, Army” is hereby reduced by $75,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds.

SEC. 1211. Notwithstanding any other provision of this Act, to reflect savings due to lower than anticipated fuel costs, the total amount appropriated in title II of this Act is hereby reduced by $1,007,367,000.

SEC. 1212. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department of Defense for gaming, or for entertainment that is in contravention of the War Powers Resolution, or for travel or transportation expenses by military or civilian personnel of the Department of Defense for activities, except that—

(1) the limitation on periods regardingembryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

(2) the term “assistance to non-military technology” shall include embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM

MILITARY PERSONNEL

Military Personnel, Army

For an additional amount for “Military Personnel, Army,” $2,635,317,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terror/Defense-Wide.

SEC. 1213. None of the funds made available by this Act for “Military Operations and Maintenance, Marine Corps”, “Operation and Maintenance, Navy”, and “Operation and Maintenance, Air Force” may be transferred to the National Defense Reserve Fleet.

SEC. 1214. None of the funds made available by this Act may be used for Operation and Maintenance of the United States Department of Transportation for personnel and expenses related to the National Defense Reserve Fleet.

SEC. 1215. None of the funds made available by this Act to the Joint Surface to Air Missile Target Attack Radar System recapitalization program may be obligated or expended for pre-milestone B activities after March 31, 2018, except for source selection and other activities necessary to enter the engineering and manufacturing development phase.

SEC. 1216. Notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, operate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: Provided further, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense: Provided further, That as a condition of making funds available under this section to the local educational agency or State, Federal funds may be provided to the local educational agency or State to reduce the extent to which unobligated funds remain unobligated on the date of enactment of this section.

SEC. 1217. Additional readiness funds made available in title II of this Act for “Operation and Maintenance, Army”, “Operation and Maintenance, Navy”, “Operation and Maintenance, Marine Corps”, and “Operation and Maintenance, Air Force” may be transferred to and merged with any appropriation of the Department of Defense for activities related to the Armed Forces of the United States in order to provide health support for the full range of military operations and sustain the health of the members of the Armed Forces, civilian employees of the Department, and their families, to include: research and development, disease surveillance, vaccine development, rapid detection, vector controls and surveillance, training, and outbreak response: Provided, That the authority provided in this section is subject to the same terms and conditions as the authority provided in section 1218.

SEC. 1218. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

SEC. 1219. Notwithstanding any other provision of this Act, to reflect savings due to lower than anticipated fuel costs, the total amount appropriated in title II of this Act is hereby reduced by $1,007,367,000.

SEC. 1220. No amounts credited or otherwise made available in this Act for any other Act to the Department of Defense Acquisition Workforce Development Fund may be transferred to:

(1) the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note); and


(INCLUDING TRANSFER FUND)

SEC. 1221. In addition to amounts provided elsewhere in this Act for military personnel pay, including active duty, reserve and National Guard personnel, $206,400,000 is hereby appropriated to the Department of Defense for transfer only to military personnel accounts: Provided, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

SEC. 1222. In addition to amounts provided elsewhere in this Act, there is appropriated for an amount for “Operation and Maintenance, Defense-Wide”, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terror/Defense-Wide.
MILITARY PERSONNEL, NAVY
For an additional amount for "Military Personnel, Navy", $137,857,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS
For an additional amount for "Military Personnel, Marine Corps", $110,800,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE
For an additional amount for "Military Personnel, Air Force", $2,122,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY
For an additional amount for "Military Personnel, Navy", $2,122,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY
For an additional amount for "Reserve Personnel, Navy", $24,942,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY
For an additional amount for "Reserve Personnel, Navy", $9,091,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS
For an additional amount for "Reserve Personnel, Marine Corps", $2,529,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE
For an additional amount for "Reserve Personnel, Air Force", $2,529,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY
For an additional amount for "National Guard Personnel, Navy", $184,589,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE
For an additional amount for "National Guard Personnel, Air Force", $5,004,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NATIONAL DEFENSE RESTORATION FUND
(INCLUDING TRANSFER OF FUNDS)
In addition to amounts provided elsewhere in this Act, there is appropriated $1,000,000,000, for the "Military Personnel, National Defense Restoration Fund": Provided, That such funds provided under this heading shall only be available for programs, projects and activities necessary to implement the 2018 National Defense Strategy: Provided further, That such funds provided under this heading shall not be available for transfer until 30 days after the Secretary has submitted, and the congressional defense committees have approved, the proposal for use of such funds to implement such strategy: Provided further, That such allocation plan shall include a detailed justification for the use of such funds and the extent to which such investments are necessary to implement the strategy: Provided further, That the Secretary of Defense may transfer these funds only to programs or activities specifically limited or denied an appropriation by this Act: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE
MILITARY PERSONNEL, NAVY
For an additional amount for "Operation and Maintenance, Navy", $16,126,403,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE
For an additional amount for "Operation and Maintenance, Navy Reserve", $23,980,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) 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", $1,116,640,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE Reserve
For an additional amount for "Operation and Maintenance, Air Force Reserve", $10,266,205,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE
For an additional amount for "Operation and Maintenance, Defense-Wide", $6,944,201,000: Provided, That of the funds provided under this heading not to exceed $900,000,000, to remain available until September 30, 2019, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, in- cluding access, provided to United States military and stability operations in Afghan-

OPERATION AND MAINTENANCE, Army NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard” of $108,111,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Air National Guard” of $15,400,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NATIONAL DEFENSE RESTORATION FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided elsewhere in this Act, there is appropriated $2,000,000,000,000, for the “Operation and Maintenance, National Defense Restoration Fund”: Provided, That such funds provided under this heading shall only be available for programs, projects and activities necessary to implement the 2018 National Defense Strategy: and such funds shall not be available for transfer until 30 days after the Secretary has submitted, and the congressional defense committees have approved, the proposed allocation plan for the use of such funds to implement such strategy: Provided further, That such allocation plan shall include a detailed justification for the use of such funds: and a description of how such investments are necessary to implement the strategy: Provided further, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That none of the funds made available under this heading may be transferred to any program, project, or activity for which funds were specifically limited or denied by this Act: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority of the Department of Defense: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the “Afghanistan Security Forces Fund” (reduced by $12,000,000), to remain available until September 30, 2019: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including, but not limited to, the provision of equipment, supplies, services, training, facility and infrastructure, with the specific approval of the Secretary of State, for the purpose of implementing the strategy to counter the Islamic State of Iraq and the Levant: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading, including, but not limited to, the number of individuals trained, the nature and scope of support and sustainment provided to each group or individual, the area of operations, the handoff and hand-up of contributions of other countries, groups, or individuals: Provided further, That such amount is

Also provided from this heading, in or prior Acts, the heading “Afghanistan Infrastructure Fund” in prior Acts: Provided further, That such costs shall be limited to contract changes resulting from inflation, market fluctuations, or other necessary contract actions to complete existing projects, and associated supervision and administration costs and costs for design during construction: Provided further, That the Secretary may not use more than $50,000,000 under the authority provided in this section: Provided further, That the Secretary shall notify the congressional defense committees of any proposed new contributions of any forces or individuals, such elements or individuals are appropriately vetted, including at a minimum, assessing such elements or individuals’ association with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: Provided further, That the Secretary of Defense shall ensure that such actions and the elements of any forces or individuals, such elements or individuals are appropriately vetted, including at a minimum, assessing such elements or individuals’ association with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law.

Also provided from this heading, in or prior Acts, the heading “Afghanistan Infrastructure Fund” in prior Acts: Provided further, That funds shall only be available for programs, projects and activities necessary to implement the 2018 National Defense Strategy: and such funds shall not be available for transfer until 30 days after the Secretary has submitted, and the congressional defense committees have approved, the proposed allocation plan for the use of such funds to implement such strategy: Provided further, That such allocation plan shall include a detailed justification for the use of such funds: and a description of how such investments are necessary to implement the strategy: Provided further, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That none of the funds made available under this heading may be transferred to any program, project, or activity for which funds were specifically limited or denied by this Act: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority of the Department of Defense: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COUNTER-ISIL TRAIN AND EQUIP FUND

For the “Counter-Islamic State of Iraq and the Levant Fund”, $1,769,000,000, to remain available until September 30, 2019: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including, but not limited to, the provision of equipment, supplies, services, training, facility and infrastructure, with the specific approval of the Secretary of State, for the purpose of providing support and assistance to the Afghanistan and the Levant: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading, including, but not limited to, the number of individuals trained, the nature and scope of support and sustainment provided to each group or individual, the area of operations, the handoff and hand-up of contributions of other countries, groups, or individuals: Provided further, That such amount is

PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, $424,866,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTION, ARMY

For an additional amount for “Aircraft Procurement, Army”, $207,984,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy”, $207,000,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, $557,583,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, $501,509,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for “Missile Procurement, Air Force”, $381,700,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTION, AMMUNITION, ARMY

For an additional amount for “Ammunition, Army”, $119,368,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for “Aircraft Procurement, Navy”, $157,300,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for “Weapons Procurement, Navy”, $130,994,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTION, AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for “Ammunition, Navy and Marine Corps”, $119,368,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for “Aircraft Procurement, Navy”, $119,368,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for “Weapons Procurement, Navy”, $315,735,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, $501,509,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, $425,640,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTION, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, $1,191,139,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Aircraft Procurement, Defense-Wide”, $501,509,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEFENSE RESTORATION FUND

For an additional amount for “Defense Restoration Fund”, $6,000,000,000, to remain available until September 30, 2020: Provided, That such funds shall be available for programs, projects, and activities necessary to implement the 2018 National Defense Strategy: Provided further, That the Secretary of Defense may transfer funds available for research, development, test and evaluation to any program, project, or activity specifically limited or denied by this Act: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

For an additional amount for “Research, Development, Test and Evaluation, Army”, $119,368,000 (increased by $6,000,000), to remain available until September 30, 2020: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTION, National Defense Restoration Fund

For an additional amount for “National Defense Restoration Fund”, $6,000,000,000, to remain available until September 30, 2020: Provided, That such funds shall be available for or at any military installation solely to provide for the reconstruction, repair, or improvement of facilities and equipment at such military installation: Provided further, That the Secretary of Defense may transfer funds available for military construction to any program, project, or activity specifically limited or denied by this Act: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of: (1) Fixed wing aircraft; (2) combat, tactical, and support vehicles; (3) other vehicles; and (4) other procurement items for the Reserve Components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2020: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees a report summarizing for their respective National Guard or Reserve component: Provided further, That none of the funds made available by this paragraph may be used to procure manned fixed-wing aircraft, or procure or modify missiles, munitions, or ammunition: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NATIONAL DEFENSE RESTORATION FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided elsewhere in this Act, there is appropriated $1,000,000,000, for the ‘Research, Development, Test and Evaluation, National Defense Restoration Fund’: Provided, That such funds provided under this heading shall only be available for programs, projects and activities necessary to implement the strategy: Provided, That the Secretary of Defense may transfer funds only to research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That such transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense may transfer these funds only to research, development, test and evaluation activities necessary to implement the 2018 National Defense Strategy.

Provided further, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NATIONAL DEFENSE RESTORATION FUND

(INCLUDING TRANSFER OF FUNDS)


JOINT IMPROVISED-THREAT DEFECT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ‘Joint Improvised-Threat Defeat Fund’, $1,000,000,000, to remain available until September 30, 2020: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the office of the Secretary, the Joint Staff, the Joint Improvised-Threat Defeat Fund, including the Joint Improvised Threat Defeat Organization, to pay for the developmental, operational, and fielding of new and improved joint munitions, tactics, techniques, and procedures to combat improvised explosive devices: Provided further, That the Secretary of Defense transfer such funds at their discretion to the military departments and the joint staff for the purposes of developing, acquiring, testing, fielding, and maintaining joint munitions, tactics, techniques, and procedures to combat improvised explosive devices: Provided further, That the Secretary of Defense shall transfer such funds only to research, development, test and evaluation, and defense working capital funds to accomplish the purpose provided herein: Provided further, That such transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense may transfer these funds only to research, development, test and evaluation activities necessary to implement the strategy: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL


GENERAL PROVISIONS—THIS TITLE

Ssc. 1301. Notwithstanding any other provision of law, funds made available by this Act—

(A) are appropriated or otherwise made available for the Department of Defense for fiscal year 2018.

(B) may be transferred among project, program, or activity accounts provided for by this Act.

Ssc. 1302. Upon the determination of the Secretary of Defense—

(A) the funds made available by this title are appropriated or otherwise made available for the Department of Defense for fiscal year 2018.

Ssc. 1303. Supervision and administration costs and costs for design during construction associated with a construction project funded with appropriated or available funds for operation and maintenance or the ‘Afghanistan Security Forces Fund’ provided in this Act and executed in direct support of overthecounter operations in Afghanistan, and the procurement of equipment, and training necessary to the Department of Defense shall be available to the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Ssc. 1304. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the United States Central Command area of responsibility—

(1) passenger motor vehicles up to a limit of $75,000 per vehicle, and

(2) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $150,000 per vehicle, notwithstanding price or acquisition limitations applicable to the purchase of passenger carrying vehicles.

Ssc. 1305. Not to exceed $5,000,000 of the amount appropriated by this heading ‘Operation and Maintenance, Army’ may be used, notwithstanding any other provision of law, to fund the Combined Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: Provided, That each project (including any ancillary or related elements in connection with such project) established under this section shall not exceed $2,000,000: Provided further, That not later than 45 days after the end of each 6 months of the fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that 6-month period that are available pursuant to authority provided in this section or under any other provision of law for the purposes described herein: Provided further, That, not later than 30 days after the end of each fiscal year quarter, the Army shall submit to the congressional defense committees quarterly comprehensive data for the CERP in Afghanistan: Provided further, That, not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $500,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project.

(2) A detailed budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

Ssc. 1306. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to allied forces participating in a combined operation with the armed forces of the United States and coalition forces supporting military and stability operations in Afghanistan and, where appropriate, the counterterrorism efforts in the Levant:

Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

Ssc. 1307. None of the funds appropriated or otherwise made available by this Act or any
other Act shall be obligated or expended by the United States Government for a purpose as follows:


(2) To acquire or transfer man-portable air defense systems.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 1308. None of the funds made available in this Act may be used in contravention of the foreign policy of the United States as promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.


SEC. 1309. None of the funds provided for the “Afghanistan Security Forces Fund” (ASFF) may be obligated prior to the approval of a specific date and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: Provided, That the AROC must approve the required date and activity plan for ASFF to provide for equipment and training in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: Provided further, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding proviso and accompanying report language for the ASFF.

SEC. 1310. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $500,000: Provided, That the Department of Defense may use funds made available in this title to the Department of Defense to provide immediate assistance to the Government of Ukraine in the event the United States is the extent specifically provided for in section 9031 of this Act.

SEC. 1311. None of the funds made available by this Act under section 9031 for “Assistance and Sustainment to the military and National Security Forces of Ukraine” may be used to procure or transfer man-portable air-defense systems.

SEC. 1312. Funds made available by this Act under section 9031 for “Assistance and Sustainment to the military and National Security Forces of Ukraine” may be used to procure or transfer man-portable air-defense systems.

SEC. 1316. (a) None of the funds appropriated or otherwise made available by this Act under the heading “Operation and Maintenance, Defense-Wide” for defense-wide activities in fiscal year 2018, $350,000,000; and

(b) None of the funds available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $500,000.

SEC. 1313. Up to $500,000,000 of funds appropriated by this Act for the Defense Security Cooperation Agency in “Operation and Maintenance, Defense-Wide” may be used to provide assistance to the Government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

SEC. 1318. None of the funds made available by this Act under the heading “Counter-ISIL Train and Equip Fund” may be used to procure or transfer man-portable air defense systems.

SEC. 1319. For the “Ukraine Security Assistance Initiative”, $150,000,000 is hereby appropriated out of funds available under this Act: Provided, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide for the immediate needs of the Ukrainian Armed Forces in Afghanistan, including transport; equipment; lethal weapons of a defensive nature; logistics support, supplies and services; sustainment; and intelligence support to the military and national security forces of Ukraine, and for replacement of any weapons or defensive articles provided to the Government of Ukraine pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985:

SEC. 1317. In addition to amounts otherwise made available in this Act, $500,000,000 is hereby appropriated out of funds available to the Secretary of Defense and made available for transfer only to the operation and maintenance, military personnel, and procurement accounts, to improve the intelligence, surveillance, and reconnaissance capabilities of the Department of Defense: Provided, That the transfer authority provided in this section is in addition to any other transfer authority provided elsewhere in this Act: Provided further, That not later than 30 days prior to exercising the transfer authority provided in this section, the Secretary of Defense shall submit a report to the congressional defense committees on the proposed uses of these funds: Provided further, That the funds provided in this section may not be transferred to any program, project, or activity specifically limited or denied by this Act: Provided further, That amounts made available by this section shall be obligated by the Secretary of State for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amounts may be used to purchase items having an investment unit cost of not more than $500,000; and


The preceding proviso and accompanying report language for the AROC.

SEC. 1316. None of the funds appropriated or otherwise made available by this Act under the heading “Operation and Maintenance, Defense-Wide” for defense-wide activities in fiscal year 2018, $350,000,000; and

SEC. 1317. In addition to amounts otherwise made available in this Act, $500,000,000 is hereby appropriated out of funds available to the Secretary of Defense and made available for transfer only to the operation and maintenance, military personnel, and procurement accounts, to improve the intelligence, surveillance, and reconnaissance capabilities of the Department of Defense: Provided, That the transfer authority provided in this section is in addition to any other transfer authority provided elsewhere in this Act: Provided further, That not later than 30 days prior to exercising the transfer authority provided in this section, the Secretary of Defense shall submit a report to the congressional defense committees on the proposed uses of these funds: Provided further, That the funds provided in this section may not be transferred to any program, project, or activity specifically limited or denied by this Act: Provided further, That amounts made available by this section shall be obligated by the Secretary of State for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amounts may be used to purchase items having an investment unit cost of not more than $500,000; and

SEC. 1318. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1542 et seq.), except for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters whilst equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

SEC. 1319. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985:

“Other Procurement, Air Force”, 2017/2018, $25,100,000;

“Afghanistan Security Forces Fund”, 2017/ 2018, $100,000,000; and

“Counter-ISIL Train and Equip Fund”, 2017/2018, $12,513,000.


SEC. 1320. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designation to the Congress.
may be used to procure uniforms for the Afghan National Army.

SEC. 1404. None of the funds made available in this Act may be used for the closure of a military base in the United States.

SEC. 1405. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.

SEC. 1406. None of the funds made available by this Act may be used to purchase heavy water from Iran.

SEC. 1407. None of the funds appropriated by this Act may be used to plan for, begin, continue, complete, process, or approve a public-private competition under the Office of Management and Budget Circular A-76.

SEC. 1408. Notwithstanding any other provision of law, with respect to the revised security category (as that term is defined in section 256(c)(4)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985), any sequestration order issued under such law for fiscal year 2018 shall have no force or effect.

This division may be cited as the “Department of Defense Appropriations Act, 2018.”

DIVISION D—MISCELLANEOUS

SEC. 1501. Freedom’s Sentinel.

(1) The Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

(2) In the matter preceding clause (i), by striking “October 1, 2017” and inserting “October 1, 2019.”

(3) In clause (v), by striking “October 1, 2017” and inserting “October 1, 2019.”

(4) In paragraph (iv), by striking “fiscal year 2017” and inserting “fiscal year 2019.”

(5) In clause (v), by striking “fiscal year 2017” and inserting “fiscal year 2019.”

DIVISION E—TAX MATTERS

SEC. 1601. REPEAL OF SHIFT IN TIME OF PAYMENTS.

The Trade Preferences Extension Act of 2015 is amended by striking subsection (a) and inserting the following:

“(a) No part of any appropriation in this Act may be used to pay corporate estimated taxes.

(b) In paragraph (iv), in clause (y), by striking “October 1, 2017” and inserting “October 1, 2019.”

(c) In clause (v) of paragraph (4), by striking “October 1, 2017” and inserting “October 1, 2019.”

(d) In clause (v), by striking “fiscal year 2017” and inserting “fiscal year 2019.”

DIVISION F—HEALTH PROVISIONS

SEC. 2101. SHORT TITLE.

This division may be cited as the “ Strengthening and Underpinning the Safety-net to Aid Individuals Needing Care Act of 2018” or the “SUSTAIN Care Act of 2018.”

TITLE I—MEDICARE EXTENDERS AND RELATED POLICIES

Subtitle A—Medicare Part A

SEC. 2101. 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, 2019”;

(2) in clause (ii)(I), by striking “October 1, 2017” and inserting “October 1, 2019”;

(3) in clause (iv)—

(A) by amending subparagraph (C) to read as follows:—

“(C) (I) recommendations on payments, including a technical prototype for payments for PPS carve-out programs, if warranted;
(2) recommendations, if any, on which Medicare fee-for-service regulations for hospital payments under title XVIII of the Social Security Act should be altered (such as the critical pathway hospital 96-hour rule); (3) an analysis of the impact of the recommended payments described in paragraph (1) on Medicare beneficiary cost-sharing, access to care, and quality of care; (4) a projection of any potential reduction in expenditures under title XVIII of the Social Security Act that may be attributable to the implementation of the recommended payments described in paragraph (1); (5) a review of the value of hospitals participating in PPS carve-out programs collecting and reporting to the Secretary standardized patient assessment data with respect to inpatient hospital services; (6) the types of rural hospital classification and payment methodologies under the Medicare program, including information on each special payment structure such as eligibility criteria, and any areas of overlap between such special payment programs; (7) Medicare spending on each PPS carve-out program; (8) the financial aspects of hospitals participating in PPS carve-out programs such as the share of discharges under the Medicare and Medicaid programs; and (9) whether such payment programs are adequate to support Medicare beneficiary access to care.

SEC. 2104. EXTENSION OF HOME HEALTH AGENCY ADD-ON.

(a) EXTENSION—

"(1) IN GENERAL.—Section 421 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2293; 42 U.S.C. 1395ff note), as amended by section 5201(b) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 46), section 3131(c) of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 428), and section 210 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10; 129 Stat. 151) is amended—

(A) by striking—

(‘‘(1) IN GENERAL.—The Secretary shall—the Secretary shall—”;

(‘‘(B) in paragraph (3), by striking the period at the end and inserting ‘‘; and’’; and

(B) by inserting—

(‘‘(3) in the case of home health services furnished on or after January 1, 2019, the claim contains the code for the county (or equivalent area) in which the home health service was furnished.’’)

(b) OIG REVIEW.—The Office of the Inspector General shall submit to Congress, not later than January 1, 2020, and annually thereafter through January 1, 2024, a report containing—

(1) an analysis of payments made under section 1895 of the Social Security Act (42 U.S.C. 1395fff) increased under section 421 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2293; 42 U.S.C. 1395ff note), as amended by section 5201(b) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 46), section 3131(c) of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 428), section 210 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10; 129 Stat. 151), and subsection (a); and

(2) a recommendation on whether such payments should continue to be made based on county data.

Subtitle B—Medicare Part B

SEC. 2111. GROUND AMBULANCE SERVICES COST REPORTING REQUIREMENT.

(a) IN GENERAL.—Section 1121 of the Social Security Act (42 U.S.C. 1320a) is amended—

(1) in subsection (a)—

(2) by striking—

(‘‘(iii) in the case of episodes and visits ending during 2021, by 2 percent; and

(‘‘(iv) in the case of episodes and visits ending during 2022, by 1 percent; and

(C) is not described in either subparagraph (A) or (B)—

(‘‘(i) in the case of episodes and visits ending during 2019, by 3 percent;

(‘‘(ii) in the case of episodes and visits ending during 2020, by 2 percent; and

(‘‘(iii) in the case of episodes and visits ending during 2021, by 1 percent.

(2) RULES TO IMPLEMENT DETERMINATIONS.—

(A) NO SWITCHING.—For purposes of this subsection, the determination by the Secretary as to which subparagraph of paragraph (2) applies for each episode (or equivalent area) shall be made a single time and shall apply for the duration of the period to which this subsection applies.

(B) 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 2015.

(2) The Secretary shall exclude data from the territories (and the territories shall not be described in such paragraph).

(3) The Secretary shall 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) shall not be described in such paragraph).

(C) POPULATION DENSITY.—In determining population density under paragraph (1)(B), the Secretary shall use data from the 2010 decennial Census.

(b) REQUIREMENT TO SUBMIT COST REPORT AND AUTHORITY TO SUSPEND PAYMENTS AND DEM TO CERTAIN PAYMENTS OVERPAYMENTS.—Section 1834(i) of the Social Security Act (42 U.S.C. 1395f–1(c)(1)) is amended by adding at the end the following new paragraph:

"(4) In the case of a provider or supplier of ground ambulance services, the Secretary may modify the requirements for the inclusion of any data element specified in subsection (a) in reports made in accordance with the uniform reporting system established under this section with respect to such services for such provider or supplier.

(5) SUSPENSION OF PAYMENT FOR GROUND AMBULANCE SERVICES; DEEMING CERTAIN PAYMENTS OVERPAYMENTS.—Section 1834(i) of the Social Security Act (42 U.S.C. 1395f–1(c)(1)) is amended by adding at the end the following new paragraph:

"(6) REQUIREMENT TO SUBMIT COST REPORT AND AUTHORITY TO SUSPEND PAYMENTS AND DEM TO CERTAIN PAYMENTS OVERPAYMENTS FOR GROUND AMBULANCE SERVICES.—

"(A) IN GENERAL.—With respect to ground ambulance services furnished by a supplier of such services during cost reporting periods (as defined in subparagraph (B)) after the applicable period described in paragraph (5), the Secretary may make reports to the Secretary of information described in section 1212(a) in accordance with the uniform reporting system established under section 1121(a) for all such suppliers and, as may be required by the Secretary, of any of the information described in subparagraph (B).

(5) ADDITIONAL INFORMATION.—The Secretary may, with respect to a supplier of ground ambulance services, require the following additional information to be reported to the Secretary by the applicable period described in paragraph (5) and presented to the Secretary at the time of submission of reports required under section 1121(a) for such suppliers:

(1) Whether the supplier is part of an entity that is a governmental entity, or another type of entity (as described by the Secretary).

(2) The number of hours in a week during which the supplier is eligible for furnishing ground ambulance services.

(3) The average number of volunteer hours a week used by the supplier.

(c) SUSPENSION OF PAYMENT.—Subject to subparagraph (E), in the case that the Secretary determines that a supplier of ground ambulance services has not made to the Secretary a timely report described in subparagraph (A) with respect to a cost reporting period beginning on or after January 1, 2020, and before January 1, 2022, the Secretary may suspend payments made under this subsection, in whole or in part, to such supplier until the Secretary determines that such supplier has made such a report.

(5) SUSPENSION TO TERMINATE OVERPAYMENTS.—Subject to subparagraphs (E) and (F), in the case that the Secretary determines that a supplier of ground ambulance services has not made to the Secretary a complete, accurate, and timely report described in subparagraph (A) with respect to a cost reporting period beginning on or after January 1, 2022, the Secretary may deem payments made under this subsection to such supplier for such period to be
overpayments and recoup such overpayments; or

(ii) suspend payments made under this subsection to such supplier for such period.

(F) AUTHORITY TO MODIFY COST REPORTING ELEMENTS AND ENFORCEMENT.—Not earlier than January 1, 2024, the Secretary may provide that subparagraph (D) no longer applies to suppliers of ground ambulance services or a category of suppliers (as specified by the Secretary) of such services, or a category of such suppliers after—

(i) taking into account the recommendation of the Medicare Payment Advisory Commission in the most recent report available to the Secretary submitted under section 111(g) of the SUSTAIN Care Act of 2018 whether cost reports made by suppliers or a category of suppliers (as specified for purposes of the report submitted under such section) of ground ambulance services may be required or modified; and

(ii) undertaking notice and comment rulemaking.

(G) AUDIT OF COST REPORTS.—The Secretary shall audit reports described in subparagraph (A) made with respect to a cost reporting period beginning on or after January 1, 2021.

(H) APPEALS.—The Secretary shall establish a process whereby a supplier of ground ambulance services may appeal a determination described in subparagraph (C) or (D) made with respect to a cost report required to be made by such supplier under subparagraph (A).

(I) DEFINITION.—In this paragraph, the term ‘cost reporting period’ means, with respect to a year, the 12-month period beginning on January 1 of such year.

(J) STAKEHOLDER FEEDBACK.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall implement the provisions of this section, including the amendments made by this section, through notice and comment rulemaking and seek input from stakeholders.

(2) NONAPPLICATION OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply with respect to the implementation of the uniform reporting system required under this section.

(3) IMPLEMENTATION RESOURCES.—In addition to funds otherwise available, there are appropriated to—

(A) the Centers for Medicare & Medicaid Services Program Management Account from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395m(i)); and

(B) the modification of the uniform reporting systems under section 111(g) of such Act for providers of such services and reports required to be made under section 1861(v)(1)(F) of such Act (42 U.S.C. 1395xx(v)(1)(F)).

(4) IMPLEMENTATION RESOURCES.—In addition to funds otherwise available, there are appropriated to—

(A) the Centers for Medicare & Medicaid Services Program Management Account from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395m(i));

(B) the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395i); and

(C) the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395i).
other relevant stakeholders.

SEC. 2121. PROVIDING CONTINUED ACCESS TO MEDICARE ADVANTAGE SPECIAL NEEDS POPULATIONS.

(a) Extension.—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended—

(b) Increased integration of dual SNPs.

(i) In general.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)) is amended—

(ii) Designated contact.—The Secretary, acting through the Federal Coordinated Health Care Office established under section 2602 of Public Law 111–18, 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) perform among each other based on data from Healthcare Effectiveness Data and Information Set (HEDIS) quality measures, reported on the plan level, as required under section 1852(e)(9) (or such other measures or data sources that are available and appropriate, such as encounter data and Consumer Assessment of Healthcare Providers and Systems data, as specified by such Committees and the Subcommittees on the Medicare, Medicaid and SCHIP Programs, in consultation with the Medicaid and CHIP Payment and Access Commission established under section 1900, in consultation with the Medicare Payment Advisory Commission established under section 1805, and the Federal Coordinated Health Care Office established under section 2602 of the Patient Protection and Affordable Care Act, after receiving input from stakeholders, such as notifying the States 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, or sharing data that would benefit the coordination of items and services under this title and the State plan under title XIX. Such requirements described in section 1853(a)(1)(B)(iv)(II) shall include, as applicable, the following requirements, to the extent permitted under State law, for integration of benefits under this title and title XIX:

(2) HEDIS quality measures—HEDIS quality measures, as defined by the National Committee for Quality Assurance and the Patient Protection and Affordable Care Act, after receiving input from stakeholders, such as notifying the States 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, or sharing data that would benefit the coordination of items and services under this title and the State plan under title XIX. Such requirements described in section 1853(a)(1)(B)(iv)(II) shall include, as applicable, the following requirements, to the extent permitted under State law, for integration of benefits under this title and title XIX.
“(IV) A comparison group of such plans that are addressed in subparagraph (D)(i)(III).

“(V) A comparison group of MA plans, as feasible, described in subsection 260(b) of Public Law 111–148 (42 U.S.C. 1315b(d)) is amended by adding at the end the following new paragraphs:

“(c) IMPROVEMENTS TO SEVERE OR DISABLING CHRONIC CONDITION SNPS.—

(1) CARE MANAGEMENT REQUIREMENTS.—Section 1859(f)(5) of the Social Security Act (42 U.S.C. 1395w–26(f)(5)) is amended by adding at the end the following new paragraphs:

“(C) REQUIREMENT.—In establishing and updating the list under subparagraph (A), the Secretary shall—

(i) take into consideration the minimum number of enrollees in a specialized MA plan for special needs individuals instead of at the contract level;

(ii) take into consideration the impact of such application on plans that serve a disproportionate number of individuals eligible for benefits under this title and under title XIX;

(iii) if quality measures are reported at the plan level, ensure that MA plans are not required to provide duplicative information; and

(iv) 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.

“(D) QUALITY MEASUREMENT AT THE PLAN LEVEL FOR SNPS.—

(1) In general.—The Secretary shall determine the feasibility of requiring reporting of data under section 1852(e) for, and applying under this subsection, quality measures at the plan level for all MA plans under this part as a result of 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.

(2) CONSIDERATIONS.—Prior to applying such quality measurement at the plan level under this paragraph, the Secretary shall—

(i) 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;

(ii) take into consideration the impact of such application on plans that serve a disproportionate number of individuals eligible for benefits under this title and under title XIX;

(iii) if quality measures are reported at the plan level, ensure that MA plans are not required to provide duplicative information; and

(iv) 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.

“(E) GAO STUDY AND REPORT ON DUAL SNPS AND DUAL MA PLANS.—

(1) Study.—The Comptroller General of the United States (in this subsection referred to as the ‘‘Comptroller General’’) shall conduct a study on State-level integration between specialized MA plans for special needs individuals described in subsection 260(b) of Public Law 111–148 (42 U.S.C. 1315b(d)) on or after January 1, 2022.

(2) REPORT.—Not later than December 31, 2020, and every 5 years thereafter, the Secretary shall submit to Congress a report on the study conducted under paragraph (1) that includes—

(A) an assessment of the feasibility of requiring reporting of data under section 1852(e) for, and applying under this subsection, quality measures at the plan level for all MA plans under this part;

(B) an assessment of the feasibility of applying such quality measurement at the plan level under this paragraph; and

(C) any recommendations that the Comptroller General determines to be necessary to improve the quality measurement and quality assurance programs under this title.
has a contract with such a specialized MA plan and that delivers long-term services and supports under the State plan under such title XIX through a managed care program, in consultation with the States under such State plan with respect to long-term services and supports. (B) The types of such specialized MA plans, which may include the following:
(ii) A plan that meets the requirements described in subsection (f)(3)(D) of such section 1839.
(iii) A plan described in clause (ii) that also meets additional requirements established by the State.
(C) The characteristics of individuals enrolled in such specialized MA plans.
(D) As practicable, the following with respect to State plans for the delivery of long-term services and supports under such title XIX through a managed care program:
(i) Whether all such services and supports are provided through fee-for-service.
(ii) Whether all such services and supports are provided through managed care or any combination of fee-for-service and managed care.
(iii) Whether all such services and supports are carved out of title XIX.
(iv) Whether such services and supports are provided through fee-for-service.
(2) In subsection (d)(3), by striking paragraph (1) and inserting the following:

‘‘(1) ’’; and

(3) in subparagraph (C), by striking ‘‘and’’ at the end.

(b) ANNUAL REPORT BY SECRETARY TO CONGRESS.—By not later than March 1 of each year, the Secretary shall submit to Congress a report containing the following:

(i) A description of—

(1) the annual expenses of the entity (including how much of that funding has been provided under subsection (d) for purposes of carrying out each of the activities described in paragraph (4)) and

(2) the amount of mandatory funding provided for purposes of carrying out this section and section 1900A that has been obligated by the Secretary, the amount that has been expended, and the amount of funding provided that remains unobligated.

(iii) A description of how the funds provided for purposes of carrying out this section and section 1900A that have been obligated by the Secretary, the amount that has been expended, and the amount of funding provided that remains unobligated.

(2) the amount of mandatory funding provided for purposes of carrying out this section and section 1900A that has been obligated by the Secretary, the amount that has been expended, and the amount of funding provided that remains unobligated.

(3) in subparagraph (C), by striking ‘‘and’’ at the end.

(4) in subsection (d)(2)—

(1) The amount of Federal funding provided for purposes of carrying out this section and section 1900A that has been obligated by the Secretary, the amount that has been expended, and the amount of funding provided that remains unobligated.

(5) in paragraph (3), by striking ‘‘and’’ at the end.

(b) ANNUAL REPORT BY SECRETARY TO CONGRESS.—By not later than March 1 of each year, the Secretary shall submit to Congress a report containing the following:

(i) A description of—

(1) the annual expenses of the entity (including how much of that funding has been provided under subsection (d) for purposes of carrying out each of the activities described in paragraph (4)) and

(2) the amount of mandatory funding provided for purposes of carrying out this section and section 1900A that has been obligated by the Secretary, the amount that has been expended, and the amount of funding provided that remains unobligated.

(3) in subparagraph (C), by striking ‘‘and’’ at the end.

(4) in subsection (d)(2)—

(1) The amount of Federal funding provided for purposes of carrying out this section and section 1900A that has been obligated by the Secretary, the amount that has been expended, and the amount of funding provided that remains unobligated.

(5) in paragraph (3), by striking ‘‘and’’ at the end.
convened committees, work groups, task forces, and advisory panels.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to reports submitted for years beginning with 2018.

(g) GAO STUDY AND REPORT.—
(1) STUDY.—The Comptroller General of the United States shall conduct a study on health care quality measurement efforts funded under sections 1890 and 1890A of the Social Security Act (42 U.S.C. 1395aaa–1395aaa–5(a)(1)) and shall include an examination of the following:
(A) The extent to which the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) has set and prioritized objectives to be achieved for each of the quality measurement activities required under such sections 1890 and 1890A.
(B) The efforts that the Secretary has undertaken to meet quality measurement objectives required under such sections 1890 and 1890A, including division of responsibilities for those efforts within the Department of Health and Human Services and through contracts with a consensus-based entity under section 1890D of the Social Security Act (42 U.S.C. 1395aaa–3).
(C) The total amount of mandatory funding provided to the Secretary for purposes of carrying out such sections 1890 and 1890A, the amount of such funding that has been obligated by the Secretary, and the amount of such funding that remains unobligated.
(D) How the obligated funds have been allocated, including how much of the obligated funding has been allocated for work performed by the Secretary, the consensus-based entity, and any other entity the Secretary has contracted with to perform work related to carrying out such sections 1890 and 1890A, the amount of such funding that has been obligated by the Secretary, and the amount of such funding that remains unobligated.
(E) To what extent the Secretary has developed a comprehensive and long-term plan to ensure that it can achieve 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 Application Partnership (MAP), and any other entity the Secretary has contracted with to perform work related to carrying out such sections 1890 and 1890A, respectively, and descriptions of such work.
(F) To what extent the Secretary has conducted a study on the extent of any overlap among the work performed by the Secretary, the consensus-based entity, the Measure Application Partnership (MAP) and any other entity the Secretary has contracted with to perform work related to carrying out such sections 1890 and 1890A.

(2) 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.

TITLE II—ADDITIONAL MEDICARE POLICIES RELATING TO EXTENDERS

SEC. 2201. HOME HEALTH PAYMENT REFORM.

(a) IN GENERAL.—(1) TRANSITION TO A 30-DAY UNIT OF PAYMENT FOR HOME HEALTH SERVICES.—Section 1866(b) of the Social Security Act (42 U.S.C. 1395f(f)) is amended—
(A) by striking “PAYMENT.—In defining” and inserting “PAYMENT.—
(1) IN GENERAL.—The Secretary”;

(B) by adding at the end the following new subsection:

(2) 30-DAY UNIT OF SERVICE.—For purposes of implementing the payment system with respect to home health units of service furnished during a year beginning with 2020, the Secretary shall apply a 30-day unit of service applied under this paragraph.”;

and

(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 that end during the 12-month period beginning January 1, 2020, the Secretary shall establish a standard prospective payment amount (or amounts) for 30-day units of service (as described in paragraph (2)(B)) for the prospective payment system under this subsection. Such standard prospective payment amount (or amounts) shall be calculated in a manner such that the estimated aggregate amount of expenditures under the system during such period with application of paragraph (2)(B) is equal to the estimated aggregate amount of expenditures that otherwise would have been made under the system described in paragraph (2)(B) that had not been enacted. The previous sentence shall be applied before (and not after) the application of (and not after) the application of paragraph (3)(B). In calculating amounts, the Secretary shall make assumptions about behavior changes that could occur as a result of the implementation of paragraph (2)(B) and the case-mix adjustment factors established under paragraph (4)(B) and shall provide a description of such assumptions in the notice and comment rulemaking used to implement this clause.”;

and

(B) by adding at the end the following new clause:

(‘’(ii) PERMANENT ADJUSTMENTS.—The Secretary shall, at a time and in a manner determined appropriate, through notice and comment rulemaking, provide for one or more permanent increases or decreases to the standard prospective payment amount (or amounts) for a prospective payment amount (or amounts) for 30-day units of service (as described in subparagraph (A)(iv)) and actual behavior changes on estimated aggregate expenditures under this subsection with respect to years beginning with 2020 and ending with 2026.

and

(ii) IN GENERAL.—The Secretary shall, at a time and in a manner determined appropriate, through notice and comment rulemaking, provide for one or more temporary increases or decreases to the payment amount for a unit of home health services (as determined under paragraph (4)) for applicable years in each year, respectively, to offset for such increases or decreases in estimated aggregate expenditures (as determined under clause (i)). Such a temporary increase or decrease shall apply only with respect to the year for which such temporary increase or decrease is made, and the Secretary shall not take into account such a temporary increase or decrease in computing such amount under this subsection for a subsequent year.”;

and

(3) REPORT.—Not later than April 1, 2019, the Secretary shall submit to Congress an interim report on the application of a 30-day unit of service as the unit of service applied under section 1855(b) of the Social Security Act (42 U.S.C. 1395f(b)(3)), as amended by subsection (a), including an analysis of the level of payments provided to home health agencies as compared to the cost of delivering home health services, and any unintended consequences, including with respect to behavioral changes and quality.

and

(b) TECHNICAL EXPERT PANEL.—
(1) IN GENERAL.—During the period beginning on January 1, 2018, and ending on December 31, 2018, the Secretary of Health and Human Services shall hold at least one session of the technical expert panels 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 1855(b) of the Social Security Act (42 U.S.C. 1395f(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. 35259 through 35332 (July 28, 2017)).

(B) Alternative case-mix models to 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. 35259 through 35332 (July 28, 2017)).

(C) The extent to which the Secretary has contracted with to perform work related to carrying out such sections 1890 and 1890A, the amount of such funding that has been obligated by the Secretary, and the amount of such funding that remains unobligated.

4. 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 a report on the recommendations of such panel described in such paragraph.

(b) NOTICE AND COMMENT RULEMAKING.—Not later than December 31, 2019, the Secretary of Health and Human Services shall pursue notice and comment rulemaking to establish a case-mix system with respect to the prospective payment system for home health services under section 1855(b) of the Social Security Act (42 U.S.C. 1395f(b)).

(c) REPORTS.—
(1) INTERIM REPORT.—Not later than March 15, 2022, the Medicare Payment Advisory Commission shall submit to Congress an interim report on the application of a 30-day unit of service as the unit of service applied under section 1855(b) of the Social Security Act (42 U.S.C. 1395f(b)), as amended by subsection (a), including an analysis of the level of payments provided to home health agencies as compared to the cost of delivering home health services, and any unintended consequences, including with respect to behavioral changes and quality.

and

(c) REPORTS.—
(1) INTERIM REPORT.—Not later than March 15, 2022, the Medicare Payment Advisory Commission shall submit to Congress an interim report on the application of a 30-day unit of service as the unit of service applied under section 1855(b) of the Social Security Act (42 U.S.C. 1395f(b)), as amended by subsection (a), including an analysis of the level of payments provided to home health agencies as compared to the cost of delivering home health services, and any unintended consequences, including with respect to behavioral changes and quality.

and

Final Report.—Not later than March 15, 2026, such Commission shall submit to Congress a final report on such application and any such consequences.
by inserting before “For purposes of para-
graph (2)(C),” the following new sentence:
“For purposes of documentation for physi-
cian certification and recertification made under paragraph (2)(A), a settlement under sub-
paragraph (i) shall be determined by calcu-
lying the support total of all the individual
claim amounts calculated under clause (ii)
with respect to such agency.
(3) EFFECT OF PROCESS.—(A) EFFECT OF SETTLEMENT.—
(i) FURTHER APPEAL.—As part of any settle-
ment under paragraph (1) between a home
health agency and the Secretary, such home
health agency may request the right to a set-
tlement proceeding under section 1869 of the Social Security Act (42 U.S.C. 1395ff) or section 1878 of such Act (42 U.S.C. 1396o) (including any redetermina-
tion, reconsideration, hearing, or review) with respect to any claims for home health
services that are subject to the settlement.
(ii) JUDICIAL REVIEW.—There shall be no ad-
mintive or judicial review under such section
1869 or otherwise of a settlement under para-
graph (1) and the claims covered by the
settlement.
(B) EFFECT OF NO SETTLEMENT.—In the event that the process described in para-
graph (2) does not, with respect to a home
health agency, result in a settlement under para-
graph (1) with such agency, any appeal under section 1869 with respect to a claim by such agency that was sus-
pended pursuant to paragraph (2)(B) shall re-
sume under such section.
(4) COORDINATION WITH LAW ENFORCEMENT.—
The Secretary of Health and Human Services
shall establish a process to coordinate with
appropriate law enforcement agencies in order to avoid the inadvertent settlement of cases that involve fraud or other criminal
activity.
(a) SETTLEMENT PROCESS FOR HOME HEALTH CLAIMS.—(1) IN GENERAL.—Not later than one year
after the date of enactment of this Act, the
Secretary of Health and Human Services
shall publish a settlement process under
which a home health agency entitled to an
eligible administrative appeal has the option
to enter into a settlement with the Sec-
retary that is reached in a manner con-
sistent with the succeeding paragraphs of
this subsection.
(2) PROCESS AND CONSIDERATION OF HOME HEALTH CLAIMS.—A settlement under para-
graph (1) with a home health agency that is
with respect to an eligible administrative
appeal may only be reached in accordance with this subsection.
(A) A settlement under such paragraph with the home health agency shall be with
respect to all claims by such agency, subject
to paragraph (4), that, as of the date of such
settlement, are under an eligible administra-
tive appeal.
(B) For the duration of the settlement process, the Secretary shall find an eligible administra-
tive appeal that is with respect to any such
claim by such agency shall be sus-
pended.
(C) Under the settlement process, the Sec-
retary shall determine an aggregate amount
to be paid to the home health agency with
respect to all claims by such agency that are
under an eligible administrative appeal in
the following manner:
(i) The Secretary shall, for purposes of ap-
plying clause (ii) with respect to all settle-
ments under paragraph (1), select a settlement
that will cover the time period.
(A) In selecting such percentage, the Sec-
retary shall consider the percentage used
under the Centers for Medicare & Medicaid
Services’ national level settlements that began
on August 29, 2014.
(ii) The Secretary shall, with respect to
each denied claim for such agency that is
under an eligible administrative appeal, cal-
culate an amount (referred to in this sub-
paragraph as an “individual claim amount”)
performance score for the performance category described in paragraph (2)(A)(ii) shall not take into account the improvement of the professional involved.

(ii) In paragraph (b)—

(I) in clause (1)(i)(bb)—

(I) in the heading by striking “FIRST 2 YEARS” and inserting “FIRST 5 YEARS”; and

(ii) in clause (ii)(bb)—

(I) in the second sentence and inserting “2 YEARS” and inserting “5 YEARS”; and

(II) by striking the second and inserting “Subject to clauses (iii) and (iv), striking “Such performance threshold” and inserting (2)(A)(ii) for such performance period.

(D) in paragraph (6)(D)—

(i) in clause (i), in the second sentence, by striking “Such performance threshold” and inserting “Subject to clauses (iii) and (iv), such performance threshold”;

(ii) in clause (ii)—

(I) in the first sentence, by inserting “(beginning with 2018), post on the Internet website of the Centers for Medicare & Medicaid Services for public comment, and the Secretary shall increase the performance threshold with respect to each of the third, fourth, fifth, and sixth year to not later than December 31st of each year after “for each year of the MIPS”;

(ii) by striking the second sentence and inserting “Subject to clause (iii),” after “For each such year”;

(iii) in clause (iii)—

(I) in the heading, by striking “2” and inserting “5”;

(iii) in the second sentence, by striking “two years” and inserting “five years”;

(iv) by adding at the end the following new clause:

“(IV) ADDITIONAL SPECIAL RULE FOR THIRD, FOURTH AND FIFTH YEARS OF MIPS.—For purposes of section 1833(z)(2)(C)’’, and inserting “FIRST 5 YEARS’’; and

(E) in paragraph (6)(E)—

(i) by striking “in the case of items and services” and inserting “in the case of covered professional services (as defined in subsection (k)(3)(A))”;

(ii) by striking “under this part with respect to such covered professional services” and inserting “covered professional services (as defined in subsection (k)(3)(A))”;

(F) in paragraph (7), in the first sentence, by striking “items and services” and inserting “covered professional services (as defined in subsection (k)(3)(A))”;

(2) in subsection (r)(2), by adding at the end the following new subparagraph:

“(III) shall prepare comments and recommendations regarding whether such models meet the criteria described in subparagraph (A), and shall submit such comments and recommendations to the Secretary.”.

SEC. 2206. REVISED REQUIREMENTS FOR MEDICARE NATIONAL PERFORMANCE MEASURES.

(a) IN GENERAL.—Section 1866(c)(2)(C) of the Social Security Act (42 U.S.C. 1395ee(c)(2)(C)) is amended to read as follows:

“(C) COMMITTEE REVIEW OF MODELS SUBMITTED.—The Committee, on a periodic basis—

(I) shall review models submitted under subparagraph (B);

(ii) may provide individuals and stakeholder entities who submitted such models with—

(I) initial feedback on such models regarding the extent to which such models meet the criteria described in subparagraph (A); and

(II) an explanation of the basis for the feedback provided under subclause (I); and

(iii) shall prepare comments and recommendations regarding whether such models meet the criteria described in subparagraph (A) and submit such comments and recommendations to the Secretary.’’.

(b) PHYSICIAN-FOCUSED PAYMENT MODEL TECHNICAL ADVISORY COMMITTEE PROVISION OF BUDGETARY FEEDBACK.—Section 1866(c)(2)(C) of the Social Security Act (42 U.S.C. 1395ee(c)(2)(C)) is amended by inserting “subject to subparagraph (B),” before “and the Secretary shall increase the performance threshold with respect to each of the third, fourth, fifth, and sixth year to not later than December 31st of each year after “for each year of the MIPS”,” after “subject to subparagraph (B),” and in clause (ii), as redesignated by paragraph (1)(D), by striking “on a comprehensive’’ and inserting “subject to subparagraph (B),” before “and the Secretary shall increase the performance threshold with respect to each of the third, fourth, fifth, and sixth year to not later than December 31st of each year after “for each year of the MIPS”,” after “subject to subparagraph (B),” and in clause (ii), as redesignated by paragraph (1)(D), by striking “an explanation of the basis for the feedback provided under subclause (I);” and inserting “(iv) ADDITIONAL SPECIAL RULE FOR THIRD, FOURTH AND FIFTH YEARS OF MIPS.—For purposes of section 1833(z)(2)(C)’’, and inserting “FIRST 5 YEARS’’; and

(c) COMMITTEE REVIEW OF MODELS SUBMITTED.—The Committee, on a periodic basis—

(I) shall review models submitted under subparagraph (B);

(ii) may provide individuals and stakeholder entities who submitted such models with—

(I) initial feedback on such models regarding the extent to which such models meet the criteria described in subparagraph (A); and

(II) an explanation of the basis for the feedback provided under subclause (I); and

(iii) shall prepare comments and recommendations regarding whether such models meet the criteria described in subparagraph (A), and shall submit such comments and recommendations to the Secretary.’’.

SEC. 2302. EXPANDING ACCESS TO HOME DIALYSIS SERVICES.

(a) IN GENERAL.—Section 1861(b)(3) of the Social Security Act (42 U.S.C. 1395b(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(ii) in clause (ii), as redesignated by paragraph (1)(D), by striking “on a comprehensive’’ and inserting “subject to subparagraph (B),” before “and the Secretary shall increase the performance threshold with respect to each of the third, fourth, fifth, and sixth year to not later than December 31st of each year after “for each year of the MIPS”,” after “subject to subparagraph (B),” and in clause (ii), as redesignated by paragraph (1)(D), by striking “an explanation of the basis for the feedback provided under subclause (I);” and inserting “(iv) ADDITIONAL SPECIAL RULE FOR THIRD, FOURTH AND FIFTH YEARS OF MIPS.—For purposes of section 1833(z)(2)(C)’’, and inserting “FIRST 5 YEARS’’; and

(b) ORIGINATING SITE REQUIREMENTS.—

(1) IN GENERAL.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(A) in paragraph (4)(C), by adding at the end the following new subparagraph:

“(IX) A renal dialysis facility, but only for purposes of section 1861(b)(3)(B),”;

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

“(X) The home of an individual, but only for purposes of section 1861(b)(3)(B),”;

() and (3) by adding at the end the following new subparagraph:

“(X) A renal dialysis facility, but only for purposes of section 1861(b)(3)(B),”;

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of Public Law 115–223.

SEC. 2303. BILATERAL PROGRAMS.

(a) IN GENERAL.—Section 1881(b)(3)(B), of the Social Security Act (42 U.S.C. 1395cc–5) is amended—

(1) by redesigning subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(ii) in clause (ii), as redesignated by paragraph (1)(D), by striking “on a comprehensive’’ and inserting “subject to subparagraph (B),” before “and the Secretary shall increase the performance threshold with respect to each of the third, fourth, fifth, and sixth year to not later than December 31st of each year after “for each year of the MIPS”,” after “subject to subparagraph (B),” and in clause (ii), as redesignated by paragraph (1)(D), by striking “an explanation of the basis for the feedback provided under subclause (I);” and inserting “(iv) ADDITIONAL SPECIAL RULE FOR THIRD, FOURTH AND FIFTH YEARS OF MIPS.—For purposes of section 1833(z)(2)(C)’’, and inserting “FIRST 5 YEARS’’; and

(b) NO FACILITY FEE IF ORIGINATING SITE FOR HOME DIALYSIS SERVICES.

(1) IN GENERAL.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(A) in paragraph (4)(C), by adding at the end the following new subparagraph:

“(IX) A renal dialysis facility, but only for purposes of section 1861(b)(3)(B),”;

(c) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of Public Law 115–223.

SEC. 2301. EXTENDING THE INDEPENDENCE AT HOME DIALYSIS PROGRAM.

(a) IN GENERAL.—Section 1866E of the Social Security Act (42 U.S.C. 1395cc–5) is amended—

(1) in subsection (e)—

(I) in paragraph (1)—

(i) by striking “an agreement” and inserting “Agreements”;

(ii) by striking “6-year” and inserting “7-year”;

and

(B) in paragraph (5)—

(i) by striking “10,000” and inserting “15,000”;

(ii) by adding at the end the following new sentence: “An applicable beneficiary that enroll in the demonstration program for more than 3 years”;

(iii) by striking clause (i) and inserting “subclauses (I) and (II), and indenting appropriate

(B) in subclause (ii), as redesignated by subparagraph (A), by striking “clause (i) or

(iii) by adding “not later than 31st of each year (beginning with 2018), post on the Internet website of the Centers for Medicare & Medicaid Services information on resource use measures in use under subsection (q), re-
this clause" and inserting "subclause (I) or this subclause"; (C) by striking "site.--With respect to" and inserting "site.--"; (I) by adding the following new subclause: "(1) no facility fee if originating site for home dialysis therapy is the home.--No facility fee shall be paid under this subparagraph to an originating site described in paragraph (4)(C)(1)(x)."; (J) by adding a paragraph at the end of the section: "(4) the telehealth technologies are provided for the purpose of furnishing telehealth services related to the individual's end stage renal disease; and (I) by the provision of the telehealth technologies meets any other requirements set forth in regulations promulgated by the Secretary.

(d) CONFORMING AMENDMENT.--Section 1881(b)(1) of the Social Security Act (42 U.S.C. 1395n(b)(1)) is amended by striking "paragraph (3)(A)" and inserting "paragraph (3)(A)(i)."

Subtitle B—Expanding Innovation and Technology

SEC. 2311. ADAPTING BENEFITS TO MEET THE NEEDS OF CHRONICALLY ILL MEDICARE ADVANTAGE ENROLLEES.

Section 1859 of the Social Security Act (42 U.S.C. 1395w–28) is amended by adding at the end of the section the following new subsection: "(J) NATIONAL TESTING OF MEDICARE ADVANTAGE VALUE-BASED INSURANCE DESIGN MODEL.-- (1) IN GENERAL.—In implementing the Medicare Advantage Value-Based Insurance Design model that is being tested under section 1115A(b), the Secretary shall revise the testing of the model under such section to cover, effective not later than January 1, 2020, all States.

(2) TERMINATION AND MODIFICATION PROVISION NOT APPLICABLE UNTIL JANUARY 1, 2022.—The provisions of section 1115A(b)(3)(B) shall apply to the Medicare Advantage Value-Based Insurance Design model, including such model as revised under paragraph (1), beginning January 1, 2022, but shall not apply to such model, as so revised, prior to such date.

(3) FUNDING.—The Secretary shall allocate funds made available under section 1115A(b)(1) to design, implement, and evaluate the Medicare Advantage Value-Based Insurance Design model, as revised under paragraph (1)."

SEC. 2312. EXPANDING SUPPLEMENTAL BENEFITS TO MEET THE NEEDS OF CHRONICALLY ILL MEDICARE ADVANTAGE ENROLLEES.

(a) IN GENERAL.—(18)(a) of the Social Security Act (42 U.S.C. 1395w–22(a)(3)) is amended— (1) in subparagraph (A), by striking "Each" and inserting "Subject to subparagraph (D), each"; and (2) by adding at the end the following new subparagraph: "(D) EXPANDING SUPPLEMENTAL BENEFITS TO MEET THE NEEDS OF CRONICALLY ILL ENROLLEES.— (1) IN GENERAL.—For plan year 2020 and subsequent plan years, in addition to any supplemental health care benefits otherwise provided under this paragraph, an MA plan, including a new plan for special needs individuals (as defined in section 1859(b)(6)), may provide supplemental benefits described in a chronically ill enrollee (as defined in clause (iii)). (2) SUPPLEMENTAL BENEFITS DESCRIBED.—(i) IN GENERAL.—Supplemental benefits described in this clause are supplemental benefits that, with respect to a chronically ill enrollee, have a reasonable expectation of improving or maintaining the health or overall well-being of such enrollee, and may not be limited to being primarily health related benefits.

(II) AUTHORITY TO WAIVE UNIFORMITY REQUIREMENTS.—The Secretary may, only with respect to supplemental benefits provided to a chronically ill enrollee under this subparagraph, waive the uniformity requirements under this subparagraph, as determined appropriate by the Secretary.

(iii) CRONICALLY ILL ENROLLEES DEFINED.—For purposes of this subparagraph, the term "chronically ill enrollee" means an enrollee in an MA plan that the Secretary determines— (D) has one or more comorbid and medically complex chronic conditions that is life threatening or significantly limits the overall health or function of the enrollee; (ii) has a hospitalization or other adverse health outcomes; and (III) requires intensive care coordination.

(b) 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 supplemental benefits provided to enrollees in Medicare Advantage plans under part C of title XVIII of the Social Security Act, including plans for special needs individuals (as defined in section 1859(b)(6) of such Act (42 U.S.C. 1395w–28b(b))). To the extent data are available, such study shall include an analysis of the following: (A) The type of supplemental benefits provided to such enrollees, the total number of enrollees offered such benefits, and whether the supplemental benefit is covered by the standard benchmark cost of the benefit or with an additional premium. (B) The frequency in which supplemental benefits are utilized by such enrollees. (C) The impact supplemental benefits have on— (i) indicators of the quality of care received by such enrollees, including overall health and function of the enrollee; (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 such title XVIII by such enrollees; and (iii) the amount of the bids submitted by Medicare Advantage Organizations for Medicare Advantage plans under such part C. (2) REPORT.—Not later than 5 years after the date of the 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 for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 2313. INCREASING CONVENIENCE FOR MEDICARE ADVANTAGE ENROLLEES THROUGH TELEHEALTH.

(a) IN GENERAL.—Section 1852 of the Social Security Act (42 U.S.C. 1395w–22) is amended— (1) in subsection (a)(1)(B)(i), by inserting "subject to subsection (m)," after "means"; and (2) by adding at the end the following new subsection: "(m) PROVISION OF ADDITIONAL TELEHEALTH BENEFITS.— (1) MA PLAN OPTION.—For plan year 2020 and subsequent plan years, subject to the requirements of paragraph (3), an MA plan may provide additional telehealth benefits (as defined in paragraph (2)) to individuals enrolled under this part.

(2) ADDITIONAL TELEHEALTH BENEFITS DEFINED.— (A) IN GENERAL.—For purposes of this subsection and section 1861(r), the term ‘additional telehealth benefits’ means— (i) for which benefits are available under part B, including services which payment is not made under section 1834(r) and the conditions for payment under such section; and (ii) that are identified for the year involved by the Secretary as clinically appropriate for furnishing electronic information and telecommunications technology when provided by a physician (as defined in section 1861(r)) or practitioner (as defined in section 1842(b)(18)(C)) providing the service is not at the same location as the plan enrollee.

(3) 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.

(b) PUBLIC COMMENT.—Not later than November 30, 2018, the Secretary shall solicit comments on— (1) types of items and services (including those provided through supplemental health care benefits, such as remote patient monitoring, secure messaging, store and forward, and appropriate to furnish using electronic information and telecommunications technology) that are identified for the year involved; (2) factors necessary for the coordination of such benefits (such as licensure, training, and coordination requirements); (3) REQUIREMENTS FOR ADDITIONAL TELEHEALTH BENEFITS.—The Secretary shall specify requirements for the provision or furnishing of additional 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. (D) MA PLAN OPTION.—If an MA plan provides a service as an additional telehealth benefit (as defined in paragraph (2))— (i) the MA plan shall also provide access to such benefit through an in-person visit (and not only as an additional telehealth benefit); and (ii) 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 1854, if a plan provides additional telehealth benefits, such additional telehealth benefits shall be treated as if they were benefits under the original Medicare fee-for-service program option.

“(6) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the requirements of section 1854(a)(11) or 1834(m).”.

(b) CLARIFICATION REGARDING INCLUSION IN BID ACOs.—Section 1834(m)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–24(a)(6)(A)(i)(I)) is amended by inserting “, including, for plan 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. 2314. PROVIDING ACCOUNTABLE CARE ORGANIZATIONS THE ABILITY TO EXPAND THE USE OF TELEHEALTH.

(a) In General.—Section 1899 of the Social Security Act (42 U.S.C. 1395l(j)) is amended by adding at the end the following new subsection:

“(1) PROVIDING ACOs THE ABILITY TO EXPAND THE USE OF TELEHEALTH SERVICES.—

“(A) 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, purposes of this subsection only, the following shall apply with respect to a Medicare fee-for-service beneficiary as a beneficiary participating in an applicable ACO (as defined in paragraph (2)) to a Medicare fee-for-service beneficiary assigned to the applicable ACO:

(B) SITE.—Subject to paragraph (3), the home of the beneficiary as determined appropriate by the Secretary.

(C) NO ORIGINATING SITE FACILITY FEE FOR NEW SITES.—No facility fee shall be paid under paragraph (2) to an originating site described in subparagraph (A) of paragraph (4) if the originating site is a new site.

(D) NO APPLICATION OF GEOGRAPHIC LIMITATION.—The geographic limitation on section 1834(m)(4)(C) shall not apply with respect to telehealth services furnished on or after January 1, 2021, for diagnoses, evaluation, or treatment of symptoms of an acute stroke, as determined by the Secretary.

(3) DEFINITIONS.—In this subsection:

(A) INCLUSION OF HOME AS ORIGINATING SITE.—In this subsection, the term ‘originating site’ shall mean the home of the beneficiary.

(B) NO APPLICATION OF DEFINITIONS.—In this subsection, section 1834(m)(4)(C) shall be applied if the originating site is the home of the beneficiary.

(C) TREATMENT OF STROKE TELEHEALTH SERVICES.—

(i) 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, 2021, for diagnoses, evaluation, or treatment of symptoms of an acute stroke, as determined by the Secretary.

(ii) No originator site fee for new sites.—No facility fee shall be paid under paragraph (2) to an originating site described in subparagraph (A) if the originating site is a new site.

(4) CARRIERS.—In this subsection, the term ‘carrier’ means, with respect to telehealth services described in subparagraph (A) of paragraph (4), the Medicare program intermediary or carrier.

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ‘Secretary’) shall conduct a study on the implementation of section 1899 of the Social Security Act (as added by subsection (a)). Such study shall include an analysis 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.

(C) REPORT.—Not later than January 1, 2026, the Secretary shall submit to Congress a report containing the results of the study conducted under paragraph (2) together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 2315. EXPANDING THE USE OF TELEHEALTH FOR INDIVIDUALS WITH STROKE.

Section 1834(m) of the Social Security Act (42 U.S.C. 1395w–24(m)), as amended by section 292(b), is amended—

(1) in paragraph (4)(C)(i), in the matter preceding subclause (I), by striking ‘‘The term’’ and inserting ‘‘Except as provided in paragraph (6), the Secretary’’;

(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, 2021, for diagnoses, evaluation, or treatment of symptoms of an acute stroke, as determined by the Secretary.

(B) NO ORIGINATING SITE FACILITY FEE FOR NEW SITES.—No facility fee shall be paid under paragraph (2) to an originating site described in subparagraph (A) if the originating site is a new site.

(2) DEFINITIONS.—In this subsection:

(A) INCLUSION OF HOME AS ORIGINATING SITE.—In this subsection, the term ‘originating site’ shall mean the home of the beneficiary.

(B) NO APPLICATION OF DEFINITIONS.—In this subsection, section 1834(m)(4)(C) shall be applied if the originating site is the home of the beneficiary.

(C) TREATMENT OF STROKE TELEHEALTH SERVICES.—

(i) 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, 2021, for diagnoses, evaluation, or treatment of symptoms of an acute stroke, as determined by the Secretary.

(ii) No originator site fee for new sites.—No facility fee shall be paid under paragraph (2) to an originating site described in subparagraph (A) if the originating site is a new site.

(3) DEFINITIONS.—In this subsection:

(A) INCLUSION OF HOME AS ORIGINATING SITE.—In this subsection, the term ‘originating site’ shall mean the home of the beneficiary.

(B) NO APPLICATION OF DEFINITIONS.—In this subsection, section 1834(m)(4)(C) shall be applied if the originating site is the home of the beneficiary.

(C) TREATMENT OF STROKE TELEHEALTH SERVICES.—

(i) 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, 2021, for diagnoses, evaluation, or treatment of symptoms of an acute stroke, as determined by the Secretary.

(ii) No originator site fee for new sites.—No facility fee shall be paid under paragraph (2) to an originating site described in subparagraph (A) if the originating site is a new site.

(4) CARRIERS.—In this subsection, the term ‘carrier’ means, with respect to telehealth services described in subparagraph (A) of paragraph (4), the Medicare program intermediary or carrier.

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ‘Secretary’) shall conduct a study on the implementation of section 1899 of the Social Security Act (as added by subsection (a)). Such study shall include an analysis 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.

(C) REPORT.—Not later than January 1, 2026, the Secretary shall submit to Congress a report containing the results of the study conducted under paragraph (2) together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 2315. EXPANDING THE USE OF TELEHEALTH FOR INDIVIDUALS WITH STROKE.

Section 1834(m) of the Social Security Act (42 U.S.C. 1395w–24(m)), as amended by section 292(b), is amended—

(1) in paragraph (4)(C)(i), in the matter preceding subclause (I), by striking ‘‘The term’’ and inserting ‘‘Except as provided in paragraph (6), the Secretary’’;

(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, 2021, for diagnoses, evaluation, or treatment of symptoms of an acute stroke, as determined by the Secretary.

(B) NO ORIGINATING SITE FACILITY FEE FOR NEW SITES.—No facility fee shall be paid under paragraph (2) to an originating site described in subparagraph (A) if the originating site is a new site.

(2) DEFINITIONS.—In this subsection:

(A) INCLUSION OF HOME AS ORIGINATING SITE.—In this subsection, the term ‘originating site’ shall mean the home of the beneficiary.

(B) NO APPLICATION OF DEFINITIONS.—In this subsection, section 1834(m)(4)(C) shall be applied if the originating site is the home of the beneficiary.

(C) TREATMENT OF STROKE TELEHEALTH SERVICES.—

(i) 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, 2021, for diagnoses, evaluation, or treatment of symptoms of an acute stroke, as determined by the Secretary.

(ii) No originator site fee for new sites.—No facility fee shall be paid under paragraph (2) to an originating site described in subparagraph (A) if the originating site is a new site.

(3) DEFINITIONS.—In this subsection:

(A) INCLUSION OF HOME AS ORIGINATING SITE.—In this subsection, the term ‘originating site’ shall mean the home of the beneficiary.

(B) NO APPLICATION OF DEFINITIONS.—In this subsection, section 1834(m)(4)(C) shall be applied if the originating site is the home of the beneficiary.

(C) TREATMENT OF STROKE TELEHEALTH SERVICES.—

(i) 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, 2021, for diagnoses, evaluation, or treatment of symptoms of an acute stroke, as determined by the Secretary.

(ii) No originator site fee for new sites.—No facility fee shall be paid under paragraph (2) to an originating site described in subparagraph (A) if the originating site is a new site.

(4) CARRIERS.—In this subsection, the term ‘carrier’ means, with respect to telehealth services described in subparagraph (A) of paragraph (4), the Medicare program intermediary or carrier.

(b) STUDY AND REPORT.—

(1) STUDY.—
(3) EXCLUSION OF INCENTIVE PAYMENTS.—Any payment made under an ACO Beneficiary Incentive Program established under this subsection shall not be considered income or otherwise taken into account for purposes of—

(A) determining eligibility for benefits or assistance (or the amount or extent of benefits or assistance) for the Medicare program or under any State or local program financed in whole or in part with Federal funds;

(B) any Federal or State laws relating to taxation.

(3) in subsection (e), by inserting ‘‘, including an ACO Beneficiary Incentive Program under subsection (b)(2)(1) and (m) after ‘‘the program’’; and

(4) in subsection (g)(6), by inserting ‘‘or of an ACO Beneficiary Incentive Program under subsections (b)(2)(1) and (m) after ‘‘under subsection (d)(4)’’.

(b) AMENDMENT TO SECTION 1128B.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a-7b(b)(3)) is amended—

(1) by striking ‘‘and’’ at the end of subparagraph (J); and

(2) by striking the period at the end of subparagraph (J) and inserting ‘‘; and’’; and

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

‘‘(K) an incentive payment made to a Medicare fee-for-service beneficiary by an ACO 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) EVALUATION.—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) REPORT.—Not later than October 1, 2023, the Secretary shall submit to Congress a report containing the evaluation under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 2332. 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 services similar to longitudinal comprehensive care planning services are furnished to Medicare beneficiaries, which providers of services and suppliers (as defined in subsection (u) of such section) or other providers and the beneficiary or the beneficiary’s representative;

(b) REPORT.—Not later than 18 months after the date of the 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.

245.600(a) of title 42, Code of Federal Regulations (or in any successor regulation), Medicare fee-for-service beneficiaries who are preliminarily prospectively or prospectively assigned (as determined by the Secretary) to the ACO.

(ii) With respect to any future payment models involving two-sided risk, Medicare fee-for-service beneficiaries who are assigned to the ACO, as determined by the Secretary.

(C) QUALIFYING SERVICE.—For purposes of this subsection, a qualifying service is a primary care physician under section 425.20 of title 42, Code of Federal Regulations (or any successor regulation), with respect to which payment is made under part B, furnished through an ACO by—

(1) an ACO professional described in subsection (b)(1)(A) who has a primary care specialty designation included in the definition of primary care physician under section 425.20 of title 42, Code of Federal Regulations (or any successor regulation); or

(ii) a Federally qualified health center or rural health clinic (as such terms are defined in section 1861(aa)).

(D) INCENTIVE PAYMENTS.—An incentive payment made by an ACO pursuant to an ACO Beneficiary Incentive Program established under this section shall be—

(i) in an amount up to $20, with such maximum amount updated annually by the percent increase in the consumer price index for all urban consumers (United States average) for the 12-month period ending with June of the previous year;

(ii) in the same amount for each Medicare fee-for-service beneficiary described in clause (i) or (ii) of subparagraph (B) without regard to enrollment of such a beneficiary in a medical policy described in section 1882(g)(1), in a State Medicaid plan; or

(iii) included in the definition of primary care physician under section 425.20 of title 42, Code of Federal Regulations (or any successor regulation), with respect to which payment is made under part B, furnished through an ACO by—

(1) an ACO professional described in subsection (b)(1)(A), or

(2) an ACO professional described in subsection (b)(1)(B); or

(iii) a Federally qualified health center or rural health clinic (as such terms are defined in section 1861(aa)).

(2) AMENDMENT TO SECTION 1128B.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a-7b(b)(3)) is amended—

(1) by striking ‘‘and’’ at the end of subparagraph (J); and

(2) by striking the period at the end of subparagraph (J) and inserting ‘‘; and’’; and

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

‘‘(K) an incentive payment made to a Medicare fee-for-service beneficiary by an ACO 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) EVALUATION.—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) REPORT.—Not later than October 1, 2023, the Secretary shall submit to Congress a report containing the evaluation under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 2332. 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 services similar to longitudinal comprehensive care planning services are furnished to Medicare beneficiaries, which providers of services and suppliers (as defined in subsection (u) of such section) or other providers and the beneficiary or the beneficiary’s representative;

(b) REPORT.—Not later than 18 months after the date of the 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.

(c) DEFINITIONS.—In this section:

(1) APPLICABLE PROVIDER.—The term ‘‘applicable provider’’ means a hospice program (as defined in subsection (dd)(2) of section 1861 of the Social Security Act (42 U.S.C. 1395ww)) or other provider of services (as defined in subsection (u) of such section) that—
(A) furnishes longitudinal comprehensive care planning services through an interdisciplinary team; and

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study and an analysis with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 2342. GAO REPORT ON IMPACT OF OBESITY DRUGS ON PATIENT HEALTH AND SPENDING.

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the ‘‘Comptroller General’’) shall, to the extent data are available, conduct a study on the use of obesity drugs in conjunction with the receipt of health care services by obese individuals and patients with obesity, and how these compare to items and services received by obese individuals who do not take obesity drugs.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study and an analysis with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

TITLE IV—MEDICARE PART B MISCELLANEOUS POLICIES

Subtitle A—Medicare Part B Improvement Act

SEC. 2401. HOME INFUSION THERAPY SERVICES TEMPORARY TRANSITIONAL PAYMENT.

(a) In General.—Section 1840(u) of the Social Security Act (42 U.S.C. 1395w–101(u)) is amended by adding at the end the following new paragraph:

‘‘(7) HOME INFUSION THERAPY SERVICES TEMPORARY TRANSITIONAL PAYMENT.—

‘‘(A) TEMPORARY TRANSITIONAL PAYMENT.—

‘‘(v) IN GENERAL.—The Secretary shall, in accordance with the payment methodology described in subparagraph (B) and subject to the provisions of this paragraph, provide a home infusion therapy services temporary transitional payment under this part to an eligible provider of home infusion drugs for the period specified in clause (ii) by such provider in coordination with the furnishing of transitional home infusion drugs (as defined in clause (iii)).

‘‘(ii) Period specified.—For purposes of clause (i), the period specified in this clause is the period beginning on January 1, 2019, and ending on the date before the date of the implementation of the payment system under paragraph (1)(A).

‘‘(iii) Transitional home infusion drug defined.—For purposes of this paragraph, the term ‘transitional home infusion drug’ has the meaning given to the term ‘home infusion drug’ under section 1861(iii)(3)(C), except that clause (ii) of such section shall not apply if a drug described in such clause is identified in clauses (i), (ii), or (iv) of subparagraph (C) of the date of the enactment of this part.

‘‘(B) PAYMENT METHODOLOGY.—For purposes of this paragraph, the Secretary shall establish a payment methodology, with respect to items and services described in subparagraphs (A) and (B) of section 1886(c)(2) for the period specified in clause (ii) by such provider in coordination with the furnishing of transitional home infusion drugs (as defined in clause (iii)).

SEC. 2402. SHORT TITLE—HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) In General.—Section 1833(w) of the Social Security Act (42 U.S.C. 1395w–2(w)) is amended by adding at the end the following new section:

‘‘(f) Hospital outpatient department services.—

‘‘(3) The extent to which professional services are furnished...

SEC. 2403. BARriers TO THE USE OF MEDICATION SYNCHRONIZATION SERVICES.

(a) In General.—Section 1861(h)(3)(C) of the Social Security Act (42 U.S.C. 1395t(b)(3)(C)) is amended by adding at the end the following new clause:

‘‘(iv) the extent to which coordination of care and medication management...

SEC. 2404. BARRIERS TO THE USE OF MEDICATION ADMINISTRATION SERVICES.

(a) In General.—Section 1861(h)(3)(C) of the Social Security Act (42 U.S.C. 1395t(b)(3)(C)) is amended by adding at the end the following new clause:

‘‘(iv) the extent to which coordination of care and medication management...

(b) Barriers to the use of medication synchronization programs by Medicare prescription drug plans.

(C) Barriers to the use of medication synchronization programs by Medicare prescription drug plans.

(b) REPORT.—Not later than 18 months after the date of the 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 Comptroller General determines appropriate.

The Secretary shall also post such report on the Internet website of the Department of Health and Human Services.
to such category drugs which are covered under such local coverage determination and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary): J9000, J9039, J9040, J9065, J9100, J9190, J9200, J9380, J9381, J9382, J9400, J9401.

(III) Payment Category 3.—The Secretary shall assign to drugs included in payment category 3 and assigned to such category drugs which are covered under such local coverage determination and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary):

(1) covered under such local coverage determination and billed under HCPCS code J7799 or J7999 (as identified as of July 1, 2017, and as subsequently modified by the Secretary); or

(2) billed under any code that is implemented after the date of enactment of this paragraph and included in such local coverage determination or included in sub-regulatory guidance as a home infusion drug described in subparagraph (A)(i).

(IV) INFECTION DRUGS NOT OTHERWISE INCLUDED.—With respect to drugs that are not included in payment category 1, 2, or 3 under this subparagraph, respectively, the Secretary shall assign to the most appropriate of such categories, as determined by the Secretary, drugs which are:

(I) covered under such local coverage determination and billed under HCPCS codes J7799 or J7999 (as identified as of January 1, 2018, and as subsequently modified by the Secretary);

(II) billed under any code that is implemented after the date of enactment of this paragraph and included in such local coverage determination or included in sub-regulatory guidance as a home infusion drug described in subparagraph (A)(i).

(V) PAYMENT AMOUNTS.—

(I) DETERMINATION.—Under the payment methodology, the Secretary shall pay eligible home infusion suppliers, with respect to items and services described in subparagraph (A)(i) furnished during the period described in subparagraph (A)(ii) by such supplier to an individual, at amounts equal to the amounts determined under the physician fee schedule established under section 1848 for services furnished during the year for codes and units of such codes described in clauses (ii), (iii), and (iv) with respect to drugs included in the payment category under subparagraph (C) specified in the respective clause, determined without application of the geographic adjustment under subsection (e) of such section.

(II) PAYMENT AMOUNT FOR CATEGORY 1.—For purposes of clause (i), the codes and units described in clause (i) with respect to drugs included in payment category 1 described in subparagraph (C)(i), are one unit of HCPCS code 96366 (as identified as of January 1, 2018, and as subsequently modified by the Secretary).

(III) PAYMENT AMOUNT FOR CATEGORY 2.—For purposes of clause (i), the codes and units described in this clause, with respect to drugs included in payment category 2 described in subparagraph (C)(i), are one unit of HCPCS code 96362 plus three units of HCPCS code 96360 (as identified as of January 1, 2018, and as subsequently modified by the Secretary).

(IV) PAYMENT AMOUNT FOR CATEGORY 3.—For purposes of clause (i), the codes and units described in this clause, with respect to drugs included in payment category 3 described in subparagraph (C)(i), are one unit of HCPCS code 96413 plus three units of HCPCS code 96415 (as identified as of January 1, 2018, and as subsequently modified by the Secretary).

(E) CLARIFICATIONS.—

(1) INFECTION DRUG ADMINISTRATION DAY.—For purposes of determining the conditions and requirements under section 1881(b), in addition to review and oversight authorities otherwise applicable under this title, the Secretary shall (as determined by the Secretary) conduct, with respect to such accreditation body and provider entities, any or all of the following, as frequent as is otherwise required to be conducted under this title with respect to other accreditation bodies or other provider entities:

(a) Accreditation surveys referred to in subsection (d).

(b) Accreditation program reviews (as defined in section 1888(c)(4) of title 42 of the Code of Federal Regulations, or a successor regulation).

(c) Performance reviews (as defined in section 1888(a) of title 42 of the Code of Federal Regulations, or a successor regulation).

(2) TIMING FOR ACCEPTANCE OF REQUESTS FROM ACCREDITATION ORGANIZATIONS.—Not more than 90 days after the date of enactment of this Act, the Secretary shall accept requests from national accreditation bodies (as defined in section 1888(a)(6)(A) of the Social Security Act (42 U.S.C. 1395bbbb(a)(6)(A)) for purposes of accrediting provider entities that are required to meet conditions and requirements under section 1881(b) of such Act (42 U.S.C. 1395bbbb(b)) (i) by adding at the end the following new sentence: "Beginning 90 days after the date of enactment of this Act, the Secretary shall accept requests from such national accreditation bodies to conduct, with respect to such accreditation body and provider entities, any or all of the following, as frequent as is otherwise required to be conducted under this title with respect to other accreditation bodies or other provider entities:

(E) SPECIAL RULE FOR SIGNATURE REQUIREMENTS.—In this paragraph, if the conditions and requirements under this paragraph are met shall be initiated not later than 90 days after such date on which both the provider enrollment form (without regard to whether such form is submitted prior to or after such date of enactment) has been determined by the Secretary to be complete and the provider’s enrollment status indicates approval is pending by such date of such section shall be effective.

SEC. 2404. 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)) is amended by adding at the end the following new subparagraph:

(E) 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 defined by the Secretary, including by a collection of documents, including contemporaneous documents evidencing the course of conduct between the parties involved.

(b) SIGNATURE REQUIREMENT.—Section 1877(h)(1) of the Social Security Act (42 U.S.C. 1395nn(h)(1)) is amended by adding at the end the following new paragraph:

(E) SPECIAL RULE FOR SIGNATURE REQUIREMENTS.—In the case of any arrangement 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 violates any DNA in all the criteria of the applicable exception.

(b) INDEFINITE HOLDOVER HOUSING AND LEASE ARRANGEMENTS AND PERSONAL SERVICES ARRANGEMENTS—PERSISTING TO THE STARK RULE.—Section 1877(e) (e) of the Social Security Act (42 U.S.C. 1395m(e) (e)) is amended—

(1) by striking “(A) in subsection (a), in the matter following paragraph (1) by striking ‘$25,000’ and inserting ‘$100,000’;” and

(ii) by striking “$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’;”

(ii) in paragraph (2), in the flush text following subparagraph (B), by striking “$25,000’ and inserting “$100,000’;”

(C) in paragraph (3), in the flush text following paragraph (2), by striking “$25,000’ and inserting “$100,000’;”

(d) 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 subparagraph (B) for the use of such equipment and that expired after a term of at least 1 year, payments made by the lessee to the lessor pursuant to such holdover lease arrangement, if—

(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;

(ii) the holdover lease arrangement is on the same terms and conditions as the immediately preceding arrangement; and

(iii) the holdover arrangement continues to satisfy the conditions of subparagraph (A) for the lease of office space or subparagraph (B) for the use of equipment.’; and

(2) in paragraph (3), by adding at the end the following new subsection:

“(C) 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 holdover personal service arrangement, if—

(i) the personal service arrangement met the conditions of subparagraph (A) when the arrangement expired;

(ii) the holdover personal service arrangement is on the same terms and conditions as the immediately preceding arrangement; and

(iii) the holdover arrangement continues to satisfy the conditions of subparagraph (A).’.”

Subtitle B—Additional Provisions

SEC. 2411. MAKING PERMANENT THE REMOVAL OF THE DURABLE MEDICAL EQUIPMENT RENTAL CAP FOR DURABLE MEDICAL EQUIPMENT UNDER MEDI- CARE WITH RESPECT TO SPECIFIC TESTING DEVICES.

Section 1834(a)(2)(A)(iv) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking “February 1, 2014,” and inserting “February 1, 2018;”

(2) in paragraph (3)(A), by adding at the end the following new subparagraph:

“(B) the compensation arrangement other-"
(2) by inserting before the semicolon at the end the following: `; and (CC) with respect to a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in section 1861(l)) paid shall be equal to 80 percent of the lesser of the actual charge for the test or the amount specified under section 1839(a).`

SEC. 2415. SPECIAL RULES IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.

(a) SPECIFIC RULE IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.—

(1) IN GENERAL.—Paragraph (10) of section 1847(b) of the Social Security Act (42 U.S.C. 1395w–20) is amended—

(A) in subparagraph (A), by striking the second sentence and inserting the following new sentence: `With respect to bids to furnish such types of products on or after January 1, 2019, 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 sales of diabetic testing strip products that are not exclusively sold by a single retailer from such markets.'; and

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

``(ii) the right of the individual to purchase diabetic testing strip products from another mail order supplier of such products or a retail pharmacy if the entity is not able to furnish the brand of such product that is compatible with the home blood glucose monitor selected by the individual; and

(iii) the right of the individual to return diabetic testing strip products furnished on or after January 1, 2019, to the entity.''

(b) USE OF UNLISTED 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) whether a bid submitted by an entity under such subparagraph covers 50 percent or more of 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.

(c) 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 an entity continues to offer the types of products included in the entity’s bid. If the Secretary determines that an entity described in clause (i) fails to maintain ready access to (through requirements, contracts, or otherwise) any type of product included in the entity’s bid, the Secretary shall terminate such contract.

(ii) TERMINATION.—If the Secretary determines that an entity described in clause (i) fails to maintain ready access to (through requirements, contracts, or otherwise) any type of product included in the entity’s bid, the Secretary shall terminate such contract.

(d) ORDER REFILLS.—With respect to diabetic testing strip products furnished on or after January 1, 2019, the Secretary shall require an entity furnishing diabetic testing strip products to an individual to contact and receive a request from the individual for such products not more than 14 days prior to dispensing a refill of such products to the individual.

(e) IMPLEMENTATION; NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—

(1) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and amendments made by, this section by program instruction or otherwise.

(2) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act of 1995”), shall not apply to this section or the amendments made by this section.
compliance upon a demonstration of good cause by the health center.

(i) in the subparagraph heading, by striking “AND PLANS” and

(ii) in the subparagraph heading, by inserting “AND PLANS” and

(iii) by striking “and programming” and inserting “and programming” and

(iv) by inserting the phrase “as may be expected to use the services provided by the applicants involved in the medically underserved populations in urban areas which may be expected to use the services provided by such applicants is not less than two to three or greater than three to two.”;

(b) in subparagraph (A) in paragraph (1), by striking “and children and youth at risk of homelessness” and inserting “, children and youth at risk of homelessness, homeless veterans, and veterans at risk of homelessness”; and

(b) in paragraph (5)—

(i) by striking subparagraph (B) and

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(c) in subparagraph (B) (as so redesignated) by adding at the end the following:

“4. New access points and expanded services.—

(A) Approval of new access points.—

(i) The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to establish new delivery sites.

(ii) Special considerations.—In carrying out clause (i), the Secretary may give special consideration to applicants that have demonstrated the new delivery site will be located within a sparsely populated area, an area which has a level of unmet need that is higher relative to other applicants.

(iii) Consideration of applications.—In carrying out clause (i), the Secretary shall consult with appropriate State and local government agencies, and health care providers regarding the need for the health services to be provided at the proposed delivery site.

(B) Approval of expanded service applications.—

(i) In general.—The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to expand the capacity of the applicant to provide additional and critical services described in subsection (b)(1) in an area in which there are significant barriers to accessing care.

(ii) Consideration of applications.—In carrying out clause (i), the Secretary shall consider the following:

(1) the provision of training and technical assistance that may be expected to use the services provided by the applicants involved in the medically underserved populations in urban areas which may be expected to use the services provided by such applicants is not less than two to three or greater than three to two;

(B) in subparagraph (B)—

(i) by inserting “and” and

(ii) by striking “and programming” and

(iii) by striking “and the capacity of the applicant to provide additional and critical services described in subsection (b)(1) in an area in which there are significant barriers to accessing care.”;

(c)(1)) by adding the phrase “and

(a) Approval of new access points.—

(A) Approval of new access points.—

(i) The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to establish new delivery sites.

(ii) Special considerations.—In carrying out clause (i), the Secretary may give special consideration to applicants that have demonstrated the new delivery site will be located within a sparsely populated area, an area which has a level of unmet need that is higher relative to other applicants.

(iii) Consideration of applications.—In carrying out clause (i), the Secretary shall consult with appropriate State and local government agencies, and health care providers regarding the need for the health services to be provided at the proposed delivery site.

(B) Approval of expanded service applications.—

(i) In general.—The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to expand the capacity of the applicant to provide additional and critical services described in subsection (b)(1) in an area in which there are significant barriers to accessing care.

(ii) Consideration of applications.—In carrying out clause (i), the Secretary shall consider the following:

(1) the provision of training and technical assistance that may be expected to use the services provided by the applicants involved in the medically underserved populations in urban areas which may be expected to use the services provided by such applicants is not less than two to three or greater than three to two;

(B) in subparagraph (B)—

(i) by inserting “and” and

(ii) by striking “and programming” and

(iii) by striking “and the capacity of the applicant to provide additional and critical services described in subsection (b)(1) in an area in which there are significant barriers to accessing care.”;

(c)(1)) by adding the phrase “and

(a) Approval of new access points.—

(A) Approval of new access points.—

(i) The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to establish new delivery sites.

(ii) Special considerations.—In carrying out clause (i), the Secretary may give special consideration to applicants that have demonstrated the new delivery site will be located within a sparsely populated area, an area which has a level of unmet need that is higher relative to other applicants.

(iii) Consideration of applications.—In carrying out clause (i), the Secretary shall consult with appropriate State and local government agencies, and health care providers regarding the need for the health services to be provided at the proposed delivery site.

(B) Approval of expanded service applications.—

(i) In general.—The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to expand the capacity of the applicant to provide additional and critical services described in subsection (b)(1) in an area in which there are significant barriers to accessing care.

(ii) Consideration of applications.—In carrying out clause (i), the Secretary shall consider the following:

(1) the provision of training and technical assistance that may be expected to use the services provided by the applicants involved in the medically underserved populations in urban areas which may be expected to use the services provided by such applicants is not less than two to three or greater than three to two;

(B) in subparagraph (B)—

(i) by inserting “and” and

(ii) by striking “and programming” and

(iii) by striking “and the capacity of the applicant to provide additional and critical services described in subsection (b)(1) in an area in which there are significant barriers to accessing care.”;

(c)(1)) by adding the phrase “and

(a) Approval of new access points.—

(A) Approval of new access points.—

(i) The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to establish new delivery sites.

(ii) Special considerations.—In carrying out clause (i), the Secretary may give special consideration to applicants that have demonstrated the new delivery site will be located within a sparsely populated area, an area which has a level of unmet need that is higher relative to other applicants.

(iii) Consideration of applications.—In carrying out clause (i), the Secretary shall consult with appropriate State and local government agencies, and health care providers regarding the need for the health services to be provided at the proposed delivery site.

(B) Approval of expanded service applications.—

(i) In general.—The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to expand the capacity of the applicant to provide additional and critical services described in subsection (b)(1) in an area in which there are significant barriers to accessing care.

(ii) Consideration of applications.—In carrying out clause (i), the Secretary shall consider the following:

(1) the provision of training and technical assistance that may be expected to use the services provided by the applicants involved in the medically underserved populations in urban areas which may be expected to use the services provided by such applicants is not less than two to three or greater than three to two;

(B) in subparagraph (B)—

(i) by inserting “and” and

(ii) by striking “and programming” and

(iii) by striking “and the capacity of the applicant to provide additional and critical services described in subsection (b)(1) in an area in which there are significant barriers to accessing care.”;

(c)(1)) by adding the phrase “and

(a) Approval of new access points.—

(A) Approval of new access points.—

(i) The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to establish new delivery sites.

(ii) Special considerations.—In carrying out clause (i), the Secretary may give special consideration to applicants that have demonstrated the new delivery site will be located within a sparsely populated area, an area which has a level of unmet need that is higher relative to other applicants.

(iii) Consideration of applications.—In carrying out clause (i), the Secretary shall consult with appropriate State and local government agencies, and health care providers regarding the need for the health services to be provided at the proposed delivery site.

(B) Approval of expanded service applications.—

(i) In general.—The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to expand the capacity of the applicant to provide additional and critical services described in subsection (b)(1) in an area in which there are significant barriers to accessing care.

(ii) Consideration of applications.—In carrying out clause (i), the Secretary shall consider the following:

(1) the provision of training and technical assistance that may be expected to use the services provided by the applicants involved in the medically underserved populations in urban areas which may be expected to use the services provided by such applicants is not less than two to three or greater than three to two;
"(A) maintenance of filled positions at exis-
ting approved graduate medical residency
training programs;

(B) expansion of existing approved grad-
uate medical residency training programs; and

(C) establishment of new approved grad-
uate medical residency training programs.

(2) AMOUNT.—(A) payments under paragraph (1), the Secretary shall consider the cost of training residents at teaching health centers and the implica-
tions of the per resident amount on approved graduate medical residency training pro-
grams at teaching health centers.

(B) in paragraph (1)(C), the Secretary shall give priority to qualified teaching health centers that—

(1) serve a health professional shortage area with a designation in effect under sec-
tion 332 or a medically underserved commu-
nity (as defined in section 799B); or

(2) are located in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act).

(3) FUNDING.—Paragraph (1) of section 340H of the Public Health Service Act (42 U.S.C. 256h(g)), as amended by section 3101 of Public Law 115–96, is amended by striking "and $30,000,000 for the period of the first and second quarters of fiscal year 2019" and inserting "and $25,000,000 for each of fiscal years 2018 and 2019".

(4) TECHNICAL CORRECTION.—Subsection (f) of section 340H of the Public Health Service Act (42 U.S.C. 256h), as in effect on the day before the date of enact-
ment of Public Law 115–96, shall continue to apply with respect to payments under such section for fiscal years before fiscal year 2018.

(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 (3) the following:

"(4) The number of patients treated by residents trained under this subsection, including the number and percentage of such residents who entered practice at a teaching health facility—

"(i) primarily serving a health professional shortage area with a designation in effect under section 332 or a 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)."

(6) REPORT ON TRAINING COSTS.—Not later than March 31, 2019, the Secretary of Health and Human Services shall submit to the Con-
cress a report on the direct graduate ex-
"penses of approved graduate medical resi-
dency 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 def-
ined 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 follow-

"(2) NEW APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term ‘new approved graduate medical residency training program’ means an approved grad-
uate medical residency training program for which the sponsoring qualified teaching health center has not received a payment under this subsection for a previous fiscal year (other than pursuant to subsection (a)(1)(C))."

(6) TECHNICAL CORRECTION.—Subsection (f) of section 340H of the Public Health Service Act (42 U.S.C. 256h), as in effect on the day before the date of enact-
ment of Public Law 115–96, shall continue to apply with respect to payments under such section for fiscal years before fiscal year 2018.

(7) PAYMENTS FOR PREVIOUS FISCAL YEAR.—(A) The term ‘new approved graduate medical residency training program’ means an approved graduate medical residency training program for which the sponsoring qualified teaching health center has not received a payment under this subsection for a previous fiscal year (other than pursuant to subsection (a)(1)(C))."
“(D) The foundational components of healthy relationships and their impact on the formation of healthy marriages and safe and stable families.

“(E) How to recognize youth risk behaviors, such as drug and alcohol usage, increase the risk for teen sex.

“(F) How to resist and avoid, and receive help in cases of coercion and dating violence, recognizing that even with consent teen sex remains a youth risk behavior.

“(G) CONTRACEPTION.—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 students understand that contraception offers physical risk reduction, but not risk elimination; and

“(B) the education 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 and evidence-based; and

“(ii) 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) collect information on the programs and activities funded through the allotment; and

“(B) submit reports to the Secretary on the data from such programs and activities.

“(c) NATIONAL EVALUATION.

“(1) IN GENERAL.—The Secretary shall—

“(A) in consultation with appropriate State and local agencies, conduct one or more rigorous evaluations of the education funded through this section and associated data; and

“(B) submit a report to the Congress on the results of such evaluations, together with a summary of the information collected pursuant to subsection (b)(6).

“(2) CONSULTATION.—In conducting the evaluations required by paragraph (1), including the establishment of rigorous evaluation methodologies, the Secretary shall consult with relevant stakeholders and evaluation experts.

“(d) APPLICABILITY OF CERTAIN PROVISIONS.—

“(1) 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).

“(2) Subsections (c)(2) and (c)(3) apply to allotments under subsection (a) to the extent determined by the Secretary to be appropriate.

“(e) DEFINITIONS.—In this section:

“(1) 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 development of emotional, and behavioral capacity typical for the age or age group.

“(2) The term ‘medically accurate and complete’ means reviewed or supervised by the weight of research conducted in compliance 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.

“(3) The term ‘rigorous’, with respect to research or evaluation, means using—

“(A) established scientific methods for measuring the impact of an intervention or program model in changing 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.

“(4) The term ‘youth’ refers to one or more individuals who have attained age 10 but not age 20.

“(f) FUNDING.—

“(1) IN GENERAL.—To carry out this section, there is appropriated, out of any money in the Treasury not otherwise appropriated, $75,000,000 for each of fiscal years 2018 and 2019.

“(2) 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 (1) for administering the program under this section, including the conducting of national evaluations and the allocation of assistance to the recipients of allotments.”.

“(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2017.

“SEC. 2505. EXTENSION FOR PERSONAL RESPONSIBILITY EDUCATION.

“(a) IN GENERAL.—Section 513 of the Social Security Act (42 U.S.C. 731) is amended—

“(1) in subsection (a)(1)(A), by striking ‘‘2017’’ and inserting ‘‘2019’’; and

“(2) in subsection (a)(4)—

“(A) in subparagraph (A), by striking ‘‘2017’’ and inserting ‘‘2019’’; and

“(B) in subparagraph (B)—

“(i) in the subparagraph heading, by striking ‘‘and’’ and inserting ‘‘or’’;

“(ii) by inserting ‘‘and’’ and replacing ‘‘by’’ with ‘‘or’’; and

“(iii) designed and conducted by independent researchers who have experience in conducting and publishing research in peer-reviewed outlets.

“(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2017.

“TITLE VI—CHILD AND FAMILY SERVICES AND SUPPORT

Subtitle A—Family First Prevention Services Act

SEC. 2601. SHORT TITLE.

This subtitle may be cited as the ‘‘Family First Prevention Services Act’’.

CHAPTER I—INVESTING IN PREVENTION AND FAMILY SERVICES

SEC. 2601. PURPOSE.

The purpose of this chapter 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 prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services; in-home parent skill-based programs, and kinship navigator services.

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safely achieved, or live permanently with a kin caregiver;

(II) list the services or programs to be provided to or on behalf of the child to ensure the success of that prevention strategy; and

(III) comply with such other requirements as the Secretary shall establish.

(II) PREGNANT OR PARENTING YOUTH.—If a child is a pregnant or parenting foster youth described in paragraph (2)(B), the prevention plan shall—

(I) be included in the child’s case plan required by section 475(1);

(II) list the services or programs to be provided to or on behalf of the youth to ensure that the youth is prepared (in the case of a pregnant foster youth) or able (in the case of a parenting foster youth) to be a parent;

(III) describe the foster care prevention strategy, as established by the youth and in accordance with recognized principles of trauma-informed approach and trauma-specific interventions to address trauma’s consequences and facilitate healing;

(C) OTHER SERVICES AND PROGRAMS PROVIDED IN ACCORDANCE WITH PROMISING, SUPPORTED, OR WELL-SUPPORTED PRACTICES PERMITTED.—

(I) IN GENERAL.—Only State expenditures for services or programs specified in subparagraph (A) or (B) of paragraph (1) that are provided in accordance with practices that meet the requirements specified in clause (i) 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, shall be eligible for a Federal matching payment under section 174(g)(2)(A).

(ii) UPDATES.—The Secretary shall issue guidance to States regarding the practices criteria required for services or programs to satisfy the requirements of subparagraph (C). The guidelines shall include a pre-approved list of services and programs that satisfy the requirements.

(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 throughout the period in which the services are provided on behalf of a child and reexamination of the prevention plan maintained for the child under paragraph (4) for the services 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 promising, supported, or well-supported practices the State plans to use to provide the services or programs, including a description of—

(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 continuously monitored to ensure fidelity to the practice model and to determine outcomes 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, cross-site evaluation approved by the Secretary.

(E) A description of the consultation that the State agencies responsible for administering the State plans under this part and part B engage in with other State agencies responsible for administering other programs, including mental health and substance abuse prevention and treatment services, and with other public and private agencies with experience in providing 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 services or programs specified in paragraph (1) that are provided on behalf of a child and the parents or kin caregivers of the child will be coordinated with other child and family

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ported, or well-supported practice, shall be considered to be a ‘promising 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—

(aa) were carried out in a usual care or practice setting; and

(bb) were rigorous random-controlled trials (or, if not available, a study using a rigorous quasi-experimental research design); and

(II) list the services or programs to be provided to or on behalf of the youth to ensure that the youth is prepared (in the case of a pregnant foster youth) or able (in the case of a parenting foster youth) to be a parent;

(III) describe the foster care prevention strategy, as established by the youth and in accordance with recognized principles of trauma-informed approach and trauma-specific interventions to address trauma’s consequences and facilitate healing;

(C) OTHER SERVICES AND PROGRAMS PROVIDED IN ACCORDANCE WITH PROMISING, SUPPORTED, OR WELL-SUPPORTED PRACTICES PERMITTED.—

(I) IN GENERAL.—Only State expenditures for services or programs specified in subparagraph (A) or (B) of paragraph (1) that are provided in accordance with practices that meet the requirements specified in clause (i) 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, shall be eligible for a Federal matching payment under section 174(g)(2)(A).

(ii) UPDATES.—The Secretary shall issue guidance to States regarding the practices criteria required for services or programs to satisfy the requirements of subparagraph (C). The guidelines shall include a pre-approved list of services and programs that satisfy the requirements.

(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 throughout the period in which the services are provided on behalf of a child and reexamination of the prevention plan maintained for the child under paragraph (4) for the services 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 promising, supported, or well-supported practices the State plans to use to provide the services or programs, including a description of—

(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 continuously monitored to ensure fidelity to the practice model and to determine outcomes 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, cross-site evaluation approved by the Secretary.

(E) A description of the consultation that the State agencies responsible for administering the State plans under this part and part B engage in with other State agencies responsible for administering other programs, including mental health and substance abuse prevention and treatment services, and with other public and private agencies with experience in providing 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 services or programs specified in paragraph (1) that are provided 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 plans in effect under subparts 1 and 2 of part B.

(7) Descriptions of steps the State is taking to support and enhance a competent, skilled, and professional child welfare workforce to deliver trauma-informed and evidence-based services including:

(I) ensuring that staff is qualified to provide services or programs that are consistent with the promising, supported, or well-supported practices described in paragraph (7) (including information and data necessary to determine the practice that are matched or reimbursed by the Federal Government and that are not matched or reimbursed by the Federal Government.

(8) A description of the type of prevention services that the State will provide training and support for caseworkers in assessing what children and their families need, how to provide services 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.

(9) A description of how caseload size and type for prevention caseworkers will be determined, managed, and overseen.

(10) That the State will report to the Secretary such information and data as the Secretary may require with respect to the provision of services and programs specified in paragraphs (B) or (V), including information and data necessary to determine the performance measures for the State under paragraph (6) and compliance with paragraph (7).

(C) Reimbursement for Services Under the Prevention Plan Component.

(1) Establishment: Annual Updates.—Beginning with fiscal year 2014 and for each fiscal year thereafter, the Secretary shall establish the following prevention services measures based on information and data reported by States that are matched or reimbursed by the Federal Government.

(2) by adding at the end the following:

(6) Reimbursement Services Measures.

(A) General.—The provision of services and activities under any State program that are not matched or reimbursed by the Federal Government and that are not matched or reimbursed by the Federal Government.

(1) in paragraph (5), by striking the period at the end and inserting “plus”; and

(b) Definition.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

(13) The term ‘child who is a candidate for foster care’ means a child who is identified in a prevention plan under section 471(e)(1) as being at risk of entering foster care (without regard to whether the child would be eligible for foster care maintenance payments under section 472 or is that would be eligible for assistance or kinship guardianship assistance payments under section 473) but who can remain safely in the child’s home or in a kinship arrangement as long as services or programs specified in section 471(e)(1) that are necessary to prevent the entry of the child into foster care are provided. The term includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.

Section 474A Under Title IV-E.—Section 474A of such Act (42 U.S.C. 674A) is amended—

(1) in paragraph (5), by striking the period at the end and inserting “plus”; and

(2) by adding at the end the following:

(i) beginning after September 30, 2019, and before October 1, 2026, an amount equal to 50 percent of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of 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); and

(ii) beginning after September 30, 2026, an amount equal to the Federal medical assistance percentage (which shall be as defined in section 1905(b), in the case of a State other than the District of Columbia, or 70 percent, in the case of the District of Columbia) of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of 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); and
made the payments under a program operated under that section, unless the tribal FMAP is less than the Federal medical assistance percentage that applies to the State agency, or by the local agency administering the plan in the political subdivision and each fiscal year thereafter to carry out the activities carried out under this sub-section."

(c) APPROPRIATION.— Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary $1,000,000 for fiscal year 2018 and each fiscal year thereafter to carry out this subsection.";

(d) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—

(1) In general. Section 729B of such Act (42 U.S.C. 679c) is amended—

(A) in subsection (c)(1)—

(i) in subparagraph (C)(i)—

(I) in subclause (II), by striking "and "after the semicolon;" (II) in subclause (III), by striking the period at the end and inserting "and"; and (III) by adding at the end the following:

(iv) at the option of the tribe, organization, or consortium, services and programs specified in section 741(e)(1) to children described in section 741(e)(2) and their parents or kin caregivers, in accordance with section 741(e) and subparagraph (E),"; and (i) by adding at the end the following:

(iv) by adding at the end the following:

(p) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—

(1) In general. The Secretary shall establish specific performance measures applicable to States under section 471(e)(1) and shall permit the provision of the services and programs in the form of services and programs for children and their parents and kin caregivers.

(2) In general. 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 under this section 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 framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

(a) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 674(a)), as amended by section 2621(c) of this Act, is amended—

(1) in paragraph (6), by striking the period at the end and inserting "plus"; and (2) by adding at the end the following:

(7) an amount equal to 50 percent of the amounts expended by the State during the quarter as the Secretary determines are for local programs to meet the requirements described in section 427(a) and that the Secretary determines are operated in accordance with promising, support, and well-supported practices, clearings, and data collection and evaluations.

The Secretary shall, directly or through grants, contracts, or interagency agreements, evaluate research on the practices specified in clauses (iii), (iv), and (v), respectively, of section 471(e)(4)(C), and programs that meet the requirements described in section 427(a)(1), including culturally specific, or localization- or population-based adaptations of the practices, to identify and establish a public clearinghouse of the practices that satisfy each category described by such clause and shall disseminate information on the specific outcomes associated with each practice, including whether the practice has been shown to prevent or reduce well-supported practices and improve targeted supports for pregnant and parenting youth and their children.

The Secretary, directly or through grants, contracts, or interagency agreements, may collect data and conduct evaluations with respect to the provision of services and programs described in section 471(e)(1) for purposes of assessing the extent to which the provision of the services and programs—

(A) reduces the likelihood of foster care placement;

(B) increases use of kinship care arrangements; or

(C) improves children well-being.

(a) IN GENERAL.—Section 729B of such Act (42 U.S.C. 679c) is amended by striking "or 413(f)" and inserting "413(f), or 474(a)(6)".

(b) CONFORMING AMENDMENT.—Section 474(a)(1) of such Act (42 U.S.C. 674(a)(1)), as amended by section 2621(c) of this Act, is amended—

(1) in paragraph (6), by striking the period at the end and inserting "plus"; and (2) by adding at the end the following:

(7) an amount equal to 50 percent of the amounts expended by the State during the quarter as the Secretary determines are for local programs to meet the requirements described in section 427(a) and that the Secretary determines are operated in accordance with promising, support, and well-supported practices, clearings, and data collection and evaluations.
to whether the expenditures are incurred on behalf of children who are, or are poten-
tially, eligible for foster care maintenance payments under this part.

Subchapter B—Enhanced Support Under Title IV-B

SEC. 2631. ELIMINATION OF TIME LIMIT FOR 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. 629a(a)(7)) is amended—

(1) in the paragraph heading, by striking “TIME-LIMITED FAMILY” and inserting “FAMILY”;

(2) in subparagraph (A)—

(A) by striking “time-limited family” and inserting “family”;

(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 returns home”.

(b) Conforming Amendments.—

(1) Section 430 of such Act (42 U.S.C. 629) is amended in the matter preceding paragraph (1), by striking “time-limited”.

(2) Sections (a)(4), (a)(5)(A), and (b) of section 432 of such Act (42 U.S.C. 629b) are amended by striking “time-limited” each place it appears.

SEC. 2632. REDUCING BUREAUCRACY AND UNNECESSARY DELAYS WHEN PLACING CHILDREN IN HOMES ACROSS STATE LINES.

(a) State Plan Requirement.—

(1) In General.—Section 471(a)(25) of the Social Security Act (42 U.S.C. 671(a)(25)) is amended—

(A) by striking “provide” and inserting “provides”; and

(B) by inserting “, which, in the case of a State other than the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa, not later than October 1, 2027, shall include the use of an electronic interstate case-processing system before the first semester.

(2) Exemption of Indian Tribes.—Section 479B(b) of such Act (42 U.S.C. 679B(c)) 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.”

(b) Funding for the Development of an Electronic Interstate Case-Processing System to Expedite the Interstate Placement of Children in Foster Care or Guardianship, or for Adoption.—

(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 information:

(A) A description of the goals and outcomes to be achieved, 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 information of children 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 sequencing of the activities.

(C) A description of the strategies for integrating procedures associated with the requirements of this section.

(D) Such other information as the Secretary may require.

(3) Funding Authority.—The Secretary may provide grants to States for expenses for projects under this subsection, the electronic interstate case-processing system referred to in paragraph (1).

(A) Use of Funds.—A State to which funding is provided under this subsection shall use the funding to support the State in connecting with, or enhancing or expediting services provided under, the electronic interstate case-processing system referred to in paragraph (1).

(B) Evaluations.—Not later than 1 year after the fiscal year in which funds are awarded under this subsection, the Secretary shall submit to the Congress, and make available to the public general by posting on a website, a report that contains the following information:

(i) 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.

(ii) The number of cases subject to the Interstate Compact on the Placement of Children that were processed through the electronic interstate case-processing system.

(iii) How the States have used the funds to support the State, or intrastate basis entered into by the following:

(A) Mandatory partners for all partnerships;

(B) 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 treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

(C) Optional partners.—At the option of the State plan and under the administration of the Office of the Court that is most appropriate to oversee the administration of court programs in the region to address the population of families coming to the attention of the court due to child abuse or neglect.

(ii) 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) For-profit child welfare service providers.

(iv) Community health service providers, including substance abuse treatment providers.

(v) Community mental health providers.

(vi) Local law enforcement agencies.

(vii) School personnel.

(viii) Tribal child welfare agencies (or a consortium of the agencies).

(vi) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child welfare services under a State plan approved under this subpart.

SEC. 2633. ENHANCEMENTS TO GRANTS TO IMPROVE WELL-BEING OF FAMILIES AFFECTED BY SUBSTANCE ABUSE.

Section 437(f) of the Social Security Act (42 U.S.C. 629f(f)) is amended—

(1) in the subsection heading, by striking “INCREASE THE WELL-BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY SUBSTANCE ABUSE”; and

(2) by striking paragraph (2) and inserting the following:

“(A) MANDATORY PARTNERS FOR ALL PARTNERSHIPS.—

(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 treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

(B) MANDATORY PARTNERS FOR PARTNER-

SHIPS 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 coming 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) For-profit child welfare service providers.

(iv) Community health service providers, including substance abuse treatment providers.

(v) Community mental health providers.

(vi) Local law enforcement agencies.

(vii) School personnel.

(viii) Tribal child welfare agencies (or a consortium of the agencies).

(ix) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child welfare services under a State plan approved under this subpart.

SEC. 2634. PROHIBITION OF GRANTS TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY SUBSTANCE ABUSE.

Section 437(g) of the Social Security Act (42 U.S.C. 629g(g)) is amended by inserting ‘‘(34) and (35) of section 471(a) regarding children or youth who have been identified as being a sex trafficking victim or children missing from foster care; and’’ after ‘‘(33)’’. 
“(D) Exception for Regional Partnerships Where the Lead Applicant Is an Indian Tribe or Tribal Consortium.—If an Indian tribe or tribal consortium enters into a regional partnership for another purpose of this subsection, the Indian tribe or tribal consortium—

“(i) 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)(A) applies, may include tribal court organizations in lieu of other judicial partners;”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking “2012 through 2016” and inserting “2017 through 2021”;

(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 “APPROVAL”;

(ii) in clause (i), by striking “clause (ii)” and inserting “clauses (ii) and (iii)”;

(iii) by adding at the end the following:

“(ii) SUFFICIENT PLANNING.—A grant awarded under this subsection shall be disbursed in two phases: a planning phase (not to exceed 2 years) and an implementation phase. The planning phase is a component of the base for the planning phase may not exceed $250,000, and may not exceed the total anticipated funding for the implementation phase;”;

and

(C) by adding at the end the following:

“(D) LIMITATION ON PAYMENT FOR A FISCAL YEAR.—Payments under this subsection shall be made under subparagraph (A) or (C) for a fiscal year until the Secretary determines that the eligible partnership has made sufficient progress in meeting the goals of the grant and that the members of the eligible partnership are coordinating to a reasonable degree with the other members of the eligible partnership.”;

(4) in paragraph (4)—

(A) in subparagraph (B)—

(i) in clause (i), by inserting “, parents, and family members”;

(ii) in clause (ii), by striking “safety and permanence for such children; and” and inserting “safe, permanent caregiving relationships for such children;”;

(iii) in clause (iii), by striking “or” and inserting “increase reunification rates for children who have been placed in out-of-home care, or”;

(iv) by redesigning subparagraphs (E) and (F) and inserting the following:

“(E) A description of a plan for sustaining the services provided by or activities funded under the grant after the conclusion of the grant period, including through the use of prevention services and programs under section 2641(d), as defined in section 427(c)(1) of the Social Security Act. ;

“(F) Additional information needed by the Secretary that the proposed activities and implementation will be consistent with research or evaluations showing which practices and approaches are most effective.”;

(5) in paragraph (5)(A), by striking “abuse treatment” and inserting “use disorder treatment and mental health services related to inpatient, residential, and day treatment;”; and

(6) in paragraph (7)—

(A) by striking “and” and inserting “or”;

and

(B) by redesigning subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

“(D) demonstrate a track record of successful collaboration among child welfare, substance abuse disorder treatment and mental health care providers;”;

(7) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking “establish indicators that will be” and inserting “review indicators that are”;

(ii) 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, potential indicators shall be made consistent with the outcome measures described in section 471(e)(6)”; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting “base the performance measures on lessons learned from prior rounds of regional partnerships grants under this subsection, and” before “consult”;

(ii) by striking clauses (iii) and (iv) and inserting the following:

“(iii) if the condition described in paragraph (A) or (C) for a fiscal year until the Secretary determines that the eligible partnership has made sufficient progress in meeting the goals of the grant and that the members of the eligible partnership are coordinating to a reasonable degree with the other members of the eligible partnership;”;

(5) in paragraph (5)(A), by striking “abuse and mental health treatment” and inserting “abuse treatment”;

(6) in paragraph (7)—

(A) by striking “inpatient and” and inserting “outpatient and”;

and

(B) by redesigning subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

“(D) demonstrate a track record of successful collaboration among child welfare, substance abuse disorder treatment and mental health care providers;”;

(7) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking “and” and inserting “or”;

and

(B) by redesigning subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

“(D) demonstrate a track record of successful collaboration among child welfare, substance abuse disorder treatment and mental health care providers;”;

(8) in paragraph (9)(A), by striking clause (i) and inserting the following:

“(i) SIMILARITY OF PROGRAMS.—Not later than September 30 of each fiscal year in which a recipient of a grant under this subsection is funded 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 grant, the number of children, adults, and families receiving services, and such additional information as the Secretary deems 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 grant under this section, as follows:

(1) by striking “2012 through 2016” and inserting “2017 through 2021”;

Subchapter C—Miscellaneous

SEC. 2641. REVIEWING AND IMPROVING LICENSING STANDARDS FOR PLACEMENT IN A RELATIVE FOSTER FAMILY HOME.

(a) IDENTIFICATION OF REPUTABLE MODEL LICENSING PROGRAMS.—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 (3)(B), by striking “and” after the semicolon;

(2) in paragraph (3)(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 implementing regulations are designed and implemented by the Secretary, and if not, the reason for the specific deviation and a description as to why having a standard that is reasonably consistent with the corresponding national model standards is not appropriate for the State;

“(B) whether the State has elected to waive standards established in 471(a)(10)(A) for relative foster family homes (pursuant to waiver authority provided by 471(a)(10)(D)), a description of which standards the State most commonly waives, 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 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 waiving nonfederal standards per the authority provided in 471(a)(10)(D) to quickly place children with relatives; and

“(D) a description of the steps the State is taking to ensure that the current model plan to prevent the fa-

tality that involves and engages relevant public and private agency partners, including those in public health, law enforcement, and the courts.”;

SEC. 2642. 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) the amount of funds included in the plan to track and prevent child maltreatment deaths by including—

“(A) a description of the steps the State is taking to compile complete and accurate infor-

2643. MODERNIZING THE TITLE AND PURPOSE OF TITLE IV-E.

(a) PART HEADING.—The heading for part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended to read as follows:

“PART E—FEDERAL PAYMENTS FOR FOSTER CARE, PREVENTION, AND PERMA-NENCY”;

(b) PURPOSE.—The first sentence of section 470 of such Act (42 U.S.C. 670) is amended—

(1) by striking “1995)” and inserting “1995),”;

(2) by inserting “kinship guardianship assistance, and prevention services or programs specified in section 471(e)(1),” after “needs,” and

(3) by striking “commencing with the fiscal year which begins October 1, 1980)”.

SEC. 2644. EFFECTIVE DATES.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 2642(d)(4)(A) of the amendments made by this chapter shall take effect on October 1, 2018.

(2) EXCEPTIONS.—The amendments made by section 2642(d)(4)(B), 2643, and 2644 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 legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this chapter, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after 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.

(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 such additional requirements imposed by the amendments made by this chapter (whether the tribe, organization, or tribal consortium has a plan under section 479B of the Social Security Act or a cooperative agreement or contract entered into with a State), the Secretary shall provide the tribe, organization, or tribal consortium with such additional time as the Secretary determines is necessary for the tribe, organization, or tribal consortium to take the action to comply with the additional requirements before being regarded as failing to comply with the requirements.

CHAPTER 2—ENSURING THE NECESSITY OF PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

SEC. 4251. LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES.

(a) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

(1) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 672), as amended by section 2622 of this Act, is amended—

(A) in subsection (a)(2)(C), by inserting "or tribal"

(B) by adding at the end following:

(K) PROVISION ON FEDERAL FINANCIAL PARTICIPATION.—

"(1) IN GENERAL.—Beginning with the third week for which foster care maintenance payments are made to a State under this section on behalf of a child placed in a child-care institution, no Federal payment shall be made to the State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child unless—

(A) the child is placed in a child-care institution that is a setting specified in paragraph (3) of this section; or (B) the child is placed in a child-care institution that is a setting specified in paragraph (3) of this section and a licensed mental health facility or residential treatment program.

(2) SPONSORS SETTINGS FOR PLACEMENT.—The settings for placement specified in this paragraph are the following:

(A) A qualified residential treatment program as defined in paragraph (4);

(B) a setting specializing in providing prenatal, post-partum, or parenting support for youth.

(3) In the case of a child who has attained 18 years of age, a supervised setting in which the child is living independently.

(4) A setting providing high-quality residential care and supportive services to children and youth who have been found to, or are at risk of becoming, sex trafficking victims, as determined under section 471(a)(9)(C).

(5) ASSESSMENT TO DETERMINE APPROPRIATENESS OF PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—

(A) The Secretary of Health and Human Services, in the case of a child who is placed in a qualified residential treatment program, if the assessment required under section 475A(c)(1) is not completed, that the placement is made, no Federal payment shall be made to the State under section 474(a)(1) for any amount of foster care maintenance payments on behalf of the child during the placement.

(B) DEADLINE FOR TRANSITION OUT OF PLACEMENT WHERE THE REQUIREMENTS ARE NOT MET.—If the assessment required under section 475A(c)(1) determines that the placement of a child in a qualified residential treatment program is not appropriate, a court approves such a placement under section 475A(c)(2), or a child who has been in an approved placement in a qualified residential treatment program is going to return to home, the State home, or a child and willing relativa, a guardian, or adoptive parent, or in a foster family home, Federal payments shall be made to the State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child while the child remains in the qualified residential treatment program only during the period necessary for the child to transition home or to a such a placement. In no event shall a State receive Federal payments under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of a child who remains placed in a qualified residential treatment program after the period necessary for the child to transition to a foster family home.

(6) QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—For purposes of this part, the term ‘qualified residential treatment program’ means a program that—

(A) has 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 and, with 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);

(B) subject to paragraphs (5) and (6), has registered or licensed nursing staff and other licensed or certified health professionals that—

(i) provide care within the scope of their practice as defined by State law;

(ii) are on-site in accordance with the treatment identified for the child by the assessment of the child required under section 475A(c);

(iii) are available 24 hours a day and 7 days a week;

(iv) are certified, or approved by the State to be a foster home, in accordance with section 471(a)(9)(C).

(C) has 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 and, with 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);

(D) facilitates outreach to the family members of the child, including siblings, documents how the outreach is made (including contact information), and maintains contact information for biological and fictive kin of the child;

(E) documents how family members are integrated into the treatment process for the child, including, including discharge, and how sibling connections are maintained;

(F) provides discharge planning and family-based aftercare support for at least 6 months post-discharge;

(G) is licensed in accordance with section 471(a)(10) and is accredited by any of the following independent, not-for-profit organizations:

(I) The Commission on Accreditation of Rehabilitation Facilities (CARF);

(II) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO);

(III) The Council on Accreditation (COA).

(IV) Any other independent, not-for-profit accreditation organization approved by the Secretary.

(5) ADMINISTRATIVE COSTS.—The prohibition 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).

(6) 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 474(a)(1) of such Act (42 U.S.C. 674(a)(1)), as amended by section 2622(b) of this Act, is amended by striking "subsection (j)" and inserting "subsections (j) and (k) of section 472".

(b) DEFINITION OF FOSTER FAMILY HOME, CHILD-CARE INSTITUTION.—Section 472(c) of such Act (42 U.S.C. 672(c)(1)) is amended to read as follows:

"(c) Definitions.—For the purposes of this part;

(1) FOSTER FAMILY HOME.—

(A) IN GENERAL.—The term ‘ foster family home’ means the home of an individual or family, State or tribal, or tribal consortium, or an organization, for the purpose of providing care to remain with the child of the parent—

(i) that the State deems capable of adhering to the reasonable and prudent parent standard;

(ii) that is licensed or approved by the State in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

(iii) in which a child in foster care has been placed in the care of an individual, who resides with the child and who has been licenised or approved by the State to be a foster parent—

(A) that the State deems capable of adhering to the reasonable and prudent parent standard;

(B) the State flexibility—The number of children placed in a child-care institution under subparagraph (A) may exceed the numerical limit 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 meaningful relationship with the family to remain with the family.

(iv) To allow a family with special training or skills to provide care to a child who has a severe 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.

"(A) IN GENERAL.—The term ‘child-care institution’ means a private child-care institution, or a public 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 SETTINGS.—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, training schools, or any other facility operated primarily for detention of children who are determined to be delinquent.

"(d) TRAINING FOR STATE JUDGES, ATTORNEYS, AND OTHER LEGAL PERSONNEL IN CHILD WELFARE CASES.—Section 472(b)(4) of such Act (42 U.S.C. 629h(b)(4)) is amended by inserting 'foster family home' after "with respect to the child,'.

"(e) REPORT.—The Secretary of Health and Human Services shall, not later than December 31, 2024, report to the Comptroller General on the extent to which the provisions of paragraphs (a) and (b) of this section have been implemented.

"(f) CONGRESSIONAL RECORD.—The Secretary of Health and Human Services shall submit to Congress...
“(5) 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 age 13 or over, 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 agency for the continued placement of the child in that setting.”.

SEC. 2653. PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES AND SETTINGS.

(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 (viii); and

(3) by inserting after clause (vii) the following:

“(vii) the procedures and protocols the State has established to ensure that children in foster care placements are not inappropriately diagnosed with mental illness, other emotional or behavioral disorders, medically fragile condition, developmental disabilities, and placed in settings that are not foster family homes as a result of the inappropriate diagnoses; and”.

(4) by redesignating section 476 of such Act (42 U.S.C. 676), as amended by section 2621(d) of this Act, is further amended by adding at the end the following:

“(e) EVALUATION OF STATE PROCEDURES AND PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSIS 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 evaluation shall assess the extent to which States comply with and enforce the procedures and protocols and the effectiveness of various State procedures and protocols and shall identify best practices. Not later than January 1, 2020, the Secretary shall submit a report on the results of the evaluation to Congress.”.

SEC. 2654. ADDITIONAL 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) the type of the placement setting, including whether the placement is shelter care, a group home, and if so, the number of children in the group home, the residential treatment facility, a hospital, an institution or other congregate care setting, to conduct criminal background checks of national child care worker criminal history databases as defined in section 534(e)(3)(A) of title 28, United States Code, 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, and why the checks specified in this subparagraph are inappropriate for the State; and

(b) TECHNICAL AMENDMENTS.—Subparagraphs (A) and (C) of section 471(a)(20) of the Social Security Act (42 U.S.C. 629g(a)(20)) are each amended—

(1) in each of subparagraphs (A)(ii) and (B)(iii), by striking “and” after the semicolon;

(2) in subparagraph (C), by adding “and” after the semicolon; and

(3) by inserting after subparagraph (C) the following:

“(D) provides procedures for any child care worker, including a group home, residential treatment center, shelter, or other congregate care setting, to conduct criminal background checks of national child care worker criminal history databases as defined in section 534(e)(3)(A) of title 28, United States Code, 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, and why the checks specified in this subparagraph are inappropriate for the State; and

SEC. 2656. EFFECTIVE DATES; APPLICATION TO WAIVERS.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2) and subsections (b) through (d), the amendments made by this chapter shall take effect 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, the Secretary of Health and Human Services determines whether the plan adequately provides for the additional requirements imposed by the amendments made by this chapter, the State plan shall not be regarded as failing to comply with the requirements of this section solely on 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, the date 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 WAIVER OF FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES AND RELATED PROVISIONS.

(1) IN GENERAL.—The amendments made by sections 2653(a), 2654(b), 2655(d), and 2652 shall take effect on January 1, 2019.

(2) STATE OPTION TO DELAY EFFECTIVE DATE FOR PLACEMENTS.—For a fiscal year, a State may request a delay in the effective date provided for in paragraph (1), the Secretary of Health and Human Services shall delay the effective date as requested by the State for the amount of time requested by the State, but 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 2644, the date that the amendments made by section 2621(c) take effect with respect to the State shall be delayed for the period; and

(B) in applying section 474(a)(6) of the Social Security Act with respect to the State, after the date provided for, the effect with respect to the State is deemed to be substituted for “after September 30, 2019” in subparagraph (A)(1)(i) of such section.

(c) CRIMINAL RECORDS CHECKS AND CHECKS OF CHILD ABUSE AND NEGLECT REGISTRIES FOR ADULTS WORKING IN CHILD-CARE INSTITUTIONS AND OTHER GROUP SETTINGS.—The amendments made by section 2655 shall take effect on October 1, 2018.

(d) APPLICATION TO 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 chapter shall not apply with respect to the State before the expiration (determined without regard to any extension of the waiver) of the extent to which the amendments are inconsistent with the terms of the waiver.

CHAPTER 3—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES

SEC. 2651. SUPPORTING AND RETAINING FOSTER FAMILIES FOR CHILDREN.

(a) SUPPORTING AND RETAINING FOSTER FAMILIES AS A FAMILY SERVICE.—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) To support and retain foster families so that they can provide quality family-based settings for children who are eligible for the waiver, including, if the Secretary determines it appropriate, financial incentives and supports, training and technical assistance, and resources and services available through the national resource center for permanency planning and supports established under section 479A of the Social Security Act which the Secretary establishes in accordance with section 479A(e);”.

(b) SUPPORT FOR FOSTER FAMILY HOMES.—Section 436 of such Act (42 U.S.C. 629f) is amended by adding at the end the following:

“(c) SUPPORT FOR FOSTER FAMILY HOMES.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary for fiscal year 2016, $8,000,000 for the Secretary to make competitive grants to States, Indian tribal organizations, and consortia with the highest percentage of children in non-family settings. The amount appropriated under this subparagraph shall be available through—

SEC. 2652. EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.

(a) EXTENSION OF STEPHANIE TUBBS JONES CHILD WELFARE SERVICES PROGRAM.—Section 425 of the Social Security Act (42 U.S.C. 625) is amended by striking “2012 through 2016” and inserting “2017 through 2021”.

(b) EXTENSION OF PROMOTING SAFE AND STABLE FAMILIES PROGRAM AUTHORIZATIONS.—Section 436 of such Act (42 U.S.C. 629f) is amended—

(1) in paragraph (a)(4)(A), by striking “2012 through 2016” and inserting “2017 through 2021”.

(2) in paragraph (5), by striking “2012 through 2016” and inserting “2017 through 2021”.

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amended by striking ‘‘2012 through 2016’’ and inserting ‘‘2017 through 2021’’.  

438(d) of such Act (42 U.S.C. 629h(d)) is amended—

(a) in 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 for the fiscal year under subparagraph (A) if the State determines that the State will use the funds for the purpose for which originally allocated under this section.  

(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 the case of the application of the definition in subsection (c)(4)(B)(i) to all eligible applicant States as defined in subsection (d)(5)(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) THINGS.—For purposes of this paragraph, the term ‘‘State’’ includes an Indian tribe, tribal organization, or tribal consortium that receives an allotment under this section.  

(c) EXPANDING AND CLARIFYING THE USE OF EDUCATION AND TRAINING VOUCHERS.—  

(1) EXTENSION OF PROGRAM.—Section 477(b)(3) of the Social Security Act (42 U.S.C. 677), as amended by subsection (d)(5)(B)(i), is amended—

(A) in paragraph (1)—

(II) by striking ‘‘the adolescent’’ each time it appears and inserting ‘‘a youth’’; and  

(III) by striking ‘‘an adolescent’’ and all that follows through the period identified with a semicolon and inserting ‘‘a youth’’;  

(B) in paragraph (2)(D), by striking ‘‘adolescents preparing for independent living’’ and all that follows through the period identified with a semicolon and inserting ‘‘adolescents preparing for independent living and all that follows through the period identified with a semicolon’’;  

(C) in paragraph (3)(C), by striking ‘‘the youth’’ each time it appears and inserting ‘‘the youth’’; and  

(D) by inserting ‘‘(ii) For purposes of this subsection’’ before the period.  

(d) AUTHORITY TO REDISTRIBUTE UNSPENT FUNDS.—Section 477(d) of such Act (42 U.S.C. 677(d)) is amended—

(1) in paragraph (4), by inserting ‘‘or does not expend allocated funds within the time period specified in section (d)(3)’’ after ‘‘provided by the Secretary’’; and  

(2) by adding at the end the following—

(5) REDISTRIBUTION OF UNEXPENDED AMOUNTS.—  

(A) AVAILABILITY OF AMOUNTS.—To the extent that amounts paid to States under this section in a fiscal year remain unexpended by the States that applied for additional funds under this section for that second succeeding fiscal year, the Secretary may make the amounts available for redistribution in the second succeeding fiscal year among the States that applied for additional funds under this section for the second succeeding fiscal year.  

(B) REDISTRIBUTION.—The Secretary shall redistribute the amounts made available under subparagraph (A) for a fiscal year among eligible applicant States.
(2) in subsection (b)(1)(D), by striking “2016” and inserting “2021”; and

(3) in subsection (b)(2), by striking “2016” and inserting “2021”.

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on October 1, 2017.

CHAPTER 5—TECHNICAL CORRECTIONS

SEC. 2657. 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—

“SEC. 440. DATA EXCHANGE STANDARDS FOR IMPROVED 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 electronically exchange with another State agency; and

“(2) to improve and align data exchange standards required by paragraph (1) to include interoperability requirements for the exchange of data in a manner consistent with data exchange standards required by paragraph (1).

“(b) REQUIREMENTS.—The data exchange standards required by paragraph (a) shall, to the extent practicable—

“(1) incorporate a widely accepted, nonproprietary, 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; and

“(6) be capable of being continually upgraded as necessary.

“(c) 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, including public and private resources with respect to an existing program or program category, and describes future milestones.

“(2) specifies State implementation options and describes future milestones.

“(3) be capable of being continually upgraded as necessary.

“(4) be capable of being continually upgraded as necessary.

“(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on October 1, 2017.

“(2) to redirect funds away from programs that support and improve the institutionalization of children and described in paragraphs (1) and (2) of section 422(b)(2) of the Social Security Act (42 U.S.C. 622(b)(2)) are amended by striking “such children” and inserting “all vulnerable children under 5 years of age”.

CHAPTER 6—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE

SEC. 2669. DELAY OF ADOPTION ASSISTANCE PHASE-IN.

(a) IN GENERAL.—The table in section 437(e)(1)(B) of the Social Security Act (42 U.S.C. 673(e)(1)(B)) is amended by striking the last 2 rows and inserting the following:

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>2%</td>
</tr>
<tr>
<td>2024</td>
<td>2%</td>
</tr>
<tr>
<td>2025 or thereafter</td>
<td>any age</td>
</tr>
</tbody>
</table>

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2018.

SEC. 2670. GAO STUDY AND REPORT ON STATE REINVESTMENT OF SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE.

(a) STUDY.—The Comptroller General of the United States shall study the extent to which States are complying with the requirements of section 473a(b)(8) of the Social Security Act relating to the effects of phasing out the AFDC income eligibility requirements for adoption assistance payments under section 473a of the Social Security Act, as enacted by section 492 of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351; 122 Stat. 3960) and amended by section 206 of the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113–183; 128 Stat. 1919). In particular, the Comptroller General shall analyze the extent to which States are complying with the following requirements under section 473a(b)(8) of the Social Security Act:

(1) The requirement to spend an amount equal to the amount of the savings (if any) in State expenditures under part E of title IV of the Social Security Act resulting from phasing out the AFDC income eligibility requirements for adoption assistance payments under section 473a of the Social Security Act, as enacted by section 492 of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351; 122 Stat. 3975) and amended by section 206 of the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113–183; 128 Stat. 1919). In particular, the Comptroller General shall analyze the extent to which States are complying with the following requirements under section 473a(b)(8) of the Social Security Act:

(2) To redirect funds away from programs that support and improve the institutionalization of children and described in paragraphs (1) and (2) of section 422(b)(2) of the Social Security Act (42 U.S.C. 622(b)(2)) are amended by striking “such children” and inserting “all vulnerable children under 5 years of age”.

“(a) ONE-PAGE SUMMARY.—The Comptroller General shall issue a one-page summary of the results of the study required by subsection (a), including recommendations to ensure compliance with laws referred to in subsection (a).

Subtitle B—Supporting Social Impact Partnerships to Pay for Results

SEC. 2681. SUPPORTING SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS.

Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—

“(1) in the title heading, by striking “TO STATES” and inserting “AND PROGRAMS”;

“(2) by adding at the end the following:

“Subtitle C—Social Impact Demonstration Projects

“SEC. 2681. The purposes of this subtitle are the following:

“(1) To improve the lives of families and individuals in need in the United States by funding social programs that achieve real results.

“(2) To redirect funds away from programs that, based on objective data, are ineffective, and into programs that achieve demonstrable, measurable results.

“(3) To ensure Federal funds are used effectively to pay for services to produce positive outcomes for both service recipients and tax-payers.

“(4) To establish the use of social impact partnerships to solve some of our Nation’s most pressing problems.

“(5) To facilitate the creation of public-private partnerships that bundle philanthropic or other private resources with existing public spending to scale up effective social interventions already being implemented by private organizations, nonprofits, charitable organizations, and State and local governments across the country.

“(6) To bring pay-for-performance to the social sector, allowing the United States to improve the impact and effectiveness of vital social services programs while redirecting inefficient or duplicative spending.

“(7) To incorporate outcomes measurement and randomized controlled trials or other rigorous methodologies for assessing program impact.

“(8) To qualify as a social impact partnership project under this 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 from States or local governments for social impact partnership projects in accordance with this section.

“(9) To be a social impact partnership project, the project must be more measurable, clearly defined outcomes that result in social benefit and Federal, State, or local savings through any of the following:

“(1) Increasing work and earnings by individuals in the United States who are unemployed for more than 6 consecutive months.

“(2) Increasing employment and earnings of individuals who have attained 16 years of age but not 25 years of age.

“(3) Increasing employment among individuals receiving Federal disability benefits.

“(4) Reducing the dependence of low-income families on Federal means-tested benefits.

“(5) Improving rates of high school graduation.

“(6) Reducing teen and unplanned pregnancies.

“(7) Improving birth outcomes and early childhood health and development among low-income families and individuals.

“(8) Reducing rates of asthma, diabetes, or other preventable diseases among low-income families and individuals.

“(9) Increasing the proportion of children living in two-parent families.

“(10) Reducing incidents and adverse consequences of child abuse and neglect.

“(11) Reducing the number of youth in foster care by increasing adoptions, permanent guardianship arrangements, reunifications,
or placements with a fit and willing relative, or by avoiding placing children in foster care by ensuring they can be cared for safely in their own 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 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 recidivism among juvenile offenders, individuals released from prison, or other categories of populations.

(15) Reducing the rate of homelessness among our most vulnerable populations.

(16) Improving the health and well-being of those with mental, emotional, or 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) Measurable outcomes defined by the State or local government that result in positive social outcomes and Federal savings.

(b) APPLICATION REQUIRED.—The notice described in subsection (a) shall require a State or local government to submit an application for the social impact partnership project that contains 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) The mission and goals.

(4) Previous experience collaborating with public or private entities to implement evidence-based programs.

(5) Experience working in a collaborative environment across government and non-governmental entities.

(6) Experience collaborating with public or private entities to implement evidence-based programs.

(7) Ability to raise or provide funding to cover operating costs (if applicable to the project).

(8) 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.

(9) Role in delivering the intervention.

(10) Experience working in a collaborative environment across government and non-governmental entities.

(11) Explanation of the experience of the State or local government, the intermediary, the service provider, intermediary, service provider, including private and philanthropic capital to fund social service investments.

(12) The detailed roles and responsibilities of each, including the role of the intermediary, service provider, intermediary, service provider, 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 demonstration that the 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 project timeline.

(16) The evaluation design.

(17) 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.

(18) An explanation of how the metrics used in the evaluation to determine whether the outcomes are 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 investor.

(19) A summary explaining the independent evaluation of the intermediary and the evaluation methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

(20) A summary explaining the independent evaluation of the intermediary and the evaluation methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

(21) An explanation of how the metrics used in the evaluation to determine whether the outcomes are 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 investor.

(22) A summary explaining the independent evaluation of the intermediary and the evaluation methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

(23) A summary explaining the independent evaluation of the intermediary and the evaluation methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

(24) A description of whether and how the State or local government and service providers plan to sustain the intervention, if it is time and budget to do so, to ensure that successful interventions continue to operate after the period of the social impact partnership.

(c) AGREEMENT AUTHORITY.—

(1) AGREEMENT REQUIREMENTS.—In accord 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 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 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, 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 if the outcomes specified in the agreement are achieved as a result of the intervention.

(5) The expected social benefits to participants who receive the intervention and others being assisted.

(6) Projected Federal, State, and local government costs and other costs to conduct the project.

(7) Projected Federal, State, and local government savings and other savings, including an estimate of the savings to the Federal Government, on a program-by-program basis, and 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 these savings.

(9) The criteria used to determine the eligibility of an individual for the project, including how selected populations will be identified, how they will be referred to the project, and how they will be enrolled in the project.

(10) An explanation of the capacity of the intermediary to conduct rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials on the intervention or similar interventions.

(11) The criteria used to determine the eligibility of an individual for the project, including how selected populations will be identified, how they will be referred to the project, and how they will be enrolled in the project.

(12) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(13) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(14) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(15) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(16) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(17) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(18) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(19) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(20) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(21) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(22) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(23) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

(24) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.
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 State or local government.

(3) The duration of the project does not exceed 10 years.

(4) 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 can be expected to achieve each outcome specified in the agreement.

(5) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

(6) The payment 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 evaluation design.

(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) An estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the aggregate, if the agreement is entered into and implemented and the outcomes are achieved as a result of each intervention.

(13) A description of the savings to the Federal Government if the social impact partnership project is successful.

(14) The potential savings to the Federal Government if the social impact partnership project is successful.

(15) The potential savings to the State and local governments if the project is successful.

(16) Public Disclosure.—Not later than 30 days after selecting a State or local government to apply for social impact partnership funding under section 2052, the Secretary shall have the option to award no funding under this section.

(17) No Guarantee of Funding.—The Secretary shall have the option to award no funding under this section.

(18) 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.

(19) Delegation of Authority.—The Secretary may transfer the head of another Federal agency the authorities provided in this section and any funds necessary to exercise the authorities.

Evaluations

SEC. 2055. (a) Authority to Enter into Agreements.—The Secretary shall have the option to award no funding for any of the interventions under this title. When funding is awarded, the Secretary shall have the option to award no funding for any of the interventions under this title.

(b) Selection of Applications for Feasibility Study.—Not later than 6 months after receiving an application for feasibility study funding under section 2052, the Secretary shall complete the feasibility study for the State or local government to apply for social impact partnership funding under section 2052.

(c) Federal Selection of Applications for Feasibility Study.—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 select State or local government feasibility study proposals for inclusion for inclusion for funding for the intervention.

(1) The recommendations made by the Commission on Social Impact Partnerships.

(2) The likelihood that the proposal will achieve the desired outcomes.

(3) The value of the outcomes expected to be achieved as a result of each intervention.

(4) The potential savings to the Federal Government if the social impact partnership project is successful.

(5) The potential savings to the State and local governments if the project is successful.

(c) Public Disclosure.—Not later than 30 days after selecting a State or local government for feasibility study funding under this section, the Secretary shall have the option to award no funding for any of the interventions under this section.

(d) Funding Restriction.—The Secretary may not provide feasibility study funding under this section for more than 50 percent of the estimated total cost of the feasibility study or the intervention requested in the State or local government application submitted under subsection (a).
“(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—Not later than 30 days after receipt 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.

(a) FINAL REPORT.—(1) SUBMISSION OF REPORT.—Within 6 months after the social impact partnership project is completed, the independent evaluator 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 project, the challenges faced in attempting to achieve the outcome, and information on the projected and actual savings realized, the extent to which actual savings aligned with projected savings; and

(b) REQUIREMENTS FOR REPORT.—In making a final report to the Secretary under this section, the Commission shall—

(1) evaluate the effects of the activities undertaken pursuant to the agreement with regard to each outcome specified in the agreement,

(2) 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 outcomes of the project, including activities conducted by—

(A) the Department of Labor;

(B) the Department of Health and Human Services;

(C) the Social Security Administration;

(D) the Department of Justice;

(E) The Department of Housing and Urban Development;

(F) The Department of Education;

(G) the Department of Veterans Affairs;

(H) the Department of the Treasury;

(I) The Corporation for National and Community Service;

(J) The Department of Agriculture.

(2) REQUIREMENTS FOR REPORT.—In making a final report to the Secretary under this section, the Commission shall—

(1) CHAIR.—The Chair of the Commission 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 officer or employee 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.

(3) CONCLUSION.—The Federal Interagency Council on Social Impact Partnerships shall certify that each State and local government has fulfilled each obligation of the agreement and outcomes of the project under this subtitle.

(4) IMPLEMENTATION.—The Federal Interagency Council on Social Impact Partnerships shall—

(a) establish the Federal Interagency Council on Social Impact Partnerships; and

(b) have relevant professional or personal experience in a field related to one or more of the outcomes listed in this subtitle; or

(c) be qualified to conduct research or enforce laws 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;

(5) CERTIFICATION.—The Commission shall—

(a) evaluate the effects of the activities undertaken pursuant to the agreement with regard to each outcome specified in the agreement;

(b) require that the State or local government provide periodic reports to the Secretary and make available reports periodically to Congress and the public on the implementation of this subtitle;

(c) review, approve, and make available reports periodically to Congress and the public on the implementation of this subtitle.

(6) DUTIES.—The duties of the Commission shall be to—

(a) establish the Commission; and

(b) provide assistance to the Secretary in the development and implementation of this subtitle.

(7) LIMITATION ON USE OF FUNDING.—The amount made available under this subtitle for social impact partnership projects, including activities conducted by—

(A) The Department of Labor;

(B) The Department of Health and Human Services;

(C) the Social Security Administration.

(8) ASSIGNMENT OF TERMS.—The Commission may operate with no fewer than five members at any one time. The members of the Commission shall—

(a) be the Director of the Office of Management and Budget;

(b) have relevant professional or personal experience in a field related to one or more of the outcomes listed in this subtitle; or

(c) be qualified to conduct research or enforce laws 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;

(d) evaluate the effects of the activities undertaken pursuant to the agreement with regard to each outcome specified in the agreement;

(e) require that the State or local government provide periodic reports to the Secretary and make available reports periodically to Congress and the public on the implementation of this subtitle.

(f) CERTIFICATION.—The Commission shall certify that each State and local government has fulfilled each obligation of the agreement and outcomes of the project under this subtitle.

(g) CONCLUSION.—The Federal Interagency Council on Social Impact Partnerships shall certify that each State and local government has fulfilled each obligation of the agreement and outcomes of the project under this subtitle.

(h) REQUIREMENTS FOR REPORT.—In making a final report to the Secretary under this section, the Commission shall—

(i) CHAIR.—The Chair of the Commission shall be the Director of the Office of Management and Budget;

(j) OTHER MEMBERS.—The head of each of the following entities shall designate one officer or employee 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.

(k) CONCLUSION.—The Federal Interagency Council on Social Impact Partnerships shall certify that each State and local government has fulfilled each obligation of the agreement and outcomes of the project under this subtitle.

(l) DUTIES.—The duties of the Commission shall be to—

(1) establish the Commission; and

(2) provide assistance to the Secretary in the development and implementation of this subtitle.

(m) LIMITATION ON USE OF FUNDING.—The amount made available under this subtitle for social impact partnership projects, including activities conducted by—

(1) The Department of Labor;

(2) The Department of Health and Human Services;

(3) the Social Security Administration.

(n) ASSIGNMENT OF TERMS.—The Commission may operate with no fewer than five members at any one time. The members of the Commission shall—

(1) be the Director of the Office of Management and Budget;

(2) have relevant professional or personal experience in a field related to one or more of the outcomes listed in this subtitle; or

(3) be qualified to conduct research or enforce laws 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;

(4) evaluate the effects of the activities undertaken pursuant to the agreement with regard to each outcome specified in the agreement;

(5) require that the State or local government provide periodic reports to the Secretary and make available reports periodically to Congress and the public on the implementation of this subtitle.

(6) CERTIFICATION.—The Commission shall certify that each State and local government has fulfilled each obligation of the agreement and outcomes of the project under this subtitle.

(7) CONCLUSION.—The Federal Interagency Council on Social Impact Partnerships shall certify that each State and local government has fulfilled each obligation of the agreement and outcomes of the project under this subtitle.

(8) REQUIREMENTS FOR REPORT.—In making a final report to the Secretary under this section, the Commission shall—

(a) be the Director of the Office of Management and Budget;

(b) have relevant professional or personal experience in a field related to one or more of the outcomes listed in this subtitle; or

(c) be qualified to conduct research or enforce laws 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) DUTIES.—The duties of the Commission shall be to—

(1) establish the Commission; and

(2) provide assistance to the Secretary in the development and implementation of this subtitle.

(10) LIMITATION ON USE OF FUNDING.—The amount made available under this subtitle for social impact partnership projects, including activities conducted by—

(1) The Department of Labor;

(2) The Department of Health and Human Services;

(3) the Social Security Administration.

(11) ASSIGNMENT OF TERMS.—The Commission may operate with no fewer than five members at any one time. The members of the Commission shall—

(1) be the Director of the Office of Management and Budget;

(2) have relevant professional or personal experience in a field related to one or more of the outcomes listed in this subtitle; or

(3) be qualified to conduct research or enforce laws 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;

(4) evaluate the effects of the activities undertaken pursuant to the agreement with regard to each outcome specified in the agreement;

(5) require that the State or local government provide periodic reports to the Secretary and make available reports periodically to Congress and the public on the implementation of this subtitle.

(6) CERTIFICATION.—The Commission shall certify that each State and local government has fulfilled each obligation of the agreement and outcomes of the project under this subtitle.

(7) CONCLUSION.—The Federal Interagency Council on Social Impact Partnerships shall certify that each State and local government has fulfilled each obligation of the agreement and outcomes of the project under this subtitle.

(8) REQUIREMENTS FOR REPORT.—In making a final report to the Secretary under this section, the Commission shall—

(a) be the Director of the Office of Management and Budget;

(b) have relevant professional or personal experience in a field related to one or more of the outcomes listed in this subtitle; or

(c) be qualified to conduct research or enforce laws 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) DUTIES.—The duties of the Commission shall be to—

(1) establish the Commission; and

(2) provide assistance to the Secretary in the development and implementation of this subtitle.

(10) LIMITATION ON USE OF FUNDING.—The amount made available under this subtitle for social impact partnership projects, including activities conducted by—

(1) The Department of Labor;

(2) The Department of Health and Human Services;

(3) the Social Security Administration.

(11) ASSIGNMENT OF TERMS.—The Commission may operate with no fewer than five members at any one time. The members of the Commission shall—

(1) be the Director of the Office of Management and Budget;

(2) have relevant professional or personal experience in a field related to one or more of the outcomes listed in this subtitle; or

(3) be qualified to conduct research or enforce laws 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;
(6) STATE.—The term ‘State’ means each State of the United States, the District of Columbia, each commonwealth, territory or possession of the United States, and each federally recognized Indian tribe.

FUNDING

SEC. 2604. Out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated $50,000,000 for fiscal year 2018 to carry out this subtitle.

Subtitle C—Modernizing Child Support Enforcement Fees

SEC. 2601. MODERNIZING CHILD SUPPORT ENFORCEMENT FEES.

(a) IN GENERAL.—Section 658(b)(1)(ii) of the Social Security Act (42 U.S.C. 658(b)(1)(ii)) is amended—

(1) by striking ‘‘$25’’ and inserting ‘‘$35’’; and

(2) by striking ‘‘$500’’ each place it appears and inserting ‘‘$550.’’

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment 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 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) is required in order for a State plan developed pursuant to part D of title IV of the Social Security Act to meet the requirement imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet the requirement before the end of the fiscal year after the end of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, if the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

Subtitle D—Increasing Efficiency of Prison Data Reporting

SEC. 2609. INCREASING EFFICIENCY OF PRISON DATA REPORTING.

(a) IN GENERAL.—Section 1611(e)(1)(i)(II) of the Social Security Act (42 U.S.C. 1611(e)(1)(i)(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) of the Social Security Act (as amended by such subsection) on or after the date that is 6 months after the date of enactment of this Act.

TITLE VII—OFFSETS

SEC. 2701. PAYMENT FOR EARLY DISCHARGES TO HOSPICE CARE.

(a) IN GENERAL.—Section 1886(d)(5)(J) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(J)) is amended—

(1) in clause (ii)—

(A) in subclause (III), by striking ‘‘or’’ after the term ‘‘and’’;

(B) by redesignating subclause (IV) as subclause (V); and

(C) by inserting after subclause (III) the following new subclause:

‘‘(IV) for discharges occurring on or after October 1, 2022, is provided hospice care by a hospice provider that—

(1) in clause (ii), by striking ‘‘(and III)’’ and inserting ‘‘(III), and, in the case of proposed and final rules for fiscal year 2023 and subsequent fiscal years, (IV)’’;

(b) in subclause (I), by striking ‘‘and (III)’’ and inserting ‘‘(III), and, in the case of proposed and final rules for fiscal year 2023 and subsequent fiscal years, (IV)’’;

(2) in clause (iv), by striking ‘‘(and III)’’ and inserting ‘‘(III), and, in the case of proposed and final rules for fiscal year 2023 and subsequent fiscal years, (IV)’’;

(3) in subparagraph (K), by striking ‘‘during and after fiscal year 2021’’

(4) in subparagraph (L), by striking ‘‘and, in the case of proposed and final rules for fiscal year 2023 and subsequent fiscal years, (IV)’’;

(f) in paragraph (4), by striking ‘‘the proposed and final rules for fiscal year 2023 and subsequent fiscal years, (IV)’’.

(b) DELAY AUTHORITY TO TERMINATE CONTRACTS FOR MEDICARE ADVANTAGE PLANS FAILING TO ACHIEVE MINIMUM QUALITY STANDARDS

Section 1877(h)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(h)(3)(B)) is amended by striking ‘‘January 1, 2018’’ and inserting ‘‘January 1, 2021’’.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.
and all that follows through the period at the end and inserting “during and after fiscal year 2021. ’’...”.

SEC. 2707. PAYMENT FOR OUTPATIENT PHYSICAL THERAPY SERVICES AND OUTPATIENT OCCUPATIONAL THERAPY SERVICES FURNISHED BY A THERAPY ASSISTANT.

Section 1834 of the Social Security Act (42 U.S.C. 1395m), as amended by sections 2204 and 2144, is further amended by adding at the end the following new subsection: “(x) PAYMENT FOR OUTPATIENT PHYSICAL THERAPY SERVICES AND OUTPATIENT OCCUPATIONAL THERAPY SERVICES FURNISHED BY A THERAPY ASSISTANT.

(1) IN GENERAL.—In the case of an outpatient physical therapy service or outpatient occupational therapy service 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.

(2) USE OF PAYMENT.—“(A) ESTABLISHMENT.—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 physical therapy service or outpatient occupational therapy service furnished in whole or in part by a therapy assistant (as so defined), that the service was furnished by a therapy assistant.

“(B) 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 modifier established under subparagraph (A) for each such service.

“(C) IMPLEMENTATION.—The Secretary shall implement this subsection through notice and comment rulemaking.”

SEC. 2708. CHANGES TO LONG-TERM CARE HOSPITAL PAYMENT RATES.

(a) EXTENSION.—Section 1866(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 2018 through 2021”;

(2) in subclause (II), by striking “2018” and inserting “2020”;

(b) TEMPORARY ADJUSTMENT TO SITE NEUTRAL PAYMENT RATES.—Section 1866(m)(6)(B) of the Social Security Act (42 U.S.C. 1395ww(m)(6)(B)) is amended—

(1) in clause (ii), in the matter preceding subclause (II), by striking “in this paragraph” and inserting “Subject to clause (iv), in this paragraph”;

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

“(iv) ADJUSTMENT.—For each of fiscal years 2018 through 2021, the amount that would otherwise apply under clause (ii)(1) for the year (determined without regard to this clause) shall be reduced by 4.6 percent.”.

SEC. 2709. NON-BUDGET NEUTRAL TRANSITIONAL PAYMENT CHANGE FOR CERTAIN PRODUCTS.

(a) IN GENERAL.—Subsection 1833(t)(6)(A)(iv) of the Social Security Act (42 U.S.C. 1395t(b)(6)(A)(iv)) is amended by inserting “(except, beginning as of April 1, 2018, a biosimilar biological product (as defined under section 1847A(c)(6)(H))” after “biological product.”

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to biosimilar biological products beginning on April 1, 2018, regardless of whether such products were receiving pass-through status for an additional payment under section 1902(a)(25)(I) of the Social Security Act (42 U.S.C. 1396a(a)(25)(I)) before such date. In the case of a product that was receiving such an additional payment pursuant to clause (iv) of subsection (a) of such section on the day before such date and after application of the amendment under subsection (a) is not eligible for such an additional payment as of such date, such product may not be eligible for such an additional payment pursuant to any other clause of such subparagraph (A).

SEC. 2710. LIABILITY IN MEDICAID AND CHIP.

(a) MODIFICATION OF THIRD PARTY LIABILITY RULES RELATED TO SPECIAL TREATMENT OF CERTAIN PAYMENTS FOR CARE AND PAYMENTS.—

(1) IN GENERAL.—Section 1902(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 “prental or”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment.

(b) DELAY IN EFFECTIVE DATE AND REPEAL OF CERTAIN BIPARTISAN BUDGET ACT OF 2013 AMENDMENTS.—

(1) REPEAL.—Effective as of September 30, 2017, 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 section) is repealed and the provisions amended by such subsection shall be applied and administered as if such amendments had never been enacted.

(2) DELAY IN EFFECTIVE DATE.—Subsection (c) of section 202 of the Bipartisan Budget Act of 2013 (Public Law 113–67; 127 Stat. 1177; 42 U.S.C. 1396a note) is amended to read as follows:

“(c) EFFECTIVE DATE.—The amendments made by subsection (c) shall take effect on October 1, 2019.”

(3) EFFECTIVE DATE; TREATMENT.—The repeal and amendment made by this subsection 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 amendments made by subsections (a) and (b) of section 202 of the Bipartisan Budget Act of 2013 (Public Law 113–67; 127 Stat. 1177; 42 U.S.C. 1396a note) that took effect on October 1, 2017, are null and void and section 1902(a)(25) (relating to third party liability).”

SEC. 2711. TREATMENT OF LOTTERY WINNINGS AND OTHER LUMP-SUM INCOME FOR PURPOSES OF INCOME ELIGIBILITY UNDER MEDICAID.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(17), by striking “(e)(14), (e)(14)” and inserting “(e)(14), (e)(15)” and

(2) in subsection (e)(14), by adding at the end the following new subparagraph:

“(K) TREATMENT OF CERTAIN LOTTERY WINNINGS AND INCOME RECEIVED AS A LUMP SUM.—

“(1) IN GENERAL.—In the case of an individual who is the recipient of qualified lotter y 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 deter mining such eligibility, include such winnings or income (as applicable) as income received—

“(a) in the month in which such winnings or income (as applicable) is received if the amount of such winnings or income is less than $100,000;

“(b) over a period of 12 months if the amount of such winnings or income (as applicable) is greater than or equal to $100,000 but less than $300,000;

“(c) over a period of 36 months if the amount of such winnings or income (as applicable) is greater than or equal to $300,000 but less than $500,000; and

“(d) over a period of 60 months plus 120 months (or each 120 month period) after the date of receipt of such winnings or income (as applicable) if the amount of such winnings or income is greater than or equal to $500,000.

“(2) COUNTING IN EQUAL INSTALLMENTS.—For purposes of subsections (II), (III), and (IV) of clause (1), winnings or income which such subclause applies shall be counted in equal monthly installments over the period of months specified under such subclause.

“(III) ELIGIBILITY THRESHOLD.—An individual whose income, by application of clause (1), exceeds the applicable eligibility threshold established by the State, shall continue to be eligible for medical assistance to the extent that the State determines, under procedures established by the State (in accordance with standards specified by the Secretary), that the individual’s income would cause an undue medical or financial hardship as determined on the basis of criteria established by the Secretary.”

(H) IN GENERAL.—Section 1902(a)(25)(I) of the Social Security Act (42 U.S.C. 1396a(a)(25)(I)) is amended—

(1) in general.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(a) in the matter preceding paragraph (A) for each such service.

SEC. 2712. CHANGES TO ACCREDITATION AND CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—Section 1860(j)(3)(A)(i) of the Social Security Act (42 U.S.C. 1395b(j)(3)(A)(i)) is amended—

(1) by striking the section heading; and

(2) in subsection (A), by striking “submitted to HHS” and inserting “submitted to CMS”.

(b) APPLICATION.—The amendment made by this section shall take effect on January 1, 2019.
Section 1941(b) of the Social Security Act (42 U.S.C. 1396c) is amended—

(1) in paragraph (1), by striking “$5,000,000” and inserting “$0”;

(2) in paragraph (3)(A) (as added by section 3006(2)(B) of the Helping Ensure Access for Little Ones, Toddlers, and Hopeful Youth by Keeping Insurance Delivery Stable Act (Public Law 115–129)), by striking “$900,000,000” and inserting “$0”.

SEC. 2714. SUNSETTING EXCLUSION OF BIOSIMILARS FROM MEDICARE PART D COVERAGE GAP DISCOUNT PROGRAM.

Section 1902(w)(2)(A) of the Social Security Act (42 U.S.C. 1396w–1(b)(2)(A)) is amended by inserting “, with respect to a plan year before 2019,” after “other than”.

SEC. 2715. PREVENTION AND PUBLIC HEALTH FUND.

Section 402(b)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–1(b)(1)) is amended by striking paragraphs (1) through (9) and inserting the following new paragraphs:

(1) for each of fiscal years 2018 and 2019, $900,000,000;

(2) for each of fiscal years 2020 and 2021, $1,000,000,000;

(3) for each of fiscal years 2022 through 2027, $1,100,000,000;

(4) for fiscal year 2028 and each subsequent fiscal year, $2,000,000,000.

DIVISION G—BUDGETARY EFFECTS

SEC. 3001. BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of division D 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.

(b) SENATE PAYGO SCORECARD.—The budgetary effects of division D and each succeeding 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 conference committee accompanying this Act, the budgetary effects of division D and each succeeding 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.

The SPEAKER pro tempore. Pursuant to House Resolution 727, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the fifth time since last fall, I rise today to present an otherwise routine resolution, the House amendment to Senate amendment to H.R. 1892, to fund the operations of the Federal Government through March 23, fund the Department of Defense for the rest of fiscal year 2018, and extend critical health programs, including funding for community health centers. Our current continuing resolution expires on Thursday, and without this legislation, large segments of the Federal Government will shut down again. Of course, all of us are keenly aware that more time is needed for our leaders in the House, the Senate, and the White House to negotiate overall funding levels for the 2018 fiscal year. This bill would allow that to happen.

Mr. Speaker, this continuing resolution also makes a very limited number of technical changes in funding levels for only the most essential needs, including:

To prevent delays in preparation for the 2020 Census:

To ensure that the judicial branch is able to pay jurors:

To provide $225 million in emergency funding for the Small Business Administration to provide emergency loans to those whose lives and livelihoods were destroyed by last year’s historic natural disasters.

This legislation also includes the full fiscal year 2018 Department of Defense Appropriations bill, totaling $699 billion for our Armed Forces.

And I don’t have to remind my colleagues that this bill has already passed this House three times on a bipartisan basis—most recently, last week.

Mr. Speaker, we ask a great deal of our men and women in uniform, and we have an obligation to provide them and their families the resources they need to be safe, to complete their missions successfully at home and abroad. Governing from CR to CR just creates more unpredictability, more instability, and has real-life consequences for both our troops and civilians who support them.

Mr. Speaker, the challenges we face around the world cannot be met under this Federal CR stop-and-go process. While we delay doing the Nation’s business, our military and economic competitors are consolidating their gains.

Finally, I would add, this legislation includes necessary funding extensions for bipartisan health priorities like community health centers and other public health programs. It also funds important Medicare extenders and includes commonsense reforms and improvements in the program.

But let no one doubt our position on continuing resolutions. They are bad fiscal policy. They do not allow programs to grow, to be reduced or eliminated if that is needed. They maintain outdated policies, and stop new, critically important programs from ever starting, including programs that enhance national security and protect our Armed Forces from our enemies.

Continuing resolutions are fiscally wasteful and prevent the executive branch and Congress from planning and preparing, and this is true for the private sector as well.

Most importantly, they undermine congressional oversight that is constitutionally mandated for our appropriations.

While I am pleased that we are here to include the Defense Appropriations
bills in this continuing resolution, we must still pass all 12 appropriations bills for the 2018 fiscal year, as well as our third emergency disaster supplemental.

As soon as congressional and White House leaders reach a bipartisan agreement, which could and should happen at any moment, our committee will get to work immediately to finish negotiations on all 12 year-long funding bills.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

Since President Trump's draconian FY 2018 budget was released last year, Democrats have warned Republicans that a bipartisan budget agreement was needed to adequately invest in American families and communities. Without a budget agreement, programs as diverse as Head Start, job training, and terrorism prevention grants are in danger of inadequate funding, at best.

Instead of engaging with Democrats to reach a budget agreement, the majority is seeking to advance a full year of funding for the Department of Defense, busting budget caps, while punting every other Federal service and investment to an uncertain future.

Mr. Speaker, the most powerful country in the world now being completely run by a Republican government can't keep the lights on more than weeks at a time. How did we get here?

Democrats will not go along with any plan that neglects critical national security and domestic needs. If this bill were to become law, the majority would have no workable plan to make the investments that are necessary for priorities, including biomedical research, infrastructure projects, Pell Grants, homeland security, assistance for localities, veterans health, opioid funding, job training, the FBI, and other Federal law enforcement and more.

This is not a serious bill. We know that it will be quickly rejected by the Senate. It is the most speculative possible cry from regular order that the majority so frequently discusses yet rarely follows. It is nothing more than a political ploy that will place us on the brink of another shutdown.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT), the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

Mr. ADERHOLT. Mr. Speaker, today, as this House takes up the fifth continuing resolution for FY18, it seems all too appropriate to quote President Reagan where he says: "Here we go again."

I rise here on the floor of the House this afternoon to urge my colleagues to support the CR, which, of course, runs through March 23.

As the chairman of the Committee on Appropriations’ Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, our Nation’s farmers and ranchers will find it hard to access credit during the upcoming planting season. And those recovering from disastrous weather events will not be able to access essential programs in order to help them rebuild, but instead will rely on a full-year funding agreement right away.

These are just a couple of examples of the hardships that are faced by our citizens here in the U.S. that depend on this legislation.

As I say, this is the fifth CR for this fiscal year. My colleagues on the other side of the aisle must come to the table willing to negotiate on these budget caps.

As Members know, the House has passed each of the 12 appropriations bills. We have done our job. Of course, the other body continues to be the weakest link in all this, as it needs to seriously reform their process in order to do the work of the people.

Finally, I appreciate that this bill includes full-year funding for the Department of Defense. To quote President Reagan once again: "We have no choice but to maintain ready defense forces that are second to none. Yes, the cost is high, but the price of neglect would be infinitely higher."

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding to me, and I commend her for her extraordinary leadership on the Appropriations Committee, where important decisions are made about how to allocate the resources of our country to invest in the aspirations of the American people, to respect the sacrifice of our men and women in uniform, and to honor the vows of our Founders for a country that is making the future better for every generation to come.

The distinguished chairman of the committee, Mr. FRELINGHUYSEN, opened his remarks by saying he came to the floor to introduce the fifth continuing resolution. And the gentleman who followed him talked about this being the fifth continuing resolution.

The more is not the merrier. It is like golf: the lower the score, the better. To have five continuing resolutions is a statement of incompetence and ineptitude.

The Republicans control the House, the Senate, and the White House; yet they are pressing forward on their fifth stopgap, short-term spending bill, demonstrating their failure to govern.

Since President Reagan was mentioned, I will mention our very first President, our patriarch, George Washington. President Washington, when he was leaving office, cautioned against political parties who were at war with their own government.

Does that sound familiar to you? Here we are again, 2 days from another shutdown, careening toward another manufactured Republican crisis, demonstrating the Republican failure to govern.

We don't want to go to that place. As Members of Congress, we take a solemn oath to support and defend the Constitution of the United States, to lay down our lives in order to protect the American people.

Democrats support a strong national defense. We, too, want our men and women in uniform to have the resources they need to keep them safe and to keep the American people safe as they accomplish their mission.

But we will not allow Republicans to use this continuing resolution, the fifth time they had to come to the floor because they could not, to herald our own party's failure to govern. When our colleagues continue to be the one body continuing to punt every other Federal service, our Nation's farmers and ranchers, our Nation's farmers and ranchers, the resources of our country to invest in the nondefense domestic budget goes to national security. When you starve the domestic budget, you are not making us stronger. One-third of the domestic budget is about security; Homeland Security, Veterans Affairs, the State Department, and antiterrorism activities of the Justice Department.

But Republicans refuse to give our patriots funded on the domestic side of the budget the resources they need to do the job, just to create uncertainty, yet another stopgap extension.

As Defense Secretary Mattis said, stopgap CRs "just create unpredictability. It makes us rigid. We cannot deal with new and revealing threats. We know our enemies are not standing still, so it is about as unwise as it can be." And here are, as unwise as can be for the fifth time.

And while their continuing resolution seeks to transcend our other commitments to the health of the American people, Republicans hide behind a fig leaf of a 2-year extension of community health centers.
We all support community health centers. It was a very important part of the Affordable Care Act. A very important part. Our colleague, assistant leader Mr. CLYBURN from South Carolina, was one of the great champions of all time of Congress on expanding funding for these centers and United States and mortar for our community health centers. This is a very important piece for us. We should be extending it in a fuller bill to 5 years, except it is used here to hide from the fact of so much other inacritical investment that we are not making.

Republicans are eliminating the Home Visiting initiative that is vital for maternal and child care, and cutting off workforce training for low-income Americans seeking good-paying jobs in healthcare.

The sole purpose of this Republican bill is to destroy our leverage to achieve parity in the caps, to eliminate any need for bipartisan compromise, to eliminate any need to invest in working families.

Why?
Because if they get their defense number, then they don’t have to negotiate about the domestic number. And as I said, we support our men and women in uniform having what they need to be safe and to keep us safe. But the strength of our country is measured in other ways as well.

They don’t believe that and they can’t pass that, so they have to put the defense bill there. But we cannot support that because, again, it comes at the expense instead of as a source of strength to our country.

Democrats simply want action on the critical overdue and bipartisan priorities of the American people so beautifully spelled out by our ranking member, Congresswoman Lowey.

Again, we need funding for the opioid epidemic. The President talked about that. Show us the money. The opioid epidemic claims the lives of 115 Americans every day, and it is getting worse every year in every district in the country. Bipartisan support is there to fight the opioid epidemic. Let’s do it.

We need more funding for veterans, to meet our responsibility and ensure that no veteran is denied the care they deserve upon returning from the battlefield.

We need emergency disaster funding for all the communities ravaged by hurricanes and wildfires.

We need to save millions of hard-working Americans’ endangered pensions.

We need to pass the bipartisan Dream Act immediately. This is a moral priority for us. This is about the character of our Nation, who we are as a country. A nation, over time, constantly invigorated by people coming to our country to seek the American Dream; a dream that is predicated on every waking day making the future better for the next; a dream that takes determination, optimism, hope, and courage. And when these newcomers come to America with that determination, that courage, that optimism, that hope, they associate themselves with the values of our Founders to make the future better for the next generation. These newcomers to America make America American.

So we asked to bring the Hurd-Aguilar bill to the floor. It is bipartisan. It has bipartisan support on the floor. It would pass. Have the courage to bring a bill that protects the DREAMers to the floor of the House. Again, those two mentioned are all bipartisan. They would pass if brought to the floor for an up-or-down vote. The GOP squandered all their time, energy, votes, and enthusiasm on tax breaks for corporations and the wealthiest, with 83 percent of the tax bill going to the top 1 percent. And now Republicans need to get serious and get to work on a budget that funds both the military and the domestic investments that keep our Nation strong.

I just want to make one point about that tax bill again. Did you see that the Speaker of the House sang the glory of the tax bill because a woman was getting $1.50 a week more in her paycheck? Did you see that? Do you believe that and do you think that is a good thing when the top 1 percent were probably getting $1,500 a week compared to her $1.50 a week in their paycheck?

Thank God, after millions of people objected, the Speaker withdrew that tweet. But I don’t think he withdrew that sentiment, because it is the same sentiment that haunts all of these negotiations about investing in the American people.

Republicans must stop governing from manufactured crisis to crisis, and work with Democrats to pass many urgent, long-overdue priorities of the American people. As our distinguished ranking member, Mrs. LOWEY, said earlier in her remarks, “We must abandon these short-term deals.” She spelled out very clearly why. I associate myself with her remarks.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CARTER), the chairman of the Committee on Appropriations’ Subcommittee on Homeland Security.

Mr. CARTER of Texas. Mr. Speaker, our fine Secretary of Defense this morning testified before the Committee on Armed Services. He reinforced the need for us to continue to operate under a continuing resolution for the rest of the year, it will be unable to provide pay to our brave men and women in uniform, unable to recruit personnel we need, unable to maintain our naval ships, unable to maintain our aircraft, unable to supply our troops in the theater of combat, and unable to strike contracts critical toward modernizing our force. Unable, unable, unable.

As Congress, it is our responsibility to make our military force the most able in the world; able to keep our country safe and able to promote the ideals of freedom across the globe.

It would be deeply irresponsible for Members of this House to vote against providing full-year funding to the Department of Defense, which addresses the needs of today and tomorrow, not last year.

Mr. Speaker was on the Hill to discuss something very important: The Department’s National Defense Strategy, which seeks to address the significant challenges we face with rising adversaries in China and Russia, along with enduring threats of a nuclear-armed Korea, a terrorist state in Iran, a terrorist network like ISIS. And he said: “I regret that, without sustained predictable appropriations, my presence here today wastes your time because no strategy can survive without funding necessary to resource it.”

Mr. Speaker, this bill funds our military for the year with funding that addresses the challenges we face today and separates this critical funding from the political fights here in Washington, D.C. Our troops need our support for this bill.

The SPEAKER pro tempore (Mr. POE of Texas). The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Texas.

Mr. CARTER of Texas. Mr. Speaker, they need what this bill provides. Because of that, I support the bill and I urge its passage.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the Appropriations Committee Subcommittee on Defense.

Mr. VISCLOSKY. Mr. Speaker, the first observation I would make is: When I was raised by my parents, I was taught not to whine and not to blame others for problems that arose, but, rather, to work hard to solve them. I don’t think it is long-suffering few people in this body to blame people in another body for the collective inability of the Congress of the United States to make a decision about something so important as the budget of the United States of America.

It is a leadership issue for the Democratic leadership and the Republican leadership of the House to come to an agreement to overturn the caps of the Budget Control Act. It is time for the bicameral and bipartisan membership of the Senate to do the same and for those two bodies to come to an agreement collectively to meet our constitutional responsibilities.

A few days ago, I was on this floor and said that we were confronted with a number problem. That is, what is our total spending for this fiscal year? We are in the 129th day of it for the Department of Defense. What is the total budget number for all of our domestic spending to make sure we have a strong and vibrant economy and people?

We still have a number problem. For the sake of the country, for the sake of
completed their work on fiscal year 2019, are going to present us with their budgets next week, and they don’t know what we are doing this year.

Mr. Speaker, this is unbecoming of a great nation.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. BRADY), the chairman of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I thank the chairman for his leadership and hard work on this effort.

For over a year, the Ways and Means Committee has been leading efforts to advance smart, focused solutions to improve Medicare for the American people. A number of these solutions are included in the bill before us today. These policies take action on three primary goals:

First, expanding access to high-quality care;

Second, increasing efficiency in the way we deliver care—a key goal that will help patients better receive the care they need when they need it; and

Third, incorporating healthcare technologies that are focused on patients, such as telehealth, and eliminating barriers to coordinating care.

This means providing new tools to patients that healthcare providers can use to better access care and deliver it and, at the same time, reducing red-tape burdens that now make it harder for our local doctors to provide the high-quality care our Americans deserve.

So many of these provisions have support from Republicans and Democrats, and for good reason. These are smart, targeted improvements that will go a long way in helping Medicare patients in Texas and, frankly, throughout the country.

Mr. Speaker, I want to thank all of the members of our committee and throughout the House who have worked on these provisions. Improving and strengthening Medicare for the long term is a high priority for the American people. With this bill, we have an opportunity to take meaningful steps toward this important goal.

Mr. Speaker, I urge all of my colleagues to join me in supporting its passage.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Appropriations Committee Subcommittee on Energy and Water Development, and Related Agencies.

Ms. KAPTUR. Mr. Speaker, I thank Ranking Member LOWEY and rise in opposition to this bill.

Our Nation really needs to be on an even keel to reduce steady economic growth in this country. This bill doesn’t help that.

I agree, America must have a strong defense, but a nation has to be strong at home to be strong abroad. You can’t shore up the home front. A nation at home must be secure, without wild stock market swings, to be strong abroad.

A nation at home must be strong, without a massive drug epidemic here at home, to be strong abroad.

This bill can’t produce a steady economy with consistent job growth because it fails to dedicate sufficient resources to education, to healthcare, to employment and retraining, for Head Start, for energy independence, for law enforcement, and for localities savaged by the drug epidemic and shortchanged on treatment.

Our ship of state needs to be on an even keel, not the wild fluctuations in this resolution. This bill tilts in the wind far, far starboard, and that is not a setting that can assure a steady ship or grants to maintain a steady growth economy.

Mr. Speaker, I rise in opposition to the resolution.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. SMITHE), chairman of the Subcommittee on Human Resources of the House Ways and Means Committee.

Mr. SMITHE of Nebraska. Mr. Speaker, I rise in support of this continuing resolution package.

While I appreciate this legislation will keep government open, fund community health centers for 2 years, and fully fund our military while we continue to work toward a broader budget agreement, I would like to focus on the various Ways and Means Committee provisions included in the bill.

Some being supported by numerous Medicare provisions important to rural health providers and patients, including permanently repealing therapy caps and extending the floor on geographic payment adjustments for rural providers and add-ons for rural ambulance providers.

Just as importantly, these health provisions are paid for without cutting swing bed reimbursements to critical access hospitals, improving care at rural hospitals, including the rural critical access hospitals in Nebraska’s Third District as originally proposed.

I am particularly pleased that two important programs within the jurisdiction of the Subcommittee on Human Resources—which I chair—are included today. We have much work to do to lift Americans out of poverty and into prosperity, and each of these bills will play an important part in this effort.

The Family First Prevention Services Act reforms our child welfare system to reinforce the importance of keeping children with their families whenever possible. We know children who stay with their families have better long-term outcomes than those who move to nonfamily settings, and our goal for every program in this space to demonstrate results through empirical evidence.

I want to thank the sponsor of Family First, Mr. BUCHANAN, for working with me to address my concerns about nurse staffing requirements which would have been costly to implement for facilities like Omaha’s Boys Town, while providing no tangible improvements to their family driven model of care.
The other H.R. item in this package, the supporting Social Impact Partnerships to Pay for Results Act, also moves our family support programs to a more results-driven model by incentivizing States and local governments to pilot new ideas and investing Federal resources until evidence demonstrates outcomes through rigorous data-driven evaluation. We still have more work to do in this space, starting with completing the work begun by this Chamber last September when we passed the paid-for 5-year MIECHV reauthorization.

But like the rest of this legislation, these provisions are a downpayment on the work we are committed to completing.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Nebraska.

Mr. SMITH of Nebraska. Mr. Speaker, I rise who-gentleman for the time, and I certainly urge passage of this bill.

Mrs. LOWEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Connecticut (Ms. DeLauro), the ranking member of the Labor, Health and Human Services, Education, and Related Agencies Subcommittee of the Appropriations Committee.

Ms. DeLauro. Mr. Speaker, I rise to strongly oppose this continuing resolution. I cannot support a bill that flies in the face of responsible governing. This is pure incompetence.

How many times are we going to do this? This is our fifth short-term spending bill since September. How many times will we punt our priorities, lurching from one self-inflicted wound to another?

That is exactly what the continuing resolution represents: a failure to govern. It is shameful that, yet again, we neglect our core obligation as a Congress, which is to fund government programs. We should be voting on new top-line spending levels for 2018, that alleviate sequestration from both non-defense and defense spending.

We should have spent the last few months fulfilling our responsibility as legislators by writing bipartisan bills to fund programs that help the middle class and the vulnerable, support evidence-based scientific research, and help working people get the skills they need to find good jobs and get good wages.

Instead, the majority forced through their tax scam for millionaires and billionaires. They became the first party to ever control both Chambers of Congress and the White House, and, yes, they shut down the government. And today, the President of the United States says that he supports a government that is unfunded.

The Republican majority has failed to respond to the needs of the American people. Instead of working with Democrats to set budget numbers and ensure parity, equal for defense spending and nondefense spending, they have put the government on autopilot.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON), who is the vice chairman of the Energy and Commerce Committee.

Mr. BARTON. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding me time.

I rise in support of this continuing resolution. Obviously, we would rather fund the government for the entire year before the start of the fiscal year, but that is in a perfect world, and one thing that the Congress has never been accused of is being a perfect world. So we are here dealing in the real world.

To my good friend from Connecticut who just spoke, and she is my good friend, I would point out that the bill before the House prevents money from the Prevention Fund. It directs money from the Prevention Fund to spend on healthcare programs. In other words, it is taking some discretion from the executive branch and directing that spending that Congress thinks it should be spent for.

One of the programs that we are going to fund for 2 years is the community health centers. Twenty-four million Americans rely on their healthcare from these community health centers, and one of them is in my home county, the Hope Clinic. Its main facility is in Waxahachie, Texas. But in my hometown of Ennis, we have passed the Nell Barton Hope Annex. These two facilities in Ellis County this year are providing healthcare for over 10,000 Ellis Countians.

This is not exotic care. It is check-ups, screenings, mammograms, and all the odds and ends that you have in your basic healthcare facilities. If they need more specific treatment, they are referred to specialists in the Dallas-Fort Worth area.

But for the 30,000 citizens of Ellis County who depend on the Hope Clinic for their healthcare, this is a big bill. In fact, the executive director of the Hope Clinic was in my office today, saying: We want to expand, but we don’t know if we are going to have the funding. We really need to get some certainty.

That is what this bill is all about. So I rise in strong support, and I urge a yes vote on the CR later this evening.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. Lee), who is a senior member of the Appropriations Committee.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman for yielding and, once again, for her tremendous leadership on so many issues as our ranking member.

As a member of the Appropriations Committee and the Budget Committee, I rise in strong opposition to this continuing resolution. This bill kicks the can down the road for the fifth time—mind you, fifth time—since October. It also shamelessly includes the stand-alone defense spending bill of $659 billion to an already out-of-control Pentagon budget.

This bill breaks the budget caps. It includes $75 billion for wars that Congress has never debated or voted on. It also includes more than $1 billion in funds to increase troop levels in Afghanistan by 3,500, not to mention the billions—the billions, actually—in waste, fraud, and abuse that taxpayers have already lost by irresponsible Pentagon spending.

This is outrageous. Republicans control the House, the Senate, and the White House. The least they could do is keep the government open. Yet here we stand, once again, with no deal on DREAMers and no agreement on a long-term spending bill.

Clearly, Republicans have no strategy for governing the government. They would prefer to pass CR after CR after CR. This is beyond irresponsible, Mr. Speaker.
How long will Republicans govern from crisis to crisis? Nobody can manage their household or their business like the Republicans are managing our government spending.

This short-term resolution once again ignores urgent necessities. Republicans have been fighting for months with Republicans, the most urgent of which is passing a clear Dream Act. DACA recipients are Americans in every way except on paper, and right now their lives are hanging in the balance while Republicans continue to stall funding for hurricane- and wildfire-impacted communities, the opioid crisis, and our veterans.

This bill underscores the majority's complete lack of regard for everyday Americans and struggling families. Continuing resolutions leave the American people out on a limb with no confidence in their Federal Government. This resolution makes it clear that that is just what Republicans want to do.

The American people sent us to Congress to govern in their best interest. Now we have spent the last 4 months passing short-term spending bills one after another, and for what? Because Republicans refuse to do their job. Instead of wasting more time on this terrible CR, we should deal with our bipartisan priorities and fund the government for the long term. It is the right thing to do for our communities and our country.

Mr. Speaker, I urge a “no” vote on this bill.

Mr. FRELINGHUYSEN, Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS), who is a member of the House Energy and Commerce Committee, the ranking member of the Interior, Environmental, and Related Agencies Subcommittee.

Mr. BILIRAKIS. Mr. Speaker, I thank the chairman for doing an outstanding job this year passing all 12 appropriations bills.

Mr. Speaker, I support passage of this CR which includes three provisions of mine. It will reauthorize the Community Health Center program, providing $3.6 billion per year for the next 2 years.

Community health centers have a proven track record of providing high-quality, cost-efficient healthcare to approximate 25 million Americans and have long enjoyed bipartisan support because they are a prime example of what is working in our healthcare system.

The CR updates the civil and criminal penalties in the Medicare and Medicaid programs. Many haven’t been updated in over 20 years.

It also reauthorizes the Medicare therapy cap. This will ensure that patients who need physical, speech, or occupational therapy services can receive them without fear of losing their benefits if they hit an arbitrary cap. This is so important to our seniors, Mr. Speaker. Mr. Speaker, I urge my colleagues to support this bill.

Mrs. LOWEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. McCULLUM), who is the ranking member of the Interior, Environment, and Related Agencies Subcommittee.

Ms. McCULLUM. Mr. Speaker, I thank our ranking member for yielding me the time.

Mr. Speaker, I rise today in opposition to this legislation, a misguided bill that ignores the urgent needs of the American people.

The Federal Government’s fiscal year started October 1, 2017—128 days ago. Instead of using that time to get their work done, Republicans have focused solely on partisan politics. When it comes to the essential responsibility of funding the Federal Government, the Republicans can’t be bothered.

Now we are asked, today, to vote for a bill that funds the Pentagon for the rest of the year while funding our schools and our hospitals for just 43 days.

Mr. Speaker, our national security begins at home with investments in the future that keep our families and our communities safe, strong, and moving forward. This bill ignores those needs. It provides no certainty for our law enforcement professionals, no long-term funding for urgent repairs to our crumbling infrastructure, and no confidence for investments in lifesaving medical research. It doesn’t even provide a full year of funding for veterans’ healthcare.

While it is encouraging that Republicans are finally reauthorizing vital healthcare programs like our community health centers, paying for these programs with cuts to the CDC’s Prevention and Public Health Fund, which is currently providing lifesaving vaccines in the current season, is the height of irresponsibility.

Discord and delay is no way to run a government, but under Republican control, that is exactly what we are getting.

Mr. Speaker, unlike the President, I do not want a government shutdown. We need a budget agreement that keeps our government open, protects our national security, and meets our commitments to hardworking families. So let’s stop playing games, get to our work, and get this bill passed.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER), who is a member of the House Energy and Commerce Committee.

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of this spending measure under consideration and what it means for our country and our constituents.

This continuing resolution we are considering includes a number of extremely important health provisions that are desperately needed.

Under this legislation, we will see a 2-year extension of federally qualified health centers that currently employ nearly 190,000 people and serve over 24 million people across the country.

There is also a 2-year extension of public health programs such as the National Health Service Corps, the Teaching Health Center Graduate Medical Education, Family-to-Family Health Information Centers, and the Sexual Risk Avoidance Education Program.

Additionally, this helps hospitals by eliminating the $5 million in reductions for Disproportionate Hospitals that were included in the ACA.

Many of the good bills my colleagues on the Energy and Commerce Committee have worked on are included in this legislation to improve public health and make our healthcare system better. Finally, this legislation pushes through a permanent repeal of the Medicare payment cap for therapy services, meaning that patients will have better access to important medical devices.

All of these efforts wouldn’t be possible without the work of Chairman WALDEN, Chairman BURGESS, and my colleagues on both sides of the aisle in the Energy and Commerce Committee.

Mr. Speaker, now is the time to work together to ensure that these bills are passed into law, and that is why I urge my colleagues to support this bill.

Mrs. LOWEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida (Ms. Wasserman Schultz), who is the ranking member of the Military Construction, Veterans Affairs, and Related Agencies Subcommittee.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership.

Mr. Speaker, I rise in strong opposition to this continuing resolution which, yet again, is a complete and total abdication of our responsibilities as Members of Congress.

For the fifth time so far this fiscal year, Republicans are asking us to fund the government for just another flip of the calendar. The last time Republicans dragged us down this path of budgetary incompetence, we had the first ever complete government shutdown when one party held the House, Senate, and the White House. Yet here we are again, left with this ludicrous approach of funding the U.S. Government month to month while ignoring so many of the pressing issues Americans brought to us.

Today we have heard Republicans pay endless lip service to their devotion to military spending—and that
funding is certainly vital—but what Republicans have not mentioned is that this latest stopgap gimmick is going to rob from crucial nondefense budgets that also keep Americans safe. That means veterans, homeland security, counterterrorism, and State Department programs will be neglected and ignored.

That is why Democrats are asking for a simple compromise to raise the spending caps that are unreasonable and uncompromising. That is because we all want strong national defense, but we also need equal increases in our domestic budget so that hardworking families can feel safe and financially secure.

We also want Republicans to join us in confronting the dire shortfall at the VA so no veteran is denied care upon returning home.

We want Republicans to work with us to ensure urgently needed recovery funds go to Texas, Florida, Puerto Rico, the U.S. Virgin Islands, and all areas impacted by wildfires.

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To ensure urgently needed recovery funds go to Texas, Florida, Puerto Rico, the U.S. Virgin Islands, and all areas impacted by wildfires.

We also want Republicans to truly help us fight this opioid scourge, protect America’s pensions, and do what the vast majority of Americans want us to do: pass a clean Dream Act.

Don’t tell me we don’t have the funds to support those needs. This Congress just gave a huge handout to billionaires and giant corporations that exploded the deficit by $1.5 trillion.

But this cynically crafted continuing resolution fails to address those real needs, the needs of the people who actually sent us here to stand up for them. We must end this cycle of budgetary neglect.

Mr. Speaker, I urge my colleagues to vote “no.”

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. This is something that allows them to have that quality of life.

I urge you to vote against lifting these caps and giving seniors what they deserve!

They have paid for Medicare through their working life. They are seeking is to be able to have a full recovery. It is not only the appropriate thing to do, this is something that adds to the quality of life, just as keeping these community health centers funded en-riches our communities. It enriches rural America.

I close with reiterating the point that, out of fairness, out of respect, out of loyalty to those who put on the uniform to defend us, we should—let’s vote to fund the military and to support their efforts to defend this Nation.

Mrs. LOWEY. Mr. Speaker, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN), the chairman of the Energy and Commerce Committee.

Mr. WALDEN. Mr. Speaker, I thank the chairman of the House Appropriations Committee and his great staff who have worked diligently all year, month after month after month. Five months ago next week, they approved all 12 appropriations bills, one after another, including full funding for our committee. But there they sit over in the Senate and the Democrats block them.

What brings us here today is really important work. What brings us here today is that we are taking care of significant public healthcare issues. We are fully funding for the next 2 years community health centers.
I have heard from my colleagues about the things that aren’t in this bill that they wish were, so that is why they are going to vote “no,” or some other thing that is not even before us and that is why they are going to vote “no.”

But let’s talk about what is actually before us.

What is before us is taking care of our men and women in uniform and their families. When they are in harm’s way, and fund really, really important public health programs that used to always be bipartisan.

Let’s talk about those. Valley Family Health Outreach Center in Ontario and Winding Waters near Headquarters in Wallowa County. I have visited both of these recently. They are on the front lines of healthcare prevention. They are on the front lines of saving lives and helping children and adults. Or La Clinica down in the Medford-Ashland area.

In fact, in my district, we have 12 federally qualified health centers and 63 delivery sites that give care for 240,000 Oregonians. Twenty-four million dollars were freed up to support it. So we had to come back in the last continuing resolution and fully fund the Children’s Health Insurance Program. I am not sure many Democrats voted for that here, unfortunately.

But here we are today, same process, same situation to fund community health centers. So we are going to do that. Your choice when you vote is “yes” or “no,” you want the community health centers funded or not, you want the government down or not, you want to take care of our military or not.

Then there is the disproportionate share hospitals. What are those?

Those are the hospitals in our districts and States that take care disproportionately of more poorer people than other hospitals. Under the Affordable Care Act or ObamaCare, however you want to call it, there had to be in law automatic cuts to these hospitals that take care of the poorest of the poor in our communities. Those cuts totaled $2 billion.

In this legislation, as in the legislation brought from the Energy and Commerce Committee on November 3, we turn off those cuts. We say: Don’t do that to our DSH hospitals.

If you are at Saint Alphonsus in Ontario, Oregon, that is the most affected hospital. I am told, and they will lose money and have to decide how they cope with that. We solve that here for 2 years at $6.8 million in my State.

Then we extend the special diabetes programs. For heaven’s sake, we should be able to come together in this Chamber and in this Congress to take care of people with diabetes. My grandfather lost both legs due to diabetes. They were in the very poorest of the poor, and good friends whose kids have dealt with diabetes and still do to this day.

For our Native Americans and others, we have two separate programs. We fully fund them and tie them together in this legislation. Fifty thousand people in my district have diabetes. My hunch is all of our districts are not dissimilar from that. We take care of those people in this legislation.

Community take care of therapy caps. Since 1997, when this law was put in place, people who needed physical therapy—my colleague from Tennessee talked about it—stroke victims, seniors who need therapy, rather than the physical therapists choosing therapy—my colleague from Tennessee said saying, “Here is the program you need to get well, get on your feet, recover from whatever it is that afflicts you,” the government put an arbitrary number there. The government said, “You were done whether you were done or not.

Everybody is different in terms of recovery. We repeal the therapy caps in here.

By the way, we have heard about all these things that now won’t get funded because a part of this funding comes out of the Public Prevention Fund. Mr. Speaker, $2.85 billion is not insignificant, it is true, but we are applying that money that to help prevention and community health centers, as we did before for the Children’s Health Insurance Program.

We are providing it for diabetes health. We are removing the physical therapy caps so that people can get well. That seems to me to be pretty good use of the Prevention Fund.

By the way, during the same period we are spending $2.85 billion out of that, there will still remain $12 billion left. So we will be done whether we were done or not.

And there, we are going to deal with the community health centers, as we did before for the Children’s Health Insurance Program.

The Administration supports the House Amendment to the Senate Amendment to the House Amendment to H.R. 1892—Further Extension of Continuing Appropriations Act, 2018. This bill funds most Government programs at current levels through March 23, 2018, while incorporating the text of the House-passed fiscal year (FY) 2018 Department of Defense Appropriations Act, which provides the resources the military needs to keep the Nation safe.

As the Administration has noted previously, the House-passed Department of Defense Appropriations Act is consistent with the President’s pledge to defend and support national security and military readiness. The House-passed Department of Defense Appropriations Act incorporates in the bill a total of $659 billion for the Department of Defense (DOD), including $584 billion in base spending and $75 billion for Overseas Contingency Operations for the war in Afghanistan, special operations forces, and other priorities. As the Administration has noted previously, the House-passed Department of Defense Appropriations Act is consistent with the President’s pledge to defend and support national security and military readiness.

The United States military’s greatest asset is the men and women who volunteer to serve. This bill keeps faith with service members by providing a 2.4 percent military pay raise. It increases end strength across the military services for active duty, reserve, and National Guard personnel, and includes funding for training and maintenance to ensure that United States troops are properly equipped and ready to fight.

In addition to supporting the defense bill, the Administration supports language in the House Amendment to H.R. 1892 that provides for an extension of a variety of healthcare provisions, including Community Health Centers. The Administration is also appreciative that the bill includes language requested by the Administration to ensure continuity of operations for the 2020 Decennial Census Program and the Business Administration’s Disaster Loans Program.

The Administration supports continuing discussions over a two-year budget agreement that ensures meaningful and balanced deficit reduction and other priorities. As those discussions continue, however, it is dangerous to
The Speaker pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 219, if ordered.

The vote was taken by electronic device, and there were—yeas 245, nays 182, not voting 3, as follows: 

[Roll No. 60]

ABRAMS—245

Abraham Cook Graves (MO)
Abhardt Cooper Griffith
Adler Costa Grothman
Amedee Costello (PA) Gutierrez
Arrington Cramer Handel
Bakin Crawford Harper
Bacon Crist Harris
Banks (IN) Calabro Hartzer
Barletta Carson Hessing
Barr Davidson Herrera Beutler
Barton Davis, Rodney Rice, Jody B.
Bensman Denham Burns (LA)
Biggs Dent Clay
Bilirakis Desantis Holsom
Bobbe Desjarlais Hollingsworth
Bishop (MI) Diaz-Balart Hudson
Bishop (CA) Donovan Huizenga
Black Duffy Huigen
Blackburn Duncan (SC) Hunter
Blum Dunn Hydra
Bos Bost Emmer Ise
Brady (TX) Estes (KS) Jenkins (KS)
Brat Farenthold Jenkins (WY)
Brooks (AL) Faso Johnson (LA)
Brooks (IN) Ferguson Johnson (OH)
Buchanan Fitzpatrick Johnson, Sam
Buck Fleischmann Jordan
Bucshon Flores Joyce (OH)
Budd Fortenberry Katsch
Burgess Fox Kelly (MS)
Bustos Frelinghuysen Kelly (PA)
Byrne Geertz King (IA)
Calvert Gallagher King (NY)
Carcagno Garamendi Kinzinger
Carter (GA) Keating Knight
Carter (TX) Gianforte Knotts (TN)
Chabot Grijalva LaHood
Cheney Goehmert Latta
Cook Goodlatte Lamborn
Coffman Gosar Lanane
Collins (GA) Gottheimer LaMalfa
Collins (NY) Gowdy Lawrence (FL)
Corder Granger Lewis (MN)
Comstock Graves (GA) LoBiondo
Conaway Graves (LA) Loebbeck

Long Loevner Rice (NC)
Love Long McQuade
Loeckener MacArthur Marinho
Maarshall Mast McCarthy (NY)
McClintock McHenry McMorris
Rogers (CA) Rodgers Rolinski
Mollally Meadows Meehan Mitchell
Moenear Moloney Moreau
Mucin Murphy (FL) Newhouse
Noem O'Halleran Olson
Palazzo Palmer Paulsen
Pearcea Perry Peterson

182, not voting 3, as follows:

NAYS—182

Adams Frankel (FL)
Aguilar Fudge
Azar Gallego
Barr Garamendi (TX)
Bass Goss
Bera Green
Berman Grijalva
Blumenauer Gutiérrez
Bonamici Hagens
Boyle, Brendan Heck
Brown (PA) Higgins (NY)
Brown (MD) Himes
Brownley (CA) Hoyt
Buffy Huffman
Burrell Jackson Lee
Burr Jayapal
Burr Keating
Bushman Kelly (IL)
Butler Kennedy
Cicilline Klain
Clark (MA) Kilmer
Clarke (NY) Kind
Cleaver Kildee
Coley King
Connolly Kirkland
Correa Kratzer
Courtney Kratzer (CT)
Crowley Kuster
Cuellar Lawrence
Curts Davis, Danny
DeFazio DeGette
Delaney Lee
Delay Lenz
DeSaulnier Lowenthal
Deutch Lowey
Dingell Lujan Grisham
Douggett Luhan, Ben Ray
Duckworth Lynch
Duncan (TN) Maloney (NY)
Ellison Maloney, Carolyn B.
Engel Maloney, Sean
Eshoo Mane
Espaillat Mease
Esty MATEI
Evans McGovern

1855

The Speaker pro tempore. Pursuant to clause 1, rule I, the Journal stands approved.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.R. 1892

Mr. FRELINGHUYSEN. Mr. Speaker, I urge all of my colleagues in the House to support this continuing resolution to keep the government open for business until March 23 and to support our men and women in the armed services who do the work of freedom each and every day.

Mr. Speaker, I yield back the balance of my time.

The Speaker pro tempore. Is there a motion to concur in the Senate amendment to the bill?

The SPEAKER pro tempore. Pursuant to clause 1, rule I, the JOURNAL, which the Chair will put to the table.

The result of the vote was announced as passed without record. A motion to reconsider was laid on the table.

SWAN LAKE HYDROELECTRIC PROJECT BOUNDARY CORRECTION ACT

The Speaker pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 219) to correct the Swan Lake hydroelectric project survey boundary and to provide for the conveyance of the remaining tract of land within the corrected survey boundary to the State of Alaska.

The Clerk read the title of the bill.

The Speaker pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules suspended and the bill was passed. A motion to reconsider was laid on the table.