

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5555  
OFFERED BY M . \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “DMEPOS Relief Act  
3 of 2023” or the “DRA of 2023”.

**4 SEC. 2. PAYMENT RATES FOR DURABLE MEDICAL EQUIP-  
5                   MENT IN DMEPOS NON-COMPETITIVE BID-  
6                   DING AREAS UNDER THE MEDICARE PRO-  
7                   GRAM.**

8       (a) AREAS OTHER THAN RURAL AND NONCONTIG-  
9 UOUS AREAS.—The Secretary of Health and Human Serv-  
10 ices (in this section referred to as the “Secretary”) shall  
11 implement section 414.210(g)(9)(v) of title 42, Code of  
12 Federal Regulations (or any successor regulation), to  
13 apply the transition rule described in the first sentence  
14 of such section to all applicable items and services fur-  
15 nished in areas other than rural or noncontiguous areas  
16 (as such terms are defined for purposes of such section)  
17 through December 31, 2024.

1 (b) ALL AREAS.—The Secretary shall not implement  
2 section 414.210(g)(9)(vi) of title 42, Code of Federal Reg-  
3 ulations (or any successor regulation) until January 1,  
4 2025.

5 (c) IMPLEMENTATION.—Notwithstanding any other  
6 provision of law, the Secretary may implement the provi-  
7 sions of this section by program instruction or otherwise.

8 **SEC. 3. MEDICARE IMPROVEMENT FUND REDUCTION.**

9 Section 1898(b)(1) of the Social Security Act (42  
10 U.S.C. 1395iii(b)(1)) is amended by inserting “(reduced  
11 by \$177,000,000)” before the period at the end.

