
42 U.S. Code § 1397dd

Allotments

(a) Appropriation; total allotment

For the purpose of providing allotments to States under this section, subject to subsection (d), there is appropriated, out of any money in the Treasury not otherwise appropriated—

- (1) for fiscal year 1998, \$4,295,000,000;
 - (2) for fiscal year 1999, \$4,275,000,000;
 - (3) for fiscal year 2000, \$4,275,000,000;
 - (4) for fiscal year 2001, \$4,275,000,000;
 - (5) for fiscal year 2002, \$3,150,000,000;
 - (6) for fiscal year 2003, \$3,150,000,000;
 - (7) for fiscal year 2004, \$3,150,000,000;
 - (8) for fiscal year 2005, \$4,050,000,000;
 - (9) for fiscal year 2006, \$4,050,000,000;
 - (10) for fiscal year 2007, \$5,000,000,000;
 - (11) for fiscal year 2008, \$5,000,000,000.^[1]
 - (12) for fiscal year 2009, \$10,562,000,000;
 - (13) for fiscal year 2010, \$12,520,000,000;
 - (14) for fiscal year 2011, \$13,459,000,000;
 - (15) for fiscal year 2012, \$14,982,000,000;
 - (16) for fiscal year 2013, \$17,406,000,000;
 - (17) for fiscal year 2014, \$19,147,000,000;
 - (18) for fiscal year 2015, for purposes of making 2 semi-annual allotments—
 - (A) \$2,850,000,000 for the period beginning on October 1, 2014, and ending on March 31, 2015, and
 - (B) \$2,850,000,000 for the period beginning on April 1, 2015, and ending on September 30, 2015;
 - (19) for fiscal year 2016, \$19,300,000,000;
 - (20) for fiscal year 2017, for purposes of making 2 semi-annual allotments—
 - (A) \$2,850,000,000 for the period beginning on October 1, 2016, and ending on March 31, 2017; and
 - (B) \$2,850,000,000 for the period beginning on April 1, 2017, and ending on September 30, 2017;
 - (21) for fiscal year 2018, \$21,500,000,000;
 - (22) for fiscal year 2019, \$22,600,000,000;
 - (23) for fiscal year 2020, \$23,700,000,000;
-

(24) for fiscal year 2021, \$24,800,000,000;

(25) for fiscal year 2022, \$25,900,000,000;

(26) for fiscal year 2023, for purposes of making two semi-annual allotments—

(A) \$2,850,000,000 for the period beginning on October 1, 2022, and ending on March 31, 2023; and

(B) \$2,850,000,000 for the period beginning on April 1, 2023, and ending on September 30, 2023;

(27) for each of fiscal years 2024 through 2028, such sums as are necessary to fund allotments to States under subsections (c) and (m); and

(28) for fiscal year 2029, for purposes of making two semi-annual allotments—

(A) \$7,650,000,000 for the period beginning on October 1, 2028, and ending on March 31, 2029; and

(B) \$7,650,000,000 for the period beginning on April 1, 2029, and ending on September 30, 2029.

(b) Allotments to 50 States and District of Columbia

(1) In general

Subject to paragraph (4) and subsections (d) and (m), of the amount available for allotment under subsection (a) for a fiscal year, reduced by the amount of allotments made under subsection (c) (determined without regard to paragraph (4) thereof) for the fiscal year, the Secretary shall allot to each State (other than a State described in such subsection) with a State child health plan approved under this subchapter the same proportion as the ratio of—

(A) the product of (i) the number of children described in paragraph (2) for the State for the fiscal year and (ii) the State cost factor for that State (established under paragraph (3)); to

(B) the sum of the products computed under subparagraph (A).

(2) Number of children

(A) In general

The number of children described in this paragraph for a State for—

(i) each of fiscal years 1998 and 1999 is equal to the number of low-income children in the State with no health insurance coverage for the fiscal year;

(ii) fiscal year 2000 is equal to—

(I) 75 percent of the number of low-income children in the State for the fiscal year with no health insurance coverage, plus

(II) 25 percent of the number of low-income children in the State for the fiscal year; and

(iii) each succeeding fiscal year is equal to—

(I) 50 percent of the number of low-income children in the State for the fiscal year with no health insurance coverage, plus

(II) 50 percent of the number of low-income children in the State for the fiscal year.

(B) Determination of number of children

For purposes of subparagraph (A), a determination of the number of low-income children (and of such children who have no health insurance coverage) for a State for a fiscal year shall be made on the basis of the arithmetic average of the number of such children, as reported and defined in the 3 most recent March supplements to the Current Population Survey of the Bureau of the Census before the beginning of the calendar year in which such fiscal year begins.

(3) Adjustment for geographic variations in health costs

(A) In general

For purposes of paragraph (1)(A)(ii), the “State cost factor” for a State for a fiscal year equal to the sum of

(i) 0.15, and

(ii) 0.85 multiplied by the ratio of—

(I) the annual average wages per employee for the State for such year (as determined under subparagraph (B)), to

(II) the annual average wages per employee for the 50 States and the District of Columbia.

(B) Annual average wages per employee

For purposes of subparagraph (A), the “annual average wages per employee” for a State, or for all the States, for a fiscal year is equal to the average of the annual wages per employee for the State or for the 50 States and the District of Columbia for employees in the health services industry (SIC code 8000), as reported by the Bureau of Labor Statistics of the Department of Labor for each of the most recent 3 years before the beginning of the calendar year in which such fiscal year begins.

(4) Floors and ceilings in State allotments

(A) In general

The proportion of the allotment under this subsection for a subsection (b) State (as defined in subparagraph (D)) for fiscal year 2000 and each fiscal year thereafter shall be subject to the following floors and ceilings:

(i) Floor of \$2,000,000

A floor equal to \$2,000,000 divided by the total of the amount available under this subsection for all such allotments for the fiscal year.

(ii) Annual floor of 10 percent below preceding fiscal year’s proportion

A floor of 90 percent of the proportion for the State for the preceding fiscal year.

(iii) Cumulative floor of 30 percent below the FY 1999 proportion

A floor of 70 percent of the proportion for the State for fiscal year 1999.

(iv) Cumulative ceiling of 45 percent above FY 1999 proportion

A ceiling of 145 percent of the proportion for the State for fiscal year 1999.

(B) Reconciliation

(i) Elimination of any deficit by establishing a percentage increase ceiling for States with highest annual percentage increases

To the extent that the application of subparagraph (A) would result in the sum of the proportions of the allotments for all subsection (b) States exceeding 1.0, the Secretary shall establish a maximum percentage increase in such proportions for all subsection (b) States for the fiscal year in a manner so that such sum equals 1.0.

(ii) Allocation of surplus through pro rata increase

To the extent that the application of subparagraph (A) would result in the sum of the proportions of the allotments for all subsection (b) States being less than 1.0, the proportions of such allotments (as computed before the application of floors under clauses (i), (ii), and (iii) of subparagraph (A)) for all subsection (b) States shall be increased in a pro rata manner (but not to exceed the ceiling established under subparagraph (A)(iv)) so that (after the application of such floors and ceiling) such sum equals

1.0.

(C) Construction

This paragraph shall not be construed as applying to (or taking into account) amounts of allotments redistributed under subsection (f).

(D) Definitions

In this paragraph:

(i) Proportion of allotment

The term “proportion” means, with respect to the allotment of a subsection (b) State for a fiscal year, the amount of the allotment of such State under this subsection for the fiscal year divided by the total of the amount available under this subsection for all such allotments for the fiscal year.

(ii) Subsection (b) State

The term “subsection (b) State” means one of the 50 States or the District of Columbia.

This document is only available to subscribers. Please [log in](#) or [purchase access](#).

[Purchase Login](#)