

*Susan M. Collins*  
S.M.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**AMENDMENT N<sup>o</sup> 1345**

By Collins \_\_\_\_\_

To: Amor No 891 \_\_\_\_\_

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**Page(s)**

GPO: 2020 42-568 (mac)

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COLLINS to

*with  
Mr. Tillis  
Mr. Cramer*

the amendment (No. 891) proposed by Mr. SCHUMER

Viz:

- 1 Strike section 9911 and insert the following:
- 2 **SEC. 9911. FUNDING FOR PROVIDERS RELATING TO COVID-**
- 3 **19.**
- 4 (a) IN GENERAL.—Part A of title XI of the Social
- 5 Security Act (42 U.S.C. 1301 et seq.) is amended by add-
- 6 ing at the end the following:
- 7 **“SEC. 1150C. FUNDING FOR PROVIDERS RELATING TO**
- 8 **COVID-19.**
- 9 “(a) FUNDING.—In addition to amounts otherwise
- 10 available, there is appropriated to the Secretary, for fiscal
- 11 year 2021, out of any monies in the Treasury not other-
- 12 wise appropriated, \$35,000,000,000 for purposes of mak-

1 ing payments to eligible health care providers for health  
2 care related expenses and lost revenues that are attrib-  
3 utable to COVID-19. Amounts appropriated under the  
4 preceding sentence shall remain available until expended.

5 “(b) SPECIAL RULE.—The Secretary shall make not  
6 less than \$8,500,000,000 of the amounts appropriated  
7 under subsection (a) available for eligible health care pro-  
8 viders located in a rural area.

9 “(c) APPLICATION REQUIREMENT.—To be eligible  
10 for a payment under this section, an eligible health care  
11 provider shall submit to the Secretary an application in  
12 such form and manner as the Secretary shall prescribe.  
13 Such application shall contain the following:

14 “(1) A statement justifying the need of the pro-  
15 vider for the payment, including documentation of  
16 the health care related expenses attributable to  
17 COVID-19 and lost revenues attributable to  
18 COVID-19.

19 “(2) The tax identification number of the pro-  
20 vider.

21 “(3) Such assurances as the Secretary deter-  
22 mines appropriate that the eligible health care pro-  
23 vider will maintain and make available such docu-  
24 mentation and submit such reports (at such time, in  
25 such form, and containing such information as the

1 Secretary shall prescribe) as the Secretary deter-  
2 mines is necessary to ensure compliance with any  
3 conditions imposed by the Secretary under this sec-  
4 tion.

5 “(4) Any other information determined appro-  
6 priate by the Secretary.

7 “(d) LIMITATIONS.—Payments made to an eligible  
8 health care provider under this section may not be used  
9 to reimburse any expense or loss that—

10 “(1) has been reimbursed from another source;

11 or

12 “(2) another source is obligated to reimburse.

13 “(e) APPLICATION OF REQUIREMENTS, RULES, AND  
14 PROCEDURES.—The Secretary shall apply any require-  
15 ments, rules, or procedures as the Secretary deems appro-  
16 priate for the efficient execution of this section.

17 “(f) APPLICATION OF PROVISIONS.—Amounts appro-  
18 priated pursuant to this section for fiscal year 2021 shall  
19 be subject to the requirements contained in Public Law  
20 116–94 for funds for programs authorized under sections  
21 330 through 340 of the Public Health Service Act (42  
22 U.S.C. 254b through 256).

23 “(g) DEFINITIONS.—In this section:

24 “(1) ELIGIBLE HEALTH CARE PROVIDER.—The  
25 term ‘eligible health care provider’ means—

1           “(A) a provider of services (as defined in  
2 section 1861(u)) or a supplier (as defined in  
3 section 1861(d)) that—

4           “(i) is enrolled in the Medicare pro-  
5 gram under title XVIII under section  
6 1866(j), including temporarily enrolled  
7 during the emergency period described in  
8 section 1135(g)(1)(B) for such period; and

9           “(ii) provides diagnoses, testing, or  
10 care for individuals with possible or actual  
11 cases of COVID-19;

12           “(B) a provider or supplier that—

13           “(i) is enrolled with a State Medicaid  
14 plan under title XIX (or a waiver of such  
15 plan) in accordance with subsections  
16 (a)(77) and (kk) of section 1902 (including  
17 enrolled pursuant to section 1902(a)(78)  
18 or section 1932(d)(6)) or enrolled with a  
19 State child health plan under title XXI (or  
20 a waiver of such plan) in accordance with  
21 subparagraph (G) of section 2107(e)(1)  
22 (including enrolled pursuant to subpara-  
23 graph (D) or (Q) of such section); and

1                   “(ii) provides diagnoses, testing, or  
2                   care for individuals with possible or actual  
3                   cases of COVID-19;

4                   “(C) an assisted living facility (as defined  
5                   for purposes of the Older Americans Act); or

6                   “(D) a senior congregate home provider  
7                   (as defined by the Secretary).

8                   “(2) HEALTH CARE RELATED EXPENSES AT-  
9                   TRIBUTABLE TO COVID-19.—The term ‘health care  
10                  related expenses attributable to COVID-19’ means  
11                  health care related expenses to prevent, prepare for,  
12                  and respond to COVID-19, including the building or  
13                  construction of a temporary structure, the leasing of  
14                  a property, the purchase of medical supplies and  
15                  equipment, including personal protective equipment  
16                  and testing supplies, providing for increased work-  
17                  force and training, including maintaining staff, ob-  
18                  taining additional staff, or both, the operation of an  
19                  emergency operation center, retrofitting a facility,  
20                  providing for surge capacity, and other expenses de-  
21                  termined appropriate by the Secretary.

22                  “(3) LOST REVENUE ATTRIBUTABLE TO COVID-  
23                  19.—The term ‘lost revenue attributable to COVID-  
24                  19’ has the meaning given that term in the Fre-  
25                  quently Asked Questions guidance released by the

1 Department of Health and Human Services in June  
2 2020, including the difference between such pro-  
3 vider's budgeted and actual revenue if such budget  
4 had been established and approved prior to March  
5 27, 2020.

6 “(4) PAYMENT.— The term ‘payment’ includes,  
7 as determined appropriate by the Secretary, a pre-  
8 payment, a prospective payment, a retrospective pay-  
9 ment, or a payment through a grant or other mecha-  
10 nism.

11 “(5) RURAL AREA.—The term ‘rural area’  
12 means—

13 “(A) a rural area (as defined in section  
14 1886(d)(2)(D));

15 “(B) an area treated as a rural area pur-  
16 suant to section 1886(d)(8)(E); or

17 “(C) any other rural area (as defined by  
18 the Secretary).”.

19 (b) OFFSETS.—Title VI of the Social Security Act  
20 (42 U.S.C. 801 et seq.), as amended by section 9901, is  
21 further amended—

22 (1) in section 602—

23 (A) in subsection (a)(1), by striking

24 “\$219,800,000,000” and inserting

25 “\$203,600,000,000”; and

1 (B) in subsection (b)(3)(A), by striking  
2 “\$195,300,000,000” and inserting  
3 “\$179,100,000,000”; and  
4 (2) by striking section 604.