

***In the Senate of the United States,***

*September 30 (legislative day, September 29), 2003.*

*Resolved*, That the bill from the House of Representatives (H.R. 3146) entitled “An Act to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes”, do pass with the following

**AMENDMENT:**

1 Page 10, after line 16, insert:

2 ***SEC. 402. EXTENSION OF PROVISION EQUALIZING URBAN***  
3 ***AND RURAL STANDARDIZED MEDICARE INPA-***  
4 ***TIENT HOSPITAL PAYMENTS.***

5 *(a) IN GENERAL.—Paragraphs (1) and (2) of section*  
6 *402(b) of the Miscellaneous Appropriations Act, 2003 (Pub-*  
7 *lic Law 108–7; 117 Stat. 548) are each amended by striking*  
8 *“September 30, 2003” and inserting “March 31, 2004”.*

9 *(b) EFFECTIVE DATE.—*

10 *(1) IN GENERAL.—Subject to paragraph (2), the*  
11 *amendments made by subsection (a) shall take effect*

1 *as if included in the enactment of the Miscellaneous*  
2 *Appropriations Act, 2003.*

3 (2) *AUTHORITY TO DELAY IMPLEMENTATION.—*

4 (A) *IN GENERAL.—If the Secretary of*  
5 *Health and Human Services (in this subsection*  
6 *referred to as the “Secretary”) determines that it*  
7 *is not administratively feasible to implement the*  
8 *amendments made by subsection (a), notwith-*  
9 *standing such amendments and in order to com-*  
10 *ply with Congressional intent, the Secretary may*  
11 *delay the implementation of such amendments*  
12 *until such time as the Secretary determines to be*  
13 *appropriate, but in no case later than November*  
14 *1, 2003.*

15 (B) *TEMPORARY ADJUSTMENT FOR REMAIN-*  
16 *DER OF FISCAL YEAR 2004 TO EFFECT FULL RATE*  
17 *CHANGE.—If the Secretary delays implementa-*  
18 *tion of the amendments made by subsection (a)*  
19 *under subparagraph (A), the Secretary shall*  
20 *make such adjustment to the amount of pay-*  
21 *ments affected by such delay, for the portion of*  
22 *fiscal year 2004 after the date of the delayed im-*  
23 *plementation, in such manner as the Secretary*  
24 *estimates will ensure that the total payments for*  
25 *inpatient hospital services so affected with re-*

1           *spect to such fiscal year is the same as would*  
2           *have been made if this paragraph had not been*  
3           *enacted.*

4           (C) *NO EFFECT ON PAYMENTS FOR SUBSE-*  
5           *QUENT PAYMENT PERIODS.—The application of*  
6           *subparagraphs (A) and (B) shall not affect pay-*  
7           *ment rates and shall not be taken into account*  
8           *in calculating payment amounts for services fur-*  
9           *nished for periods after September 30, 2004.*

10          (D) *ADMINISTRATION OF PROVISIONS.—*

11           (i) *NO RULEMAKING OR NOTICE RE-*  
12           *QUIRED.—The Secretary may carry out the*  
13           *authority under this paragraph by program*  
14           *memorandum or otherwise and is not re-*  
15           *quired to prescribe regulations or to provide*  
16           *notice in the Federal Register in order to*  
17           *carry out such authority.*

18           (ii) *LIMITATION ON REVIEW.—There*  
19           *shall be no administrative or judicial re-*  
20           *view under section 1869 or 1878 of the So-*  
21           *cial Security Act (42 U.S.C. 1395ff and*  
22           *1395oo), or otherwise of any delay or deter-*  
23           *mination made by the Secretary under this*  
24           *paragraph or the application of the pay-*

1                    *ment rates determined under this para-*  
2                    *graph.*

Attest:

*Secretary.*

108TH CONGRESS  
1ST SESSION

**H. R. 3146**

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**AMENDMENT**