

John Barrasso
S.L.

117TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

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”,

1 \$12,300,000,000, to remain available until expended, to
2 prevent, prepare for, and respond to coronavirus, domesti-
3 cally or internationally, which shall be for necessary ex-
4 penses to reimburse, through grants or other mechanisms,
5 eligible health care providers for health care related ex-
6 penses or lost revenues that are attributable to
7 coronavirus.

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

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

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

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

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

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

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

20 (7) For any reimbursement by the Secretary
21 from the Provider Relief Fund to an eligible health
22 care provider that is a subsidiary of a parent organi-
23 zation, the parent organization may, allocate
24 (through transfers or otherwise) all or any portion
25 of such reimbursement among the subsidiary eligible

1 health care providers of the parent organization, in-
2 cluding reimbursements referred to by the Secretary
3 as “Targeted Distribution” payments, among sub-
4 subsidiary eligible health care providers of the parent
5 organization, except that responsibility for reporting
6 the reallocated reimbursement shall remain with the
7 original recipient of such reimbursement.

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

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

1 on Appropriations of the Senate and the Committee
2 on Appropriations of the House of Representatives.

3 (10) Nothing in this section limits the authority
4 of the Inspector General or the Comptroller General
5 of the United States to conduct audits of interim
6 payments at an earlier date.

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

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

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

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

2 (1) The term “eligible health care providers”
3 means public entities, Medicare or Medicaid enrolled
4 suppliers and providers, and such for-profit entities
5 and not-for-profit entities not otherwise described in
6 this paragraph as the Secretary may specify, within
7 the United States (including territories), that pro-
8 vide diagnoses, testing, or care for individuals with
9 possible or actual cases of COVID–19.

10 (2) The term “payment” means a pre-payment,
11 prospective payment, or retrospective payment, as
12 the Secretary determines appropriate.

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

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

16 (1) in subparagraph (A)—

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

19 “(I) with respect to a rural
20 health clinic that had a per visit pay-
21 ment amount established for services
22 furnished in 2020—

23 “(aa) the per visit payment
24 amount applicable to such rural
25 health clinic for rural health clin-

1 ic services furnished in 2020, in-
2 creased by the percentage in-
3 crease in the MEI applicable to
4 primary care services furnished
5 as of the first day of 2021; or

6 “(bb) the limit described in
7 paragraph (2)(A); and

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

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

16 “(bb) the limit described in
17 paragraph (2)(A); and”;

18 (B) in clause (ii)(I), by striking “under
19 clause (i)(I)” and inserting “under subclause
20 (I) or (II) of clause (i), as applicable,”; and

21 (2) by striking subparagraph (B) and inserting
22 the following:

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

1 ican Rescue Plan Act of 2021 (Public Law 117–2)) on
2 the date of enactment of this Act, \$12,300,000,000 is re-
3 scinded.

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

8 (1) in subsection (a)(1), by striking
9 “\$219,800,000,000” and inserting
10 “\$207,500,000,000”; and

11 (2) in subsection (b)(3)(A), by striking
12 “\$195,300,000,000” and inserting
13 “\$183,000,000,000”.

14 **SEC. 5. INDIVIDUALS NOT LAWFULLY PRESENT IN UNITED**
15 **STATES PRECLUDED FROM 2021 RECOVERY**
16 **REBATES.**

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

23 “(3) any individual who was not lawfully
24 present in the United States as of the date of the

1 enactment of the American Rescue Plan Act of
2 2021, and”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect as if included in the enact-
5 ment of section 9601 of the American Rescue Plan Act
6 of 2021.

7 **SEC. 6. INCARCERATED INDIVIDUALS PRECLUDED FROM**
8 **2021 RECOVERY REBATES.**

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

16 “(4) any individual who was incarcerated on the
17 date of the enactment of the American Rescue Plan
18 Act of 2021, and”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect as if included in the enact-
21 ment of section 9601 of the American Rescue Plan Act
22 of 2021.

1 **SEC. 7. INDIVIDUALS NOT LAWFULLY PRESENT IN UNITED**
2 **STATES PRECLUDED FROM RECEIVING**
3 **COBRA CONTINUATION COVERAGE.**

4 (a) **IN GENERAL.**—Section 9501(a)(3) of the Amer-
5 ican Rescue Plan Act of 2021 (Public Law 117–2) is
6 amended—

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

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

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(C) is lawfully present in the United
14 States as of the date of the enactment of this
15 Act.”.

16 (b) **EFFECTIVE DATE.**—The amendments made by
17 subsection (a) shall take effect as if included in the enact-
18 ment of section 9501 of the American Rescue Plan Act
19 of 2021.