

## In the Senate of the United States,

March 25, 2021.

Resolved, That the bill from the House of Representatives (H.R. 1868) entitled "An Act to prevent across-the-board direct spending cuts, and for other purposes.", do pass with the following

## **AMENDMENT:**

Strike all after the enacting clause and insert the following:

1	SECTION 1. EXTENSION OF TEMPORARY SUSPENSION OF
2	MEDICARE SEQUESTRATION.
3	(a) Extension.—
4	(1) In general.—Section 3709(a) of division A
5	of the CARES Act (2 U.S.C. 901a note) is amended
6	by striking "March 31, 2021" and inserting "Decem-
7	ber 31, 2021".
8	(2) Effective date.—The amendment made by
9	paragraph (1) shall take effect as if enacted as part
10	of the CARES Act (Public Law 116–136).

```
(b) Offset.—Section 251A(6)(C) of the Balanced
 1
   Budget and Emergency Deficit Control Act of 1985 (2)
    U.S.C. 901a(6)(C)) is amended—
 4
             (1) in clause (i)—
                  (A) by striking "first 6 months" and insert-
 5
 6
             ing "first 5 ½ months";
                  (B) by striking "4.0 percent" and inserting
 7
             "2.0 percent"; and
 8
 9
                  (C) by striking "and" at the end;
10
             (2) in clause (ii)—
11
                  (A) by striking "second 6 months" and in-
             serting "6-month period beginning on the day
12
13
             after the last day of the period described in
14
             clause (i)"; and
                  (B) by striking "0.0 percent." and inserting
15
             "4.0 percent; and"; and
16
17
             (3) by adding at the end the following:
18
                  "(iii) with respect to the remaining 1/2
             month in which such order is so effective for such
19
20
             fiscal year, the payment reduction shall be 0.0
21
             percent.".
22
    SEC. 2. TECHNICAL CORRECTIONS.
23
        (a) Rural Health Clinic Payments.—
```

1	(1) In General.—Section $1833(f)(3)$ of the So-
2	cial Security Act (42 U.S.C. 1395l(f)(3)) is amend-
3	ed—
4	(A) in subparagraph (A)—
5	(i) in clause (i), by striking subclauses
6	(I) and (II) and inserting the following:
7	"(I) with respect to a rural health clin-
8	ic that had a per visit payment amount es-
9	tablished for services furnished in 2020—
10	"(aa) the per visit payment
11	amount applicable to such rural health
12	clinic for rural health clinic services
13	furnished in 2020, increased by the
14	percentage increase in the MEI appli-
15	cable to primary care services fur-
16	nished as of the first day of 2021; or
17	"(bb) the limit described in para-
18	graph(2)(A); and
19	"(II) with respect to a rural health
20	clinic that did not have a per visit payment
21	amount established for services furnished in
22	2020—
23	"(aa) the per visit payment
24	amount applicable to such rural health

1	clinic for rural health clinic services						
2	furnished in 2021; or						
3	"(bb) the limit described in para						
4	graph (2)(A); and"; and						
5	(ii) in clause (ii)(I), by striking						
6	"under clause (i)(I)" and inserting "under $(i)$						
7	subclause (I) or (II) of clause (i), as apple						
8	cable,"; and						
9	(B) by striking subparagraph (B) and in-						
10	serting the following:						
11	"(B) A rural health clinic described in this subpara-						
12	graph is a rural health clinic that—						
13	"(i) as of December 31, 2020, was in a hospital						
14	with less than 50 beds and after such date such hos-						
15	pital continues to have less than 50 beds (not taking						
16	into account any increase in the number of beds pur-						
17	suant to a waiver under subsection (b)(1)(A) of sec-						
18	tion 1135 during the emergency period described in						
19	subsection $(g)(1)(B)$ of such section); and						
20	"(ii)(I) as of December 31, 2020, was enrolled						
21	under section 1866(j) (including temporary enrol						
22	ment during such emergency period for such emer						
23	gency period); or						
24	"(II) submitted an application for enrollment						
25	under section 1866(j) (or a request for such a tem						

- 1 porary enrollment for such emergency period) that 2 was received not later than December 31, 2020.".
- 3 (2) EFFECTIVE DATE.—The amendments made 4 by this subsection shall take effect as if included in 5 the enactment of the Consolidated Appropriations Act, 6 2021 (Public Law 116–260).
- 7 (b) Additional Amount for Certain Hospitals
- 8 With High Disproportionate Share.—Effective as if
- 9 included in the enactment of section 203(a) of title II of
- 10 division CC of Public Law 116–260, subsection (g) of sec-
- 11 tion 1923 of the Social Security Act (42 U.S.C. 1396r-4),
- 12 as amended by such section, is amended by adding at the
- 13 end the following:
- 14 "(3) Continued Application of Grand-
- 15 FATHERED TRANSITION RULE.—Notwithstanding
- 16 paragraph (2) of this subsection (as in effect on Octo-
- ber 1, 2021), paragraph (2) of this subsection (as in
- 18 effect on September 30, 2021, and as applied under
- section 4721(e) of the Balanced Budget Act of 1997,
- and amended by section 607 of the Medicare, Med-
- 21 icaid, and SCHIP Balanced Budget Refinement Act
- of 1999 (Public Law 106–113)) shall apply in deter-
- 23 mining whether a payment adjustment for a hospital
- in a State referenced in section 4721(e) of the Bal-

- 1 anced Budget Act of 1997 during a State fiscal year
- 2 shall be considered consistent with subsection (c).".

Attest:

Secretary.

## 117TH CONGRESS H.R. 1868

## **AMENDMENT**