

116TH CONGRESS
2D SESSION

H. R. 8900

Making further continuing appropriations for fiscal year 2021, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2020

Mrs. LOWEY introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

Making further continuing appropriations for fiscal year 2021, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Further Continuing
5 Appropriations Act, 2021, and Other Extensions Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2021

DIVISION B—HEALTH EXTENDERS

Title I—Medicare and Medicaid Extenders

Title II—Public Health Extenders and Food and Drug Administration Provisions

Title III—Offsets

Title IV—Budgetary Effects

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
 3 to “this Act” contained in any division of this Act shall
 4 be treated as referring only to the provisions of that divi-
 5 sion.

6 **DIVISION A—FURTHER CON-**
 7 **TINUING APPROPRIATIONS**
 8 **ACT, 2021**

9 SEC. 101. The Continuing Appropriations Act, 2021
 10 (division A of Public Law 116–159) is amended by strik-
 11 ing the date specified in section 106(3) and inserting “De-
 12 cember 18, 2020”.

13 This division may be cited as the “Further Con-
 14 tinuing Appropriations Act, 2021”.

**DIVISION B—HEALTH
EXTENDERS
TITLE I—MEDICARE AND
MEDICAID EXTENDERS**

**SEC. 1101. EXTENSION OF THE WORK GEOGRAPHIC INDEX
FLOOR UNDER THE MEDICARE PROGRAM.**

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)), as amended by section 3801 of the CARES Act (Public Law 116–136) and section 2201 of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159), is amended by striking “December 12, 2020” and inserting “December 19, 2020”.

**SEC. 1102. EXTENSION OF FUNDING OUTREACH AND AS-
SISTANCE FOR LOW-INCOME PROGRAMS.**

(a) STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B)(xi) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), section 208 of the Medicare

1 Access and CHIP Reauthorization Act of 2015 (Public
 2 Law 114–10), section 50207 of division E of the Bipar-
 3 tisan Budget Act of 2018 (Public Law 115–123), section
 4 1402 of division B of the Continuing Appropriations Act,
 5 2020, and Health Extenders Act of 2019 (Public Law
 6 116–59), section 1402 of division B of the Further Con-
 7 tinuing Appropriations Act, 2020, and Further Health
 8 Extenders Act of 2019 (Public Law 116–69), section 103
 9 of division N of the Further Consolidated Appropriations
 10 Act, 2020 (Public Law 116–94), section 3803 of the
 11 CARES Act (Public Law 116–136), and section 2203 of
 12 the Continuing Appropriations Act, 2021 and Other Ex-
 13 tensions Act (Public Law 116–159), is amended by strik-
 14 ing “December 11” and inserting “December 18”.

15 (b) AREA AGENCIES ON AGING.—Subsection
 16 (b)(1)(B)(xi) of such section 119, as so amended, is
 17 amended by striking “December 11” and inserting “De-
 18 cember 18”.

19 (c) AGING AND DISABILITY RESOURCE CENTERS.—
 20 Subsection (c)(1)(B)(xi) of such section 119, as so amend-
 21 ed, is amended by striking “December 11” and inserting
 22 “December 18”.

23 (d) CONTRACT WITH THE NATIONAL CENTER FOR
 24 BENEFITS AND OUTREACH ENROLLMENT.—Subsection

1 (d)(2)(xi) of such section 119, as so amended, is amended
2 by striking “December 11” and inserting “December 18”.

3 **SEC. 1103. EXTENSION OF FUNDING FOR QUALITY MEAS-**
4 **URE ENDORSEMENT, INPUT, AND SELECTION.**

5 Section 1890(d)(2) of the Social Security Act (42
6 U.S.C. 1395aaa(d)(2)) is amended by striking “December
7 11” each place such phrase appears and inserting “De-
8 cember 18” in each such place.

9 **SEC. 1104. EXTENSION OF COMMUNITY MENTAL HEALTH**
10 **SERVICES DEMONSTRATION PROGRAM.**

11 Section 223(d)(3) of the Protecting Access to Medi-
12 care Act of 2014 (42 U.S.C. 1396a note), as amended by
13 Public Law 116–159, is amended by striking “December
14 11” and inserting “December 18”.

15 **SEC. 1105. EXTENSION OF SPOUSAL IMPOVERISHMENT**
16 **PROTECTIONS.**

17 (a) IN GENERAL.—Section 2404 of the Patient Pro-
18 tection and Affordable Care Act (42 U.S.C. 1396r–5
19 note), as amended by Public Law 116–159, is amended
20 by striking “December 11” and inserting “December 18”.

21 (b) RULE OF CONSTRUCTION.—Nothing in section
22 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note)
23 or section 1902(a)(17) or 1924 of the Social Security Act
24 (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as
25 prohibiting a State from—

1 (1) applying an income or resource disregard
2 under a methodology authorized under section
3 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

4 (A) to the income or resources of an indi-
5 vidual described in section
6 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C.
7 1396a(a)(10)(A)(ii)(VI)) (including a disregard
8 of the income or resources of such individual's
9 spouse); or

10 (B) on the basis of an individual's need for
11 home and community-based services authorized
12 under subsection (c), (d), (i), or (k) of section
13 1915 of such Act (42 U.S.C. 1396n) or under
14 section 1115 of such Act (42 U.S.C. 1315); or

15 (2) disregarding an individual's spousal income
16 and assets under a plan amendment to provide med-
17 ical assistance for home and community-based serv-
18 ices for individuals by reason of being determined el-
19 igible under section 1902(a)(10)(C) of such Act (42
20 U.S.C. 1396a(a)(10)(C)) or by reason of section
21 1902(f) of such Act (42 U.S.C. 1396a(f)) or other-
22 wise on the basis of a reduction of income based on
23 costs incurred for medical or other remedial care
24 under which the State disregarded the income and
25 assets of the individual's spouse in determining the

1 initial and ongoing financial eligibility of an indi-
2 vidual for such services in place of the spousal im-
3 poverishment provisions applied under section 1924
4 of such Act (42 U.S.C. 1396r-5).

5 **SEC. 1106. EXTENSION OF DELAY OF DSH REDUCTIONS.**

6 Section 1923(f)(7) of the Social Security Act (42
7 U.S.C. 1396r-4(f)(7)(A)) is amended by striking “Decem-
8 ber 12” each place such phrase appears and inserting
9 “December 19” in each such place.

10 **SEC. 1107. EXTENSION OF MONEY FOLLOWS THE PERSON.**

11 Section 6071(h)(1)(H) of the Deficit Reduction Act
12 of 2005 (42 U.S.C. 1396a note) is amended by striking
13 “December 11” and inserting “December 18”.

1 **TITLE II—PUBLIC HEALTH EX-**
 2 **TENDERS AND FOOD AND**
 3 **DRUG ADMINISTRATION PRO-**
 4 **VISIONS**

5 **Subtitle A—Public Health**
 6 **Extenders**

7 **SEC. 1201. EXTENDING FUNDING FOR COMMUNITY HEALTH**
 8 **CENTERS, NATIONAL HEALTH SERVICE**
 9 **CORPS, AND TEACHING HEALTH CENTER**
 10 **GME.**

11 (a) COMMUNITY HEALTH CENTERS.—Section
 12 10503(b)(1)(F) of the Patient Protection and Affordable
 13 Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended—

14 (1) by striking “\$789,041,096” and inserting
 15 “\$865,753,425”; and

16 (2) by striking “December 11, 2020” and in-
 17 serting “December 18, 2020”.

18 (b) NATIONAL HEALTH SERVICE CORPS.—Section
 19 10503(b)(2)(H) of the Patient Protection and Affordable
 20 Care Act (42 U.S.C. 254b–2(b)(2)(H)) is amended—

21 (1) by striking “\$61,150,685” and inserting
 22 “\$67,095,890”; and

23 (2) by striking “December 11, 2020” and in-
 24 serting “December 18, 2020”.

1 (c) TEACHING HEALTH CENTERS THAT OPERATE
2 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section
3 340H(g)(1) of the Public Health Service Act (42 U.S.C.
4 256h(g)(1)) is amended—

5 (1) by striking “\$24,953,425” and inserting
6 “\$27,379,452”; and

7 (2) by striking “December 11, 2020” and in-
8 serting “December 18, 2020”.

9 (d) APPLICATION OF PROVISIONS.—Amounts appro-
10 priated pursuant to the amendments made by this section
11 for the period beginning on December 11, 2020, and end-
12 ing on December 18, 2020, shall be subject to the require-
13 ments contained in Public Law 116–94 for funds for pro-
14 grams authorized under sections 330 through 340 of the
15 Public Health Service Act.

16 (e) CONFORMING AMENDMENTS.—Paragraph (4) of
17 section 3014(h) of title 18, United States Code, as amend-
18 ed by section 3831(e) of the CARES Act (Public Law
19 116–136), is amended—

20 (1) by striking “Social Services Act,” and in-
21 serting “Social Services Act,”; and

22 (2) by striking “and section 2101 of the Con-
23 tinuing Appropriations Act, 2021 and Other Exten-
24 sions Act” and inserting “section 2101 of the Con-
25 tinuing Appropriations Act, 2021 and Other Exten-

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIA-
BETES.—Section 330B(b)(2)(D) of the Public Health
Service Act (42 U.S.C. 254c-2(b)(2)(D)) is amended—

(2) by striking “December 11, 2020” and inserting “December 18, 2020”.

15 (1) by striking “\$29,589,042” and inserting
16 “\$32,465,753”; and

(2) by striking “December 11, 2020” and inserting “December 18, 2020”.

(a) SEXUAL RISK AVOIDANCE EDUCATION.—Section 510 of the Social Security Act (42 U.S.C. 710) is amended by striking “December 11, 2020” each place it appears and inserting “December 18, 2020”.

1 (b) PERSONAL RESPONSIBILITY EDUCATION.—Sec-
 2 tion 513 of the Social Security Act (42 U.S.C. 713) is
 3 amended by striking “December 11, 2020” each place it
 4 appears and inserting “December 18, 2020”.

5 **Subtitle B—Food and Drug**
 6 **Administration Provisions**

7 **SEC. 1211. RARE PEDIATRIC DISEASE PRIORITY REVIEW**
 8 **VOUCHER EXTENSION.**

9 Section 529(b)(5) of the Federal Food, Drug, and
 10 Cosmetic Act (21 U.S.C. 360ff(b)(5)) is amended—

11 (1) by striking “December 11, 2020” each
 12 place it appears and inserting “December 18,
 13 2020”; and

14 (2) in subparagraph (B), by striking “Decem-
 15 ber 11, 2022” and inserting “December 18, 2022”.

16 **TITLE III—OFFSETS**

17 **SEC. 1301. TRANSPARENCY OF MEDICARE SECONDARY**
 18 **PAYER REPORTING INFORMATION.**

19 Section 1862(b)(8)(G) of the Social Security Act (42
 20 U.S.C. 395y(b)(8)(G)) is amended—

21 (1) by striking “INFORMATION.—The Sec-
 22 retary” and inserting “INFORMATION.—

23 “(i) IN GENERAL.—The Secretary”;
 24 and

1 (2) by adding at the end the following new
2 clause:

3 “(ii) SPECIFIED INFORMATION.—In
4 responding to any query made on or after
5 the date that is 1 year after the date of the
6 enactment of this clause from an applica-
7 ble plan related to a determination de-
8 scribed in subparagraph (A)(i), the Sec-
9 retary, notwithstanding any other provision
10 of law, shall provide to such applicable
11 plan—

12 “(I) whether a claimant subject
13 to the query is, or during the pre-
14 ceding 3-year period has been, entitled
15 to benefits under the program under
16 this title on any basis; and

17 “(II) to the extent applicable, the
18 plan name and address of any Medi-
19 care Advantage plan under part C
20 and any prescription drug plan under
21 part D in which the claimant is en-
22 rolled or has been enrolled during
23 such period.”.

1 **SEC. 1302. DISPENSATION OF NARCOTIC DRUGS FOR THE**
2 **PURPOSE OF RELIEVING ACUTE WITH-**
3 **DRAWAL SYMPTOMS FROM OPIOID USE DIS-**
4 **ORDER.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Attorney General shall revise section
7 1306.07(b) of title 21, Code of Federal Regulations, so
8 that practitioners, in accordance with applicable State,
9 Federal, or local laws relating to controlled substances, are
10 allowed to dispense not more than a three-day supply of
11 narcotic drugs to one person or for one person's use at
12 one time for the purpose of initiating maintenance treat-
13 ment or detoxification treatment (or both).

14 **SEC. 1303. MEDICAID IMPROVEMENT FUND.**

15 Section 1941(b)(3)(A) of the Social Security Act (42
16 U.S.C. 1396w-1(b)(3)(A)) is amended by striking
17 “\$3,446,000,000” and inserting “\$3,464,000,000”.

18 **TITLE IV—BUDGETARY EFFECTS**

19 **SEC. 1401. BUDGETARY EFFECTS.**

20 (a) **STATUTORY PAYGO SCORECARDS.**—The budg-
21 etary effects of this division shall not be entered on either
22 PAYGO scorecard maintained pursuant to section 4(d) of
23 the Statutory Pay-As-You-Go Act of 2010.

24 (b) **SENATE PAYGO SCORECARDS.**—The budgetary
25 effects of this division shall not be entered on any PAYGO

1 scorecard maintained for purposes of section 4106 of H.
2 Con. Res. 71 (115th Congress).

3 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—

4 Notwithstanding Rule 3 of the Budget Scorekeeping
5 Guidelines set forth in the joint explanatory statement of
6 the committee of conference accompanying Conference Re-
7 port 105–217 and section 250(c)(8) of the Balanced
8 Budget and Emergency Deficit Control Act of 1985, the
9 budgetary effects of this division shall not be estimated—

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

11 (2) for purposes of paragraph (4)(C) of section

12 3 of the Statutory Pay-As-You-Go Act of 2010 as

13 being included in an appropriation Act.

○