

Further Continuing Appropriations Act, 2018

[Public Law 115–90]

[This law has not been amended]

AN ACT Making further continuing appropriations for fiscal year 2018, and for other purposes.

【Currency: This publication is a compilation of the text of Public Law 115-90. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2018

SEC. 101. FURTHER CONTINUING APPROPRIATIONS.

The Continuing Appropriations Act, 2018 (division D of Public Law 115-56) is amended by striking the date specified in section 106(3) and inserting “December 22, 2017”.

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

DIVISION B—CHILDREN’S HEALTH INSURANCE PROGRAM (CHIP) ALLOCATION REDISTRIBUTION SPECIAL RULE

SEC. 201. CHIP ALLOCATION REDISTRIBUTION SPECIAL RULE FOR CERTAIN SHORTFALL STATES DURING FIRST QUARTER OF FISCAL YEAR 2018.

Section 2104(f)(2) of the Social Security Act (42 U.S.C. 1397dd(f)(2)) is amended—

(1) by amending subparagraph (B) to read as follows:

“(B) DETERMINATION OF REDISTRIBUTED AMOUNTS IF INSUFFICIENT AMOUNTS AVAILABLE.—

“(i) PRORATION RULE.—Subject to clause (ii), if the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be redistributed

under such paragraph for each shortfall State shall be reduced proportionally.

“(ii) SPECIAL RULE FOR FIRST QUARTER OF FISCAL YEAR 2018.—

“(I) IN GENERAL.—For the period beginning on October 1, 2017, and ending December 31, 2017, with respect to any amounts available for redistribution under paragraph (1) for fiscal year 2018, the Secretary shall redistribute under such paragraph such amounts to each emergency shortfall State (as defined in subclause (II)) in such amount as is equal to the amount of the shortfall described in subclause (II) for such State and period (as may be adjusted under subparagraph (C)) before the Secretary may redistribute such amounts to any shortfall State that is not an emergency shortfall State. In the case of any amounts redistributed under this subclause to a State that is not an emergency shortfall State, such amounts shall be determined in accordance with clause (i).

“(II) EMERGENCY SHORTFALL STATE DEFINED.—For purposes of this clause, the term ‘emergency shortfall State’ means, with respect to the period beginning October 1, 2017, and ending December 31, 2017, a shortfall State for which the Secretary estimates, in accordance with subparagraph (A) (unless otherwise specified in this subclause), that the projected expenditures under the State child health plan and under section 2105(g) (calculated as if the reference under section 2105(g)(4)(A) to ‘2017’ were a reference to ‘2018’ and insofar as the allotments are available to the State under this subsection or subsection (e) or (m)) for such period will exceed the sum of the amounts described in clauses (i) through (iii) of subparagraph (A) for such period, including after application of any amount redistributed under paragraph (1) before such date of enactment to such State. A shortfall State may be an emergency shortfall State under the previous sentence without regard to whether any amounts were redistributed before such date of enactment to such State under paragraph (1) for fiscal year 2018.

“(III) APPLICATION OF QUALIFYING STATE OPTION.—During the period described in subclause (I), section 2105(g)(4) shall apply to a qualifying State (as defined in section 2105(g)(2)) as if under section 2105(g)(4)—

“(aa) the reference to ‘2017’ were a reference to ‘2018’; and

“(bb) the reference to ‘under subsections (e) and (m) of such section’ were a reference to ‘under subsections (e), (f), and (m) of such section’.”; and

(2) by adding at the end the following new subparagraph:
“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed as preventing a commonwealth or territory described in subsection (c)(3) from being treated as a shortfall State or an emergency shortfall State.”.