

Public Law 116–215
116th Congress

An Act

Making further continuing appropriations for fiscal year 2021, and for other purposes.

Dec. 11, 2020
[H.R. 8900]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Further Continuing Appropriations Act, 2021, and Other Extensions Act”.

Further
Continuing
Appropriations
Act, 2021, and
Other Extensions
Act.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2021

DIVISION B—HEALTH EXTENDERS

Title I—Medicare and Medicaid Extenders
Title II—Public Health Extenders and Food and Drug Administration Provisions
Title III—Offsets
Title IV—Budgetary Effects

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

**DIVISION A—FURTHER CONTINUING
APPROPRIATIONS ACT, 2021**

Further
Continuing
Appropriations
Act, 2021.

SEC. 101. The Continuing Appropriations Act, 2021 (division A of Public Law 116–159) is amended by striking the date specified in section 106(3) and inserting “December 18, 2020”.

Ante, p. 711.

This division may be cited as the “Further Continuing Appropriations Act, 2021”.

DIVISION B—HEALTH EXTENDERS

TITLE I—MEDICARE AND MEDICAID EXTENDERS

SEC. 1101. EXTENSION OF THE WORK GEOGRAPHIC INDEX FLOOR UNDER THE MEDICARE PROGRAM.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 3801 of the CARES Act (Public Law 116–136) and section 2201 of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159), is amended by striking “December 12, 2020” and inserting “December 19, 2020”.

SEC. 1102. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B)(xi) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), section 208 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10), section 50207 of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), section 1402 of division B of the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Public Law 116–59), section 1402 of division B of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Public Law 116–69), section 103 of division N of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), section 3803 of the CARES Act (Public Law 116–136), and section 2203 of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159), is amended by striking “December 11” and inserting “December 18”.

(b) AREA AGENCIES ON AGING.—Subsection (b)(1)(B)(xi) of such section 119, as so amended, is amended by striking “December 11” and inserting “December 18”.

(c) AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B)(xi) of such section 119, as so amended, is amended by striking “December 11” and inserting “December 18”.

(d) CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2)(xi) of such section 119, as so amended, is amended by striking “December 11” and inserting “December 18”.

SEC. 1103. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSE- MENT, INPUT, AND SELECTION.

Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)) is amended by striking “December 11” each place such phrase appears and inserting “December 18” in each such place.

SEC. 1104. EXTENSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

Section 223(d)(3) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note), as amended by Public Law 116–159, is amended by striking “December 11” and inserting “December 18”.

SEC. 1105. EXTENSION OF SPOUSAL IMPOVERISHMENT PROTECTIONS.

(a) **IN GENERAL.**—Section 2404 of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r–5 note), as amended by Public Law 116–159, is amended by striking “December 11” and inserting “December 18”.

(b) **RULE OF CONSTRUCTION.**—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohibiting a State from—

42 USC 1396a
note.

(1) applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

(A) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual’s spouse); or

(B) on the basis of an individual’s need for home and community-based services authorized under subsection (c), (d), (i), or (k) of section 1915 of such Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315); or

(2) disregarding an individual’s spousal income and assets under a plan amendment to provide medical assistance for home and community-based services for individuals by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) or by reason of section 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual’s spouse in determining the initial and ongoing financial eligibility of an individual for such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r–5).

SEC. 1106. EXTENSION OF DELAY OF DSH REDUCTIONS.

Section 1923(f)(7) of the Social Security Act (42 U.S.C. 1396r–4(f)(7)(A)) is amended by striking “December 12” each place such phrase appears and inserting “December 19” in each such place.

SEC. 1107. EXTENSION OF MONEY FOLLOWS THE PERSON.

Section 6071(h)(1)(H) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by striking “December 11” and inserting “December 18”.

TITLE II—PUBLIC HEALTH EXTENDERS AND FOOD AND DRUG ADMINISTRATION PROVISIONS

Subtitle A—Public Health Extenders

SEC. 1201. EXTENDING FUNDING FOR COMMUNITY HEALTH CENTERS, NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTER GME.

(a) COMMUNITY HEALTH CENTERS.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended—

(1) by striking “\$789,041,096” and inserting “\$865,753,425”; and

(2) by striking “December 11, 2020” and inserting “December 18, 2020”.

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2)(H) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)(H)) is amended—

(1) by striking “\$61,150,685” and inserting “\$67,095,890”; and

(2) by striking “December 11, 2020” and inserting “December 18, 2020”.

(c) TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340H(g)(1) of the Public Health Service Act (42 U.S.C. 256h(g)(1)) is amended—

(1) by striking “\$24,953,425” and inserting “\$27,379,452”; and

(2) by striking “December 11, 2020” and inserting “December 18, 2020”.

Time period.

(d) APPLICATION OF PROVISIONS.—Amounts appropriated pursuant to the amendments made by this section for the period beginning on December 11, 2020, and ending on December 18, 2020, shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act.

(e) CONFORMING AMENDMENTS.—Paragraph (4) of section 3014(h) of title 18, United States Code, as amended by section 3831(e) of the CARES Act (Public Law 116–136), is amended—

(1) by striking “Social Services Act,,” and inserting “Social Services Act,”; and

(2) by striking “and section 2101 of the Continuing Appropriations Act, 2021 and Other Extensions Act” and inserting “section 2101 of the Continuing Appropriations Act, 2021 and Other Extensions Act, and section 1201(d) of the Further Continuing Appropriations Act, 2021, and Other Extensions Act”.

SEC. 1202. DIABETES PROGRAMS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is amended—

(1) by striking “\$29,589,042” and inserting “\$32,465,753”; and

(2) by striking “December 11, 2020” and inserting “December 18, 2020”.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is amended—

(1) by striking “\$29,589,042” and inserting “\$32,465,753”; and

(2) by striking “December 11, 2020” and inserting “December 18, 2020”.

SEC. 1203. PERSONAL RESPONSIBILITY EDUCATION; SEXUAL RISK AVOIDANCE EDUCATION.

(a) SEXUAL RISK AVOIDANCE EDUCATION.—Section 510 of the Social Security Act (42 U.S.C. 710) is amended by striking “December 11, 2020” each place it appears and inserting “December 18, 2020”.

(b) PERSONAL RESPONSIBILITY EDUCATION.—Section 513 of the Social Security Act (42 U.S.C. 713) is amended by striking “December 11, 2020” each place it appears and inserting “December 18, 2020”.

Subtitle B—Food and Drug Administration Provisions

SEC. 1211. RARE PEDIATRIC DISEASE PRIORITY REVIEW VOUCHER EXTENSION.

Section 529(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff(b)(5)) is amended—

(1) by striking “December 11, 2020” each place it appears and inserting “December 18, 2020”; and

(2) in subparagraph (B), by striking “December 11, 2022” and inserting “December 18, 2022”.

TITLE III—OFFSETS

SEC. 1301. TRANSPARENCY OF MEDICARE SECONDARY PAYER REPORTING INFORMATION.

Section 1862(b)(8)(G) of the Social Security Act (42 U.S.C. 395y(b)(8)(G)) is amended—

(1) by striking “INFORMATION.—The Secretary” and inserting “INFORMATION.—

“(i) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following new clause:

“(ii) SPECIFIED INFORMATION.—In responding to any query made on or after the date that is 1 year after the date of the enactment of this clause from an applicable plan related to a determination described in subparagraph (A)(i), the Secretary, notwithstanding any other provision of law, shall provide to such applicable plan—

“(I) whether a claimant subject to the query is, or during the preceding 3-year period has been, entitled to benefits under the program under this title on any basis; and

“(II) to the extent applicable, the plan name and address of any Medicare Advantage plan under part C and any prescription drug plan under

Time period.

Time period.

part D in which the claimant is enrolled or has been enrolled during such period.”.

21 USC 829 note. **SEC. 1302. DISPENSATION OF NARCOTIC DRUGS FOR THE PURPOSE OF RELIEVING ACUTE WITHDRAWAL SYMPTOMS FROM OPIOID USE DISORDER.**

Deadline.
Regulations.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall revise section 1306.07(b) of title 21, Code of Federal Regulations, so that practitioners, in accordance with applicable State, Federal, or local laws relating to controlled substances, are allowed to dispense not more than a three-day supply of narcotic drugs to one person or for one person’s use at one time for the purpose of initiating maintenance treatment or detoxification treatment (or both).

SEC. 1303. MEDICAID IMPROVEMENT FUND.

Section 1941(b)(3)(A) of the Social Security Act (42 U.S.C 1396w–1(b)(3)(A)) is amended by striking “\$3,446,000,000” and inserting “\$3,464,000,000”.

TITLE IV—BUDGETARY EFFECTS

SEC. 1401. BUDGETARY EFFECTS.

(a) **STATUTORY PAYGO SCORECARDS.**—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) **SENATE PAYGO SCORECARDS.**—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

Approved December 11, 2020.

LEGISLATIVE HISTORY—H.R. 8900:

CONGRESSIONAL RECORD, Vol. 166 (2020):

Dec. 9, considered and passed House.

Dec. 11, considered and passed Senate.