

117TH CONGRESS
1ST SESSION

S. 918

To offer financial support to health care providers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2021

Mr. BARRASSO (for himself and Mr. COTTON) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To offer financial support to health care providers, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Seniors Ac-
5 cess to Health Care Act”.

6 **SEC. 2. PROVIDER RELIEF FUND.**

7 (a) SUPPLEMENTAL APPROPRIATION.—There is ap-
8 propriated, out of any amounts in the Treasury not other-
9 wise appropriated, for an additional amount for “Public
10 Health and Social Services Emergency Fund”,
11 \$12,300,000,000, to remain available until expended, to

1 prevent, prepare for, and respond to coronavirus, domesti-
2 cally or internationally, which shall be for necessary ex-
3 penses to reimburse, through grants or other mechanisms,
4 eligible health care providers for health care related ex-
5 penses or lost revenues that are attributable to
6 coronavirus.

7 (b) CONDITIONS.—The following conditions shall
8 apply with respect to funds appropriated by subsection
9 (a):

10 (1) Such funds may not be used to reimburse
11 expenses or losses that have been reimbursed from
12 other sources or that other sources are obligated to
13 reimburse.

14 (2) Recipients of payments under this section
15 shall submit reports and maintain documentation as
16 the Secretary of Health and Human Services (re-
17 ferred to in this section as the “Secretary”) deter-
18 mines are needed to ensure compliance with condi-
19 tions that are imposed by this subsection for such
20 payments, and such reports and documentation shall
21 be in such form, with such content, and in such time
22 as the Secretary may prescribe for such purpose.

23 (3) The Secretary shall, on a rolling basis, re-
24 view applications and make payments under this sec-
25 tion.

1 (4) Funds appropriated under this section shall
2 be available for building or construction of tem-
3 porary structures, leasing of properties, medical sup-
4 plies and equipment including personal protective
5 equipment and testing supplies, increased workforce
6 and trainings, emergency operation centers, retro-
7 fitting facilities, and surge capacity.

8 (5) Payments under this section shall be made
9 in consideration of the most efficient payment sys-
10 tems practicable to provide emergency payment.

11 (6) To be eligible for a payment under this sec-
12 tion, an eligible health care provider shall submit to
13 the Secretary an application that includes a state-
14 ment justifying the need of the provider for the pay-
15 ment and the eligible health care provider shall have
16 a valid tax identification number.

17 (7) For any reimbursement by the Secretary
18 from the Provider Relief Fund to an eligible health
19 care provider that is a subsidiary of a parent organi-
20 zation, the parent organization may, allocate
21 (through transfers or otherwise) all or any portion
22 of such reimbursement among the subsidiary eligible
23 health care providers of the parent organization, in-
24 cluding reimbursements referred to by the Secretary
25 as “Targeted Distribution” payments, among sub-

1 subsidiary eligible health care providers of the parent
2 organization, except that responsibility for reporting
3 the reallocated reimbursement shall remain with the
4 original recipient of such reimbursement.

5 (8) For any reimbursement from the Provider
6 Relief Fund to an eligible health care provider for
7 health care related expenses or lost revenues that
8 are attributable to coronavirus (including reimburse-
9 ments made before the date of the enactment of this
10 Act), such provider may calculate such lost revenues
11 using the Frequently Asked Questions guidance re-
12 leased by the Department of Health and Human
13 Services in June 2020, including the difference be-
14 tween such provider's budgeted and actual revenue
15 budget if such budget had been established and ap-
16 proved prior to March 27, 2020.

17 (9) Not later than 3 years after final payments
18 are made under this section, the Office of Inspector
19 General of the Department of Health and Human
20 Services shall transmit a final report on audit find-
21 ings with respect to this program to the Committee
22 on Appropriations of the Senate and the Committee
23 on Appropriations of the House of Representatives.

24 (10) Nothing in this section limits the authority
25 of the Inspector General or the Comptroller General

1 of the United States to conduct audits of interim
2 payments at an earlier date.

3 (11) Not later than 60 days after the date of
4 enactment of this Act, the Secretary shall provide a
5 report to the Committee on Appropriations of the
6 Senate and the Committee on Appropriations of the
7 House of Representatives on the obligation of funds,
8 including obligations to such eligible health care pro-
9 viders, summarized by State of the payment receipt.
10 Such report shall be updated and submitted to such
11 Committees every 60 days until funds are expended.

12 (c) APPLICATION OF REQUIREMENTS, RULES, AND
13 PROCEDURES.—The Secretary shall apply any require-
14 ments, rules, or procedures as the Secretary determines
15 appropriate for the efficient execution of this section.

16 (d) APPLICATION OF PROVISIONS.—Amounts appro-
17 priated pursuant to this section and pursuant to title II
18 of Public Law 117–2 shall be subject to the requirements
19 contained in Public Law 116–260 for funds for programs
20 authorized under sections 330 through 340 of the Public
21 Health Service Act (42 U.S.C. 254b through 256).

22 (e) DEFINITIONS.—For purposes of this section:

23 (1) The term “eligible health care providers”
24 means public entities, Medicare or Medicaid enrolled
25 suppliers and providers, and such for-profit entities

1 and not-for-profit entities not otherwise described in
 2 this paragraph as the Secretary may specify, within
 3 the United States (including territories), that pro-
 4 vide diagnoses, testing, or care for individuals with
 5 possible or actual cases of COVID–19.

6 (2) The term “payment” means a pre-payment,
 7 prospective payment, or retrospective payment, as
 8 the Secretary determines appropriate.

9 **SEC. 3. RURAL HEALTH CLINIC PAYMENTS.**

10 (a) IN GENERAL.—Section 1833(f)(3) of the Social
 11 Security Act (42 U.S.C. 1395l(f)(3)) is amended—

12 (1) in subparagraph (A)—

13 (A) in clause (i), by striking subclauses (I)
 14 and (II) and inserting the following:

15 “(I) with respect to a rural
 16 health clinic that had a per visit pay-
 17 ment amount established for services
 18 furnished in 2020—

19 “(aa) the per visit payment
 20 amount applicable to such rural
 21 health clinic for rural health clin-
 22 ic services furnished in 2020, in-
 23 creased by the percentage in-
 24 crease in the MEI applicable to

1 primary care services furnished
 2 as of the first day of 2021; or

3 “(bb) the limit described in
 4 paragraph (2)(A); and

5 “(II) with respect to a rural
 6 health clinic that did not have a per
 7 visit payment amount established for
 8 services furnished in 2020—

9 “(aa) the per visit payment
 10 amount applicable to such rural
 11 health clinic for rural health clin-
 12 ic services furnished in 2021; or

13 “(bb) the limit described in
 14 paragraph (2)(A); and”; and

15 (B) in clause (ii)(I), by striking “under
 16 clause (i)(I)” and inserting “under subclause
 17 (I) or (II) of clause (i), as applicable,”; and

18 (2) by striking subparagraph (B) and inserting
 19 the following:

20 “(B) A rural health clinic described in this subpara-
 21 graph is a rural health clinic that—

22 “(i) as of December 31, 2020, is in a hospital
 23 with less than 50 beds and after such date such hos-
 24 pital continues to have less than 50 beds (not taking
 25 into account any increase in the number of beds pur-

1 suant to a waiver under subsection (b)(1)(A) of sec-
 2 tion 1135 during the emergency period described in
 3 subsection (g)(1)(B) of such section); and

4 “(ii)(I) as of December 31, 2020, was enrolled
 5 under section 1866(j) (including temporary enroll-
 6 ment during such emergency period for such emer-
 7 gency period); or

8 “(II) submitted an application to enroll under
 9 section 1866(j) (or a request for such a temporary
 10 enrollment for such emergency period) that was re-
 11 ceived not later than December 31, 2020.”.

12 (b) EFFECTIVE DATE.—The amendments made by
 13 this section shall take effect as if included in the enact-
 14 ment of the Consolidated Appropriations Act, 2021 (Pub-
 15 lic Law 116–260).

16 **SEC. 4. RESCISSION OF APPROPRIATIONS FOR THE**
 17 **CORONAVIRUS STATE FISCAL RECOVERY**
 18 **FUND.**

19 (a) RESCISSION.—Of the unobligated balances of
 20 amounts appropriated under section 602(a)(1) of the So-
 21 cial Security Act (as added by section 9901 of the Amer-
 22 ican Rescue Plan Act of 2021 (Public Law 117–2)) on
 23 the date of enactment of this Act, \$12,300,000,000 is re-
 24 scinded.

1 (b) CONFORMING AMENDMENTS.—Section 602 of the
 2 Social Security Act (as added by section 9901 of the
 3 American Rescue Plan Act of 2021 (Public Law 117–2))
 4 is amended—

5 (1) in subsection (a)(1), by striking
 6 “\$219,800,000,000” and inserting
 7 “\$207,500,000,000”; and

8 (2) in subsection (b)(3)(A), by striking
 9 “\$195,300,000,000” and inserting
 10 “\$183,000,000,000”.

11 **SEC. 5. INDIVIDUALS NOT LAWFULLY PRESENT IN UNITED**
 12 **STATES PRECLUDED FROM 2021 RECOVERY**
 13 **REBATES.**

14 (a) IN GENERAL.—Section 6428B(c) of the Internal
 15 Revenue Code of 1986, as added by the American Rescue
 16 Plan Act of 2021, is amended by striking “and” at the
 17 end of paragraph (2), by redesignating paragraph (3) as
 18 paragraph (4), and by inserting after paragraph (2) the
 19 following new paragraph:

20 “(3) any individual who was not lawfully
 21 present in the United States as of the date of the
 22 enactment of the American Rescue Plan Act of
 23 2021, and”.

24 (b) EFFECTIVE DATE.—The amendments made by
 25 this section shall take effect as if included in the enact-

1 ment of section 9601 of the American Rescue Plan Act
2 of 2021.

3 **SEC. 6. INCARCERATED INDIVIDUALS PRECLUDED FROM**
4 **2021 RECOVERY REBATES.**

5 (a) IN GENERAL.—Section 6428B(c) of the Internal
6 Revenue Code of 1986, as added by the American Rescue
7 Plan Act of 2021 and amended by the preceding provi-
8 sions of this Act, is amended by striking “and” at the
9 end of paragraph (3), by redesignating paragraph (4) as
10 paragraph (5), and by inserting after paragraph (3) the
11 following new paragraph:

12 “(4) any individual who was incarcerated on the
13 date of the enactment of the American Rescue Plan
14 Act of 2021, and”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect as if included in the enact-
17 ment of section 9601 of the American Rescue Plan Act
18 of 2021.

19 **SEC. 7. INDIVIDUALS NOT LAWFULLY PRESENT IN UNITED**
20 **STATES PRECLUDED FROM RECEIVING**
21 **COBRA CONTINUATION COVERAGE.**

22 (a) IN GENERAL.—Section 9501(a)(3) of the Amer-
23 ican Rescue Plan Act of 2021 (Public Law 117–2) is
24 amended—

1 (1) in subparagraph (A), by striking at the end
2 “and”;

3 (2) in subparagraph (B), by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(C) is lawfully present in the United
8 States as of the date of the enactment of this
9 Act.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 subsection (a) shall take effect as if included in the enact-
12 ment of section 9501 of the American Rescue Plan Act
13 of 2021.

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