

PUBLIC LAW 117-71—DEC. 10, 2021

PROTECTING MEDICARE AND AMERICAN
FARMERS FROM SEQUESTER CUTS ACT

Public Law 117–71
117th Congress

An Act

Dec. 10, 2021
[S. 610]

To address behavioral health and well-being among health care professionals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protecting
Medicare and
American
Farmers from
Sequester Cuts
Act.
2 USC 900 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Medicare and American Farmers from Sequester Cuts Act”.

SEC. 2. ADJUSTMENTS TO MEDICARE SEQUESTRATION REDUCTIONS.

(a) EXTENSION OF TEMPORARY SUSPENSION THROUGH MARCH 2022.—

(1) IN GENERAL.—Section 3709(a) of division A of the CARES Act (2 U.S.C. 901a note) is amended—

(A) in the subsection header by inserting “AND ADJUSTMENT” after “SUSPENSION”; and

(B) by striking “December 31, 2021” and inserting “March 31, 2022”.

2 USC 901a note.

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

(b) ADJUSTMENTS TO MEDICARE PROGRAM SEQUESTRATION REDUCTION WITH RESPECT TO FISCAL YEARS 2022 AND 2030.—Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (E); and

(2) by inserting after subparagraph (B) the following new subparagraphs:

Applicability.

“(C) Notwithstanding the 2 percent limit specified in subparagraph (A) for payments for the Medicare programs specified in section 256(d), the sequestration order of the President under such subparagraph for fiscal year 2022 shall be applied to such payments so that with respect to the period beginning on April 1, 2022, and ending on June 30, 2022, the payment reduction shall be 1.0 percent.

Applicability.

“(D) Notwithstanding the 2 percent limit specified in subparagraph (A) for payments for the Medicare programs specified in section 256(d), the sequestration order of the President under such subparagraph for fiscal year 2030 shall be applied to such payments so that—

“(i) with respect to the first 6 months in which such order is effective for such fiscal year, the payment reduction shall be 2.25 percent; and

“(ii) with respect to the second 6 months in which such order is so effective for such fiscal year, the payment reduction shall be 3 percent.”.

SEC. 3. EXTENSION OF SUPPORT FOR PHYSICIANS AND OTHER PROFESSIONALS IN ADJUSTING TO MEDICARE PAYMENT CHANGES.

(a) **IN GENERAL.**—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (c)(2)(B)(iv)(V), by striking “2021” and inserting “2021 or 2022”; and

(2) in subsection (t)—

(A) in the subsection header, by striking “2021” and inserting “2021 AND 2022”; and

(B) in paragraph (1)—

(i) by striking “during 2021” and inserting “during 2021 and 2022”; and

(ii) by striking “for such services furnished on or after January 1, 2021, and before January 1, 2022, by 3.75 percent.” and inserting “for—

“(A) such services furnished on or after January 1, 2021, and before January 1, 2022, by 3.75 percent; and

“(B) such services furnished on or after January 1, 2022, and before January 1, 2023, by 3.0 percent.”; and

(C) in paragraph (2)(C)—

(i) in the subparagraph header, by striking “2021” and inserting “2021 AND 2022”; and

(ii) by inserting “for services furnished in 2021 or 2022” after “under this subsection”; and

(iii) by inserting “or 2022, respectively” before the period at the end.

(b) **REPORT.**—Section 101(c) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended—

134 Stat. 1950.

(1) in the first sentence—

(A) by striking “April 1, 2022” and inserting “each of April 1, 2022, and April 1, 2023”; and

(B) by striking “, as added by subsection (a)” and inserting “furnished during 2021 or 2022, respectively”; and

(2) in the second sentence—

(A) by striking “Such report” and inserting “Each such report”; and

(B) by inserting “with respect to 2021 or 2022, as applicable” after “under such section”.

SEC. 4. PRESERVING PATIENT ACCESS TO CRITICAL CLINICAL LAB SERVICES.

(a) **REVISED PHASE-IN OF REDUCTIONS FROM PRIVATE PAYOR RATE IMPLEMENTATION.**—Section 1834A(b)(3) of the Social Security Act (42 U.S.C. 1395m–1(b)(3)) is amended—

(1) in subparagraph (A), by striking “through 2024” and inserting “through 2025”; and

(2) in subparagraph (B)—

(A) in clause (ii), by striking “for 2021” and inserting “for each of 2021 and 2022”; and

(B) in clause (iii), by striking “2022 through 2024” and inserting “2023 through 2025”.

(b) REVISED REPORTING PERIOD FOR REPORTING OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISHMENT OF MEDICARE PAYMENT RATES.—Section 1834A(a)(1)(B) of the Social Security Act (42 U.S.C. 1395m–1(a)(1)(B)) is amended—

(1) in clause (i), by striking “December 31, 2021” and inserting “December 31, 2022”; and

(2) in clause (ii)—

(A) by striking “January 1, 2022” and inserting “January 1, 2023”; and

(B) by striking “March 31, 2022” and inserting “March 31, 2023”.

SEC. 5. DELAY TO THE IMPLEMENTATION OF THE RADIATION ONCOLOGY MODEL UNDER THE MEDICARE PROGRAM.

134 Stat. 2976. Section 133 of Division CC of the Consolidated Appropriations Act, 2021 (Public Law 116–260) is amended by striking “January 1, 2022” and inserting “January 1, 2023”.

SEC. 6. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “fiscal year 2021” and all that follows through the period at the end and inserting “fiscal year 2021, \$101,000,000.”.

Determination.
Time periods.

SEC. 7. PAYGO ANNUAL REPORT.

For the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after adjournment of the first session of the 117th Congress, and for determining whether a sequestration order is necessary under such section, the debit for the budget year on the 5-year scorecard, if any, and the 10-year scorecard, if any, shall be deducted from such scorecard in 2022 and added to such scorecard in 2023.

SEC. 8. EXPEDITED PROCEDURES FOR CONSIDERING AN INCREASE IN THE DEBT LIMIT.

(a) DEFINITION.—In this section, the term “joint resolution” means a joint resolution—

Time period.

(1) that is introduced by the Majority Leader of the Senate, or a designee, during the period beginning on the date of enactment of this Act and ending on December 31, 2021;

(2) which does not have a preamble;

(3) the title of which is as follows: “Joint resolution relating to increasing the debt limit.”; and

(4) the matter after the resolving clause of which is as follows: “That the limitation under section 3101(b) of title 31, United States Code, as most recently increased by Public Law 117–50 (31 U.S.C. 3101 note), is increased by \$ _____.”, the blank space being appropriately filled in with the dollar amount of the increase.

(b) EXPEDITED CONSIDERATION IN SENATE.—

(1) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(2) PROCEEDING TO CONSIDERATION.—

Deadline.

(A) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than January 15, 2022 (even though a previous motion

to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution.

(B) PROCEDURE.—For a motion to proceed to the consideration of the joint resolution—

(i) all points of order against the motion are waived;

(ii) the motion is not debatable;

(iii) the motion is not subject to a motion to postpone;

(iv) a motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order; and

(v) if the motion is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(3) FLOOR CONSIDERATION.—

(A) IN GENERAL.—If the Senate proceeds to consideration of the joint resolution—

(i) all points of order against the joint resolution (and against consideration of the joint resolution) are waived;

(ii) debate on the joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the Chairman and Ranking Member of the Committee on Finance; Time period.

(iii) an amendment to the joint resolution is not in order;

(iv) a motion to postpone or a motion to commit the joint resolution is not in order; and

(v) a motion to proceed to the consideration of other business is not in order.

(B) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution and a single quorum call if requested in accordance with the rules of the Senate.

(C) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of this paragraph or the rules of the Senate, as the case may be, to the procedure relating to the joint resolution shall be decided without debate.

(D) SINGLE MEASURE AUTHORIZED.—It shall not be in order to consider more than 1 joint resolution under the procedures under this paragraph.

(E) SUNSET.—It shall not be in order to consider a joint resolution under the procedures under this paragraph after January 16, 2022.

(4) RULES OF THE SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate, and as such is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint resolution, and supersede other rules only to the extent that they are inconsistent with such rules; and

(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to

the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

Approved December 10, 2021.

LEGISLATIVE HISTORY—S. 610:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Aug. 5, considered and passed Senate.

Dec. 7, considered and passed House, amended. Senate considered concurring in House amendment.

Dec. 9, Senate concurred in House amendment.

