

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

H. R. 1868

To prevent across-the-board direct spending cuts, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mrs. SHAHEEN (for herself and Ms. COLLINS)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. EXTENSION OF TEMPORARY SUSPENSION OF**
4 **MEDICARE SEQUESTRATION.**

5 (a) EXTENSION.—

6 (1) IN GENERAL.—Section 3709(a) of division
7 A of the CARES Act (2 U.S.C. 901a note) is
8 amended by striking “March 31, 2021” and insert-
9 ing “December 31, 2021”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall take effect as if enacted as
3 part of the CARES Act (Public Law 116–136).

4 (b) OFFSET.—Section 251A(6)(C) of the Balanced
5 Budget and Emergency Deficit Control Act of 1985 (2
6 U.S.C. 901a(6)(C)) is amended—

7 (1) in clause (i)—

8 (A) by striking “first 6 months” and in-
9 serting “first 5 ½ months”;

10 (B) by striking “4.0 percent” and inserting
11 “2.0 percent”; and

12 (C) by striking “and” at the end;

13 (2) in clause (ii)—

14 (A) by striking “second 6 months” and in-
15 serting “6-month period beginning on the day
16 after the last day of the period described in
17 clause (i)”; and

18 (B) by striking “0.0 percent.” and insert-
19 ing “4.0 percent; and”; and

20 (3) by adding at the end the following:

21 “(iii) with respect to the remaining ½
22 month in which such order is so effective for
23 such fiscal year, the payment reduction shall be
24 0.0 percent.”.

1 **SEC. 2. TECHNICAL CORRECTIONS.**

2 (a) RURAL HEALTH CLINIC PAYMENTS.—

3 (1) IN GENERAL.—Section 1833(f)(3) of the
4 Social Security Act (42 U.S.C. 1395l(f)(3)) is
5 amended—

6 (A) in subparagraph (A)—

7 (i) in clause (i), by striking subclauses
8 (I) and (II) and inserting the following:

9 “(I) with respect to a rural health
10 clinic that had a per visit payment amount
11 established for services furnished in
12 2020—

13 “(aa) the per visit payment
14 amount applicable to such rural
15 health clinic for rural health clinic
16 services furnished in 2020, increased
17 by the percentage increase in the MEI
18 applicable to primary care services
19 furnished as of the first day of 2021;
20 or

21 “(bb) the limit described in para-
22 graph (2)(A); and

23 “(II) with respect to a rural health
24 clinic that did not have a per visit payment
25 amount established for services furnished
26 in 2020—

1 “(aa) the per visit payment
2 amount applicable to such rural
3 health clinic for rural health clinic
4 services furnished in 2021; or

5 “(bb) the limit described in para-
6 graph (2)(A); and”; and

7 (ii) in clause (ii)(I), by striking
8 “under clause (i)(I)” and inserting “under
9 subclause (I) or (II) of clause (i), as appli-
10 cable,”; and

11 (B) by striking subparagraph (B) and in-
12 serting the following:

13 “(B) A rural health clinic described in this subpara-
14 graph is a rural health clinic that—

15 “(i) as of December 31, 2020, was in a hospital
16 with less than 50 beds and after such date such hos-
17 pital continues to have less than 50 beds (not taking
18 into account any increase in the number of beds pur-
19 suant to a waiver under subsection (b)(1)(A) of sec-
20 tion 1135 during the emergency period described in
21 subsection (g)(1)(B) of such section); and

22 “(ii)(I) as of December 31, 2020, was enrolled
23 under section 1866(j) (including temporary enroll-
24 ment during such emergency period for such emer-
25 gency period); or

1 “(II) submitted an application for enrollment
2 under section 1866(j) (or a request for such a tem-
3 porary enrollment for such emergency period) that
4 was received not later than December 31, 2020.”.

5 (2) EFFECTIVE DATE.—The amendments made
6 by this subsection shall take effect as if included in
7 the enactment of the Consolidated Appropriations
8 Act, 2021 (Public Law 116–260).

9 (b) ADDITIONAL AMOUNT FOR CERTAIN HOSPITALS
10 WITH HIGH DISPROPORTIONATE SHARE.—Effective as if
11 included in the enactment of section 203(a) of title II of
12 division CC of Public Law 116–260, subsection (g) of sec-
13 tion 1923 of the Social Security Act (42 U.S.C. 1396r–
14 4), as amended by such section, is amended by adding at
15 the end the following:

16 “(3) CONTINUED APPLICATION OF GRAND-
17 FATHERED TRANSITION RULE.—Notwithstanding
18 paragraph (2) of this subsection (as in effect on Oc-
19 tober 1, 2021), paragraph (2) of this subsection (as
20 in effect on September 30, 2021, and as applied
21 under section 4721(e) of the Balanced Budget Act
22 of 1997, and amended by section 607 of the Medi-
23 care, Medicaid, and SCHIP Balanced Budget Re-
24 finement Act of 1999 (Public Law 106–113)) shall
25 apply in determining whether a payment adjustment

1 for a hospital in a State referenced in section
2 4721(e) of the Balanced Budget Act of 1997 during
3 a State fiscal year shall be considered consistent
4 with subsection (c).”.