

Public Law 117–229
117th Congress

An Act

Dec. 16, 2022
[H.R. 1437]

Making further continuing appropriations for the fiscal year ending September 30, 2023, and for other purposes.

Further
Continuing
Appropriations
and Extensions
Act, 2023.

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 and Extensions Act, 2023”.

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.
- Sec. 4. Payment to Widows and Heirs of Deceased Members of Congress.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2023

DIVISION B—OTHER MATTERS

Title I—Extensions
Title II—Budgetary Effects

DIVISION C—HEALTH AND HUMAN SERVICES

Title I—Medicare and Medicaid
Title II—Human Services
Title III—Extension of FDA Authorizations
Title IV—Indian Health

DIVISION D—PRECIP ACT

1 USC 1 note.

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.

SEC. 4. PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS.

Colette Wallace
McEachin.

There is hereby appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, for payment to Colette Wallace McEachin, beneficiary of Aston Donald McEachin, late a Representative from the Commonwealth of Virginia, \$174,000.

Further
Continuing
Appropriations
Act, 2023.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2023

SEC. 101. The Continuing Appropriations Act, 2023 (division A of Public Law 117–180) is amended—

(1) by striking the date specified in section 106(3) and inserting “December 23, 2022”;

Ante, p. 2116.

(2) by adding after section 157 the following new section: “SEC. 158. During the period covered by this Act, section 227(a) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1525) shall not apply.”.

Ante, p. 2127.

This division may be cited as the “Further Continuing Appropriations Act, 2023”.

DIVISION B—OTHER MATTERS

TITLE I—EXTENSIONS

SEC. 101. EXTENSION OF FCC AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “December 16, 2022” and inserting “December 23, 2022”.

SEC. 102. EXTENSION OF AUTHORIZATION FOR SPECIAL ASSESSMENT FOR DOMESTIC TRAFFICKING VICTIMS’ FUND.

Section 3014(a) of title 18, United States Code, is amended, in the matter preceding paragraph (1), by striking “December 16, 2022” and inserting “December 23, 2022”.

SEC. 103. UNITED STATES PAROLE COMMISSION EXTENSION.

(a) SHORT TITLE.—This section may be cited as the “United States Parole Commission Further Extension Act of 2022”.

(b) AMENDMENT OF SENTENCING REFORM ACT OF 1984.—For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98–473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to “35 years” or “35-year period” shall be deemed a reference to “35 years and 53 days” or “35-year and 53-day period”, respectively.

United States
Parole
Commission
Further
Extension Act of
2022.
18 USC 1 note.
18 USC 3551
note.

SEC. 104. EXTENSION OF COMMODITY FUTURES TRADING COMMISSION CUSTOMER PROTECTION FUND EXPENSES ACCOUNT.

Section 1(b) of Public Law 117–25 (135 Stat. 297), as amended by section 104 of division C of the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 is amended by striking “December 16, 2022” each place it appears and inserting “December 23, 2022”.

Ante, p. 2133.

TITLE II—BUDGETARY EFFECTS

SEC. 201. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding 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 and each succeeding 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 and each succeeding division shall not be estimated—

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

(2) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(3) 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.

DIVISION C—HEALTH AND HUMAN SERVICES

TITLE I—MEDICARE AND MEDICAID

SEC. 101. EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.

(a) **IN GENERAL.**—Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “December 17, 2022” and inserting “December 24, 2022”;

(2) in subparagraph (C)(i)—

(A) in the matter preceding subclause (I), by striking “December 16, 2022” and inserting “December 23, 2022”;

(B) in subclause (III), by striking “December 16, 2022” and inserting “December 23, 2022”; and

(C) in subclause (IV), by striking “December 17, 2022” and inserting “December 24, 2022”; and

(3) in subparagraph (D)—

(A) in the matter preceding clause (i), by striking “December 16, 2022” and inserting “December 23, 2022”; and

(B) in clause (ii), by striking “December 16, 2022” and inserting “December 23, 2022”.

42 USC 1395ww
note.

(b) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, including the amendments made by, this section by program instruction or otherwise.

SEC. 102. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL PROGRAM.

(a) **IN GENERAL.**—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking “December 17, 2022” and inserting “December 24, 2022”; and

(2) in clause (ii)(II), by striking “December 17, 2022” and inserting “December 24, 2022”.

(b) **CONFORMING AMENDMENTS.**—

(1) **EXTENSION OF TARGET AMOUNTS.**—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking “December 17, 2022” and inserting “December 24, 2022”; and

(B) in clause (iv), by striking “December 16, 2022,” and inserting “December 23, 2022”.

(2) **PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.**—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking “December 16, 2022” and inserting “December 23, 2022”.

SEC. 103. EXTENSION OF INCREASED FMAPS UNDER MEDICAID FOR THE TERRITORIES.

Section 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff)) is amended—

(1) in paragraph (2), by striking “December 16, 2022” and inserting “December 23, 2022”; and

(2) in paragraph (3), by striking “December 16, 2022” and inserting “December 23, 2022”.

SEC. 104. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$7,308,000,000” and inserting “\$7,278,000,000”.

TITLE II—HUMAN SERVICES

SEC. 201. EXTENSION OF MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAMS.

Activities authorized by section 511 of the Social Security Act shall continue through December 23, 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated for such purpose an amount equal to the pro rata portion of the amount appropriated for such activities for fiscal year 2022.

SEC. 202. EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.

Activities authorized by part B of title IV of the Social Security Act shall continue through December 23, 2022, in the manner authorized for fiscal year 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

TITLE III—EXTENSION OF FDA AUTHORIZATIONS

Time period.

SEC. 301. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIP.

Section 566(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–5(f)) is amended by striking “\$1,265,753 for the period beginning on October 1, 2022 and ending on December

16, 2022” and inserting “\$1,380,822 for the period beginning on October 1, 2022 and ending on December 23, 2022”.

SEC. 302. REAUTHORIZATION OF THE BEST PHARMACEUTICALS FOR CHILDREN PROGRAM.

Section 409I(d)(1) of the Public Health Service Act (42 U.S.C. 284m(d)(1)) is amended by striking “\$5,273,973 for the period beginning on October 1, 2022 and ending on December 16, 2022” and inserting “\$5,753,425 for the period beginning on October 1, 2022 and ending on December 23, 2022”.

SEC. 303. REAUTHORIZATION OF THE HUMANITARIAN DEVICE EXEMPTION INCENTIVE.

Section 520(m)(6)(A)(iv) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is amended by striking “December 17, 2022” and inserting “December 24, 2022”.

SEC. 304. REAUTHORIZATION OF THE PEDIATRIC DEVICE CONSORTIA PROGRAM.

Section 305(e) of the Pediatric Medical Device Safety and Improvement Act of 2007 (Public Law 110–85; 42 U.S.C. 282 note) is amended by striking “\$1,107,534 for the period beginning on October 1, 2022, and ending on December 16, 2022” and inserting “\$1,610,959 for the period beginning on October 1, 2022 and ending on December 23, 2022”.

SEC. 305. REAUTHORIZATION OF PROVISION PERTAINING TO DRUGS CONTAINING SINGLE ENANTIOMERS.

Section 505(u)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(u)(4)) is amended by striking “December 17, 2022” and inserting “December 24, 2022”.

SEC. 306. REAUTHORIZATION OF CERTAIN DEVICE INSPECTIONS.

Section 704(g)(11) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)(11)) is amended by striking “December 17, 2022” and inserting “December 24, 2022”.

SEC. 307. REAUTHORIZATION OF ORPHAN DRUG GRANTS.

Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended by striking “\$6,328,767 for the period beginning on October 1, 2022, and ending on December 16, 2022” and inserting “\$6,904,110 for the period beginning on October 1, 2022 and ending on December 23, 2022”.

SEC. 308. REAUTHORIZATION OF REPORTING REQUIREMENTS RELATED TO PENDING GENERIC DRUG APPLICATIONS AND PRIORITY REVIEW APPLICATIONS.

131 Stat. 1073. Section 807 of the FDA Reauthorization Act of 2017 (Public Law 115–52) is amended, in the matter preceding paragraph (1), by striking “December 16, 2022” and inserting “December 23, 2022”.

SEC. 309. REAUTHORIZATION OF THIRD-PARTY REVIEW PROGRAM.

Section 523(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m(c)) is amended by striking “December 17, 2022” and inserting “December 24, 2022”.

TITLE IV—INDIAN HEALTH

SEC. 401. EXTENSION OF MORATORIUM.

Section 424(a) of title IV of division G of Public Law 113–76 is amended by striking “December 16, 2022” and inserting “December 24, 2022”.

136 Stat. 2136.

DIVISION D—PRECIP ACT

SEC. 1. SHORT TITLE.

This Act may be cited as the “Providing Research and Estimates of Changes In Precipitation Act” or the “PRECIP Act”.

Providing
Research and
Estimates of
Changes In
Precipitation Act.
15 USC 8501
note.

SEC. 2. AMENDMENT TO THE WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017 RELATING TO IMPROVING FEDERAL PRECIPITATION INFORMATION.

(a) IN GENERAL.—The Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501 et seq.) is amended by adding at the end the following:

“TITLE VI—IMPROVING FEDERAL PRECIPITATION INFORMATION

“SEC. 601. STUDY ON PRECIPITATION ESTIMATION.

15 USC 8561.

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of the PRECIP Act, the Administrator, in consultation with other Federal agencies as appropriate, shall seek to enter an agreement with the National Academies—

Deadline.
Contracts.

“(1) to conduct a study on the state of practice and research needs for precipitation estimation, including probable maximum precipitation estimation; and

“(2) to submit, not later than 24 months after the date on which such agreement is finalized, to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on a website, a report on the results of the study under paragraph (1).

Public
information.
Web posting.
Reports.

“(b) STUDY.—The report under subsection (a) shall include the following:

“(1) An examination of the current state of practice for precipitation estimation at scales appropriate for decisionmaker needs, and rationale for further evolution of this field.

Examination.

“(2) An evaluation of best practices for precipitation estimation that are based on the best-available science, include considerations of non-stationarity, and can be utilized by the user community.

Evaluation.

“(3) A framework for—

“(A) the development of a National Guidance Document for estimating extreme precipitation in future conditions; and

“(B) evaluation of the strengths and challenges of the full spectrum of approaches, including for probable maximum precipitation studies.

Evaluation.

Examination.	“(4) A description of existing research needs in the field of precipitation estimation in order to modernize current methodologies and consider non-stationarity.
	“(5) A description of in-situ, airborne, and space-based observation requirements, that could enhance precipitation estimation and development of models, including an examination of the use of geographic information systems and geospatial technology for integration, analysis, and visualization of precipitation data.
Plan.	“(6) A recommended plan for a Federal research and development program, including specifications for costs, time-frames, and responsible agencies for addressing identified research needs.
Analysis.	“(7) An analysis of the respective roles in precipitation estimation of various Federal agencies, academia, State, tribal, territorial, and local governments, and other public and private stakeholders.
Recommendations. Data.	“(8) Recommendations for data management to promote long-term needs such as enabling retrospective analyses and data discoverability, interoperability, and reuse.
Recommendations.	“(9) Recommendations for how data and services from the entire enterprise can be best leveraged by the Federal Government.
	“(10) A description of non-Federal precipitation data, its accessibility by the Federal Government, and ways for National Oceanic and Atmospheric Administration to improve or expand such datasets.
	“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized \$1,500,000 to the National Oceanic and Atmospheric Administration to carry out this study.
Deadlines. 15 USC 8562.	“SEC. 602. IMPROVING PROBABLE MAXIMUM PRECIPITATION ESTIMATES.
Consultation.	“(a) IN GENERAL.—Not later than 90 days after the date on which the National Academies makes public the report under section 601, the Administrator, in consideration of the report recommendations, shall consult with relevant partners, including users of the data, on the development of a plan to—
Updates.	“(1) not later than 6 years after the completion of such report and not less than every 10 years thereafter, update probable maximum precipitation estimates for the United States, such that each update considers non-stationarity;
Coordination.	“(2) coordinate with partners to conduct research in the field of extreme precipitation estimation, in accordance with the research needs identified in such report;
Public information. Web posting.	“(3) make publicly available, in a searchable, interoperable format, all probable maximum precipitation studies developed by the National Oceanic and Atmospheric Administration that the Administrator has the legal right to redistribute and deemed to be at an appropriate state of development on an internet website of the National Oceanic and Atmospheric Administration; and
	“(4) ensure all probable maximum precipitation estimate data, products, and supporting documentation and metadata developed by the National Oceanic and Atmospheric Administration are preserved, curated, and served by the National Oceanic and Atmospheric Administration, as appropriate.

“(b) NATIONAL GUIDANCE DOCUMENT FOR THE DEVELOPMENT OF PROBABLE MAXIMUM PRECIPITATION ESTIMATES.—The Administrator, in collaboration with Federal agencies, State, territorial, Tribal and local governments, academia, and other partners the Administrator deems appropriate, shall develop a National Guidance Document that—

“(1) provides best practices that can be followed by Federal and State regulatory agencies, private meteorological consultants, and other users that perform probable maximum precipitation studies;

“(2) considers the recommendations provided in the National Academies study under section 601;

“(3) facilitates review of probable maximum precipitation studies by regulatory agencies; and

“(4) provides confidence in regional and site-specific probable maximum precipitation estimates.

“(c) PUBLICATION.—Not later than 2 years after the date on which the National Academies makes public the report under section 601, the Administrator shall make publicly available the National Guidance Document under subsection (b) on an internet website of the National Oceanic and Atmospheric Administration.

Public
information.
Web posting.

“(d) UPDATES.—The Administrator shall update the National Guidance Document not less than once every 10 years after the publication of the National Guidance Document under subsection (c) and publish such updates in accordance with such subsection.

Time period.
Publication.

“SEC. 603. DEFINITIONS.

15 USC 8563.

“In this title:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

“(2) NATIONAL ACADEMIES.—The term ‘National Academies’ means the National Academies of Sciences, Engineering, and Medicine.

“(3) UNITED STATES.—The term ‘United States’ means, collectively, each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory or possession of the United States.”.

(b) CONFORMING AMENDMENT.—Section 1(b) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8501 note) is amended in the table of contents by adding at the end the following:

“TITLE VI—IMPROVING FEDERAL PRECIPITATION INFORMATION

“Sec. 601. Study on precipitation estimation.

“Sec. 602. Improving probable maximum precipitation estimates.
“Sec. 603. Definitions.”.

Approved December 16, 2022.

LEGISLATIVE HISTORY—H.R. 1437 (S. 3053):

HOUSE REPORTS: No. 117-304 (Comm. on Science, Space, and Technology).
CONGRESSIONAL RECORD, Vol. 168 (2022):

May 10, 11, considered and passed House.

Nov. 17, considered and passed Senate, amended.

Dec. 14, House concurred in Senate amendment with an amendment.

Dec. 15, Senate concurred in House amendment.