

## Calendar No. 641

117TH CONGRESS  
2D SESSION

# S. 5244

Making continuing appropriations for fiscal year 2023, extending various health programs, and for other purposes.

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### IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2022

Mr. LEE (for himself, Mr. BRAUN, Mr. SCOTT of Florida, and Mr. JOHNSON)  
introduced the following bill; which was read the first time

DECEMBER 14, 2022

Read the second time and placed on the calendar

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## A BILL

Making continuing appropriations for fiscal year 2023,  
extending various health programs, 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 “Continuing Appropria-  
5 tions and Health Extenders Act of 2022”.

# **TITLE I—CONTINUING APPROPRIATIONS**

## **SEC. 101. EXTENSION OF APPROPRIATIONS.**

Section 106(3) of division A of the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 (Public Law 117–180; 136 Stat. 2116) is amended by striking “December 16, 2022” and inserting “February 3, 2023”.

## **SEC. 102. PAYGO REPORT.**

Notwithstanding subsection (a) of section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934), the Office of Management and Budget shall make publicly available the annual PAYGO report required under such subsection for 2022 and prepare any order required under subsection (b) of such section not later than February 4, 2023.

# **TITLE II—EXTENSIONS, TECHNICAL CORRECTIONS, AND OTHER MATTERS**

## **SEC. 201. EXTENSION OF FCC AUCTION AUTHORITY.**

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “December 16, 2022” and inserting “February 3, 2023”.

1 **SEC. 202. EXTENSION OF AUTHORIZATION FOR SPECIAL AS-**  
 2 **SESSMENT FOR DOMESTIC TRAFFICKING VIC-**  
 3 **TIMS’ FUND.**

4 Section 3014(a) of title 18, United States Code, is  
 5 amended, in the matter preceding paragraph (1), by strik-  
 6 ing “December 16, 2022” and inserting “February 3,  
 7 2023”.

8 **SEC. 203. EXTENSION OF COMMODITY FUTURES TRADING**  
 9 **COMMISSION CUSTOMER PROTECTION FUND**  
 10 **EXPENSES ACCOUNT.**

11 Section 1(b) of Public Law 117–25 (135 Stat. 297)  
 12 is amended by striking “December 16, 2022” each place  
 13 it appears and inserting “February 3, 2023”.

14 **TITLE III—HEALTH AND HUMAN**  
 15 **SERVICES EXTENSIONS**

16 **Subtitle A—Medicare and Medicaid**

17 **SEC. 301. EXTENSION OF INCREASED INPATIENT HOSPITAL**  
 18 **PAYMENT ADJUSTMENT FOR CERTAIN LOW-**  
 19 **VOLUME HOSPITALS.**

20 (a) IN GENERAL.—Section 1886(d)(12) of the Social  
 21 Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

22 (1) in subparagraph (B), in the matter pre-  
 23 ceding clause (i), by striking “December 17, 2022”  
 24 and inserting “February 4, 2023”;

25 (2) in subparagraph (C)(i)—

1 (A) in the matter preceding subclause (I),  
 2 by striking “December 16, 2022” and inserting  
 3 “February 3, 2023”;

4 (B) in subclause (III), by striking “Decem-  
 5 ber 16, 2022” and inserting “February 3,  
 6 2023”;

7 (C) in subclause (IV), by striking “Decem-  
 8 ber 17, 2022” and inserting “February 4,  
 9 2023”; and  
 10 (3) in subparagraph (D)—

11 (A) in the matter preceding clause (i), by  
 12 striking “December 16, 2022” and inserting  
 13 “February 3, 2023”; and

14 (B) in clause (ii), by striking “December  
 15 16, 2022” and inserting “February 3, 2023”.

16 (b) IMPLEMENTATION.—Notwithstanding any other  
 17 provision of law, the Secretary of Health and Human  
 18 Services may implement the provisions of, including the  
 19 amendments made by, this section by program instruction  
 20 or otherwise.

21 **SEC. 302. EXTENSION OF THE MEDICARE-DEPENDENT HOS-**  
 22 **PITAL (MDH) PROGRAM.**

23 (a) IN GENERAL.—Section 1886(d)(5)(G) of the So-  
 24 cial Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amend-  
 25 ed—

1 (1) in clause (i), by striking “December 17,  
2 2022” and inserting “February 4, 2023”; and

3 (2) in clause (ii)(II), by striking “December 17,  
4 2022” and inserting “February 4, 2023”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) EXTENSION OF TARGET AMOUNT.—Section  
7 1886(b)(3)(D) of the Social Security Act (42 U.S.C.  
8 1395ww(b)(3)(D)) is amended—

9 (A) in the matter preceding clause (i), by  
10 striking “December 17, 2022” and inserting  
11 “February 4, 2023”; and

12 (B) in clause (iv), by striking “December  
13 16, 2022” and inserting “February 3, 2023”.

14 (2) PERMITTING HOSPITALS TO DECLINE RE-  
15 CLASSIFICATION.—Section 13501(e)(2) of the Omni-  
16 bus Budget Reconciliation Act of 1993 (42 U.S.C.  
17 1395ww note) is amended by striking “December  
18 16, 2022” and inserting “February 3, 2023”.

19 **SEC. 303. EXTENSION OF INCREASED FMAPS FOR THE TER-**  
20 **RITORIES.**

21 Section 1905(ff) of the Social Security Act (42  
22 U.S.C. 1396d(ff)) is amended by striking “December 16,  
23 2022” each place it appears and inserting “February 3,  
24 2023” in each such place.

## **Subtitle B—Human Services**

### **SEC. 311. EXTENSION OF MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAMS.**

Activities authorized by section 511 of the Social Security Act shall continue through February 3, 2023, in the manner authorized for fiscal year 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated for such purpose an amount equal to the pro rata portion of the amount appropriated for such activities for fiscal year 2022.

### **SEC. 312. EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.**

Activities authorized by part B of title IV of the Social Security Act shall continue through February 3, 2023, in the manner authorized for fiscal year 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

## **Subtitle C—Indian Health**

### **SEC. 321. EXTENSION OF MORATORIUM RELATING TO FUNDS FOR HEALTH CARE SERVICES FOR CERTAIN ALASKA NATIVE VILLAGES.**

Section 424(a) of the Department of the Interior, Environment, and Related Agencies Appropriations Act,

1 2014 (Public Law 113–76; 128 Stat. 343; 132 Stat.  
 2 693;136 Stat. 2136) is amended by striking “December  
 3 16, 2022” and inserting “February 3, 2023”.

## 4 **TITLE IV—REAUTHORIZATION** 5 **OF OTHER PROVISIONS**

### 6 **SEC. 401. REAUTHORIZATION OF THE BEST PHARMA-** 7 **CEUTICALS FOR CHILDREN PROGRAM.**

8 Section 409I(d)(1) of the Public Health Service Act  
 9 (42 U.S.C. 284m(d)(1)) is amended by striking  
 10 “\$5,273,973 for the period beginning on October 1, 2022  
 11 and ending on December 16, 2022” and inserting  
 12 “\$8,630,138 for the period beginning on October 1, 2022,  
 13 and ending on February 3, 2023”.

### 14 **SEC. 402. REAUTHORIZATION OF THE HUMANITARIAN DE-** 15 **VICE EXEMPTION INCENTIVE.**

16 Section 520(m)(6)(A)(iv) of the Federal Food, Drug,  
 17 and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is  
 18 amended by striking “December 17, 2022” and inserting  
 19 “February 4, 2023”.

### 20 **SEC. 403. REAUTHORIZATION OF THE PEDIATRIC DEVICE** 21 **CONSORTIA PROGRAM.**

22 Section 305(e) of the Food and Drug Administration  
 23 Amendments Act of 2007 (Public Law 110–85; 42 U.S.C.  
 24 282 note) is amended by striking “\$1,107,534 for the pe-  
 25 riod beginning on October 1, 2022, and ending on Decem-

ber 16, 2022” and inserting “\$1,812,328 for the period beginning on October 1, 2022, and ending on February 3, 2023”.

**SEC. 404. REAUTHORIZATION OF PROVISION PERTAINING TO DRUGS CONTAINING SINGLE ENANTIOMERS.**

Section 505(u)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(u)(4)) is amended by striking “December 17, 2022” and inserting “February 4, 2023”.

**SEC. 405. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIP.**

Section 566(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–5(f)) is amended by striking “\$1,265,753 for the period beginning on October 1, 2022 and ending on December 16, 2022” and inserting “\$2,071,232 for the period beginning on October 1, 2022, and ending on February 3, 2023”.

**SEC. 406. REAUTHORIZATION OF ORPHAN DRUG GRANTS.**

Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended by striking “\$6,328,767 for the period beginning on October 1, 2022, and ending on December 16, 2022” and inserting “\$10,356,164 for the period beginning on October 1, 2022, and ending on February 3, 2023”.



1 **SEC. 407. REAUTHORIZATION OF CERTAIN DEVICE INSPEC-**  
2 **TIONS.**

3 Section 704(g)(11) of the Federal Food, Drug, and  
4 Cosmetic Act (21 U.S.C. 374(g)(11)) is amended by strik-  
5 ing “December 17, 2022” and inserting “February 4,  
6 2023”.

7 **SEC. 408. REAUTHORIZATION OF REPORTING REQUIRE-**  
8 **MENTS RELATED TO PENDING GENERIC**  
9 **DRUG APPLICATIONS AND PRIORITY REVIEW**  
10 **APPLICATIONS.**

11 Section 807 of the FDA Reauthorization Act of 2017  
12 (Public Law 115–52) is amended, in the matter preceding  
13 paragraph (1), by striking “December 16, 2022” and in-  
14 serting “February 3, 2023”.

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