

***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).*

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

4           (1) in clause (i)—

5               (A) by striking “first 6 months” and insert-  
6               ing “first 5 ½ months”;

7               (B) by striking “4.0 percent” and inserting  
8               “2.0 percent”; and

9               (C) by striking “and” at the end;

10          (2) in clause (ii)—

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

15               (B) by striking “0.0 percent.” and inserting  
16               “4.0 percent; and”; and

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

18               “(iii) with respect to the remaining ½  
19               month in which such order is so effective for such  
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*  
7                    *subclause (I) or (II) of clause (i), as appli-*  
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 enroll-*  
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-  
17       ber 1, 2021), paragraph (2) of this subsection (as in  
18       effect on September 30, 2021, and as applied under  
19       section 4721(e) of the Balanced Budget Act of 1997,  
20       and amended by section 607 of the Medicare, Med-  
21       icaid, and SCHIP Balanced Budget Refinement Act  
22       of 1999 (Public Law 106–113)) shall apply in deter-  
23       mining whether a payment adjustment for a hospital  
24       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.*



117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H.R. 1868**

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**AMENDMENT**