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116TH CONGRESS
1ST SESSION**H. R. 4378**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2019

Received; read the first time

SEPTEMBER 23, 2019

Read the second time and placed on the calendar

AN ACT

Making continuing appropriations for fiscal year 2020, 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 “Continuing Appropria-
5 tions Act, 2020, and Health Extenders Act of 2019”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

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

DIVISION B—HEALTH AND HUMAN SERVICES EXTENDERS AND
OTHER MATTERS

TITLE I—PUBLIC HEALTH EXTENDERS

TITLE II—OTHER HEALTH EXTENDERS

TITLE III—MEDICAID EXTENDERS

TITLE IV—MEDICARE EXTENDERS

TITLE V—HUMAN SERVICES EXTENDERS

TITLE VI—MISCELLANEOUS POLICIES

TITLE VII—BUDGETARY EFFECTS

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 **DIVISION A—CONTINUING**

7 **APPROPRIATIONS ACT, 2020**

8 The following sums are hereby appropriated, out of
9 any money in the Treasury not otherwise appropriated,
10 and out of applicable corporate or other revenues, receipts,
11 and funds, for the several departments, agencies, corpora-
12 tions, and other organizational units of Government for
13 fiscal year 2020, and for other purposes, namely:

14 SEC. 101. Such amounts as may be necessary, at a
15 rate for operations as provided in the applicable appro-
16 priations Acts for fiscal year 2019 and under the authority
17 and conditions provided in such Acts, for continuing
18 projects or activities (including the costs of direct loans

1 and loan guarantees) that are not otherwise specifically
2 provided for in this Act, that were conducted in fiscal year
3 2019, and for which appropriations, funds, or other au-
4 thority were made available in the following appropriations
5 Acts:

6 (1) The Agriculture, Rural Development, Food
7 and Drug Administration, and Related Agencies Ap-
8 propriations Act, 2019 (division B of Public Law
9 116–6), except that the language under the heading
10 “Rural Utilities Service—Rural Water and Waste
11 Disposal Program Account” in title III shall be ap-
12 plied by inserting “the cost of direct loans,” before
13 “loan guarantees” at the beginning of the second
14 sentence in the matter preceding the first proviso.

15 (2) The Commerce, Justice, Science, and Re-
16 lated Agencies Appropriations Act, 2019 (division C
17 of Public Law 116–6), except section 523(b)(6).

18 (3) The Department of Defense Appropriations
19 Act, 2019 (division A of Public Law 115–245).

20 (4) The Energy and Water Development and
21 Related Agencies Appropriations Act, 2019 (division
22 A of Public Law 115–244), except section 505.

23 (5) The Financial Services and General Govern-
24 ment Appropriations Act, 2019 (division D of Public
25 Law 116–6).

1 (6) The Department of Homeland Security Ap-
2 propriations Act, 2019 (division A of Public Law
3 116–6) as amended, and title I of division H of Pub-
4 lic Law 116–6.

5 (7) The Department of the Interior, Environ-
6 ment, and Related Agencies Appropriations Act,
7 2019 (division E of Public Law 116–6).

8 (8) The Departments of Labor, Health and
9 Human Services, and Education, and Related Agen-
10 cies Appropriations Act, 2019 (division B of Public
11 Law 115–245).

12 (9) The Legislative Branch Appropriations Act,
13 2019 (division B of Public Law 115–244).

14 (10) The Military Construction, Veterans Af-
15 fairs, and Related Agencies Appropriations Act,
16 2019 (division C of Public Law 115–244).

17 (11) The Department of State, Foreign Oper-
18 ations, and Related Programs Appropriations Act,
19 2019 (division F of Public Law 116–6), except sec-
20 tion 7058(d).

21 (12) The Transportation, Housing and Urban
22 Development, and Related Agencies Appropriations
23 Act, 2019 (division G of Public Law 116–6).

1 SEC. 102. (a) No appropriation or funds made avail-
2 able or authority granted pursuant to section 101 for the
3 Department of Defense shall be used for:

4 (1) the new production of items not funded for
5 production in fiscal year 2019 or prior years;

6 (2) the increase in production rates above those
7 sustained with fiscal year 2019 funds; or

8 (3) the initiation, resumption, or continuation
9 of any project, activity, operation, or organization
10 (defined as any project, subproject, activity, budget
11 activity, program element, and subprogram within a
12 program element, and for any investment items de-
13 fined as a P–1 line item in a budget activity within
14 an appropriation account and an R–1 line item that
15 includes a program element and subprogram element
16 within an appropriation account) for which appro-
17 priations, funds, or other authority were not avail-
18 able during fiscal year 2019.

19 (b) No appropriation or funds made available or au-
20 thority granted pursuant to section 101 for the Depart-
21 ment of Defense shall be used to initiate multi-year pro-
22 curements utilizing advance procurement funding for eco-
23 nomic order quantity procurement unless specifically ap-
24 propriated later.

1 SEC. 103. Appropriations made by section 101 shall
2 be available to the extent and in the manner that would
3 be provided by the pertinent appropriations Act.

4 SEC. 104. Except as otherwise provided in section
5 102, no appropriation or funds made available or author-
6 ity granted pursuant to section 101 shall be used to ini-
7 tiate or resume any project or activity for which appro-
8 priations, funds, or other authority were not available dur-
9 ing fiscal year 2019.

10 SEC. 105. Appropriations made and authority grant-
11 ed pursuant to this Act shall cover all obligations or ex-
12 penditures incurred for any project or activity during the
13 period for which funds or authority for such project or
14 activity are available under this Act.

15 SEC. 106. Unless otherwise provided for in this Act
16 or in the applicable appropriations Act for fiscal year
17 2020, appropriations and funds made available and au-
18 thority granted pursuant to this Act shall be available
19 until whichever of the following first occurs:

20 (1) The enactment into law of an appropriation
21 for any project or activity provided for in this Act.

22 (2) The enactment into law of the applicable
23 appropriations Act for fiscal year 2020 without any
24 provision for such project or activity.

25 (3) November 21, 2019.

1 SEC. 107. Expenditures made pursuant to this Act
2 shall be charged to the applicable appropriation, fund, or
3 authorization whenever a bill in which such applicable ap-
4 propriation, fund, or authorization is contained is enacted
5 into law.

6 SEC. 108. Appropriations made and funds made
7 available by or authority granted pursuant to this Act may
8 be used without regard to the time limitations for submis-
9 sion and approval of apportionments set forth in section
10 1513 of title 31, United States Code, but nothing in this
11 Act may be construed to waive any other provision of law
12 governing the apportionment of funds.

13 SEC. 109. Notwithstanding any other provision of
14 this Act, except section 106, for those programs that
15 would otherwise have high initial rates of operation or
16 complete distribution of appropriations at the beginning
17 of fiscal year 2020 because of distributions of funding to
18 States, foreign countries, grantees, or others, such high
19 initial rates of operation or complete distribution shall not
20 be made, and no grants shall be awarded for such pro-
21 grams funded by this Act that would impinge on final
22 funding prerogatives.

23 SEC. 110. This Act shall be implemented so that only
24 the most limited funding action of that permitted in the

1 Act shall be taken in order to provide for continuation of
2 projects and activities.

3 SEC. 111. (a) For entitlements and other mandatory
4 payments whose budget authority was provided in appro-
5 priations Acts for fiscal year 2019, and for activities under
6 the Food and Nutrition Act of 2008, activities shall be
7 continued at the rate to maintain program levels under
8 current law, under the authority and conditions provided
9 in the applicable appropriations Act for fiscal year 2019,
10 to be continued through the date specified in section
11 106(3).

12 (b) Notwithstanding section 106, obligations for man-
13 datory payments due on or about the first day of any
14 month that begins after October 2019 but not later than
15 30 days after the date specified in section 106(3) may con-
16 tinue to be made, and funds shall be available for such
17 payments.

18 SEC. 112. Amounts made available under section 101
19 for civilian personnel compensation and benefits in each
20 department and agency may be apportioned up to the rate
21 for operations necessary to avoid furloughs within such de-
22 partment or agency, consistent with the applicable appro-
23 priations Act for fiscal year 2019, except that such author-
24 ity provided under this section shall not be used until after
25 the department or agency has taken all necessary actions

1 to reduce or defer non-personnel-related administrative ex-
2 penses.

3 SEC. 113. Funds appropriated by this Act may be
4 obligated and expended notwithstanding section 10 of
5 Public Law 91–672 (22 U.S.C. 2412), section 15 of the
6 State Department Basic Authorities Act of 1956 (22
7 U.S.C. 2680), section 313 of the Foreign Relations Au-
8 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.
9 6212), and section 504(a)(1) of the National Security Act
10 of 1947 (50 U.S.C. 3094(a)(1)).

11 SEC. 114. (a) Each amount incorporated by reference
12 in this Act that was previously designated by the Congress
13 for Overseas Contingency Operations/Global War on Ter-
14 rorism or as an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985 or as being for disaster relief
17 pursuant to section 251(b)(2)(D) of such Act is des-
18 ignated by the Congress for Overseas Contingency Oper-
19 ations/Global War on Terrorism or as an emergency re-
20 quirement pursuant to section 251(b)(2)(A) of such Act
21 or as being for disaster relief pursuant to section
22 251(b)(2)(D) of such Act, respectively.

23 (b) Section 5 of Public Law 116–6 shall apply to
24 amounts designated in subsection (a) and section 124 of

1 this Act for Overseas Contingency Operations/Global War
2 on Terrorism.

3 (c) This section shall become effective immediately
4 upon enactment of this Act, and shall remain in effect
5 through the date in section 106(3).

6 SEC. 115. (a) Rescissions or cancellations of discre-
7 tionary budget authority that continue pursuant to section
8 101 in Treasury Appropriations Fund Symbols (TAFS)—

9 (1) to which other appropriations are not pro-
10 vided by this Act, but for which there is a current
11 applicable TAFS that does receive an appropriation
12 in this Act; or

13 (2) which are no-year TAFS and receive other
14 appropriations in this Act,

15 may be continued instead by reducing the rate for oper-
16 ations otherwise provided by section 101 for such current
17 applicable TAFS, as long as doing so does not impinge
18 on the final funding prerogatives of the Congress.

19 (b) Rescissions or cancellations described in sub-
20 section (a) shall continue in an amount equal to the lesser
21 of—

22 (1) the amount specified for rescission or can-
23 cellation in the applicable appropriations Act ref-
24 erenced in section 101 of this Act; or

1 (2) the amount of balances available, as of Oc-
2 tober 1, 2019, from the funds specified for rescission
3 or cancellation in the applicable appropriations Act
4 referenced in section 101 of this Act.

5 (c) No later than November 11, 2019, the Director
6 of the Office of Management and Budget shall provide to
7 the Committees on Appropriations of the House of Rep-
8 resentatives and the Senate a comprehensive list of the
9 rescissions or cancellations that will continue pursuant to
10 section 101: *Provided*, That the information in such com-
11 prehensive list shall be periodically updated to reflect any
12 subsequent changes in the amount of balances available,
13 as of October 1, 2019, from the funds specified for rescis-
14 sion or cancellation in the applicable appropriations Act
15 referenced in section 101, and such updates shall be trans-
16 mitted to the Committees on Appropriations of the House
17 of Representatives and the Senate upon request.

18 SEC. 116. Title I of the Additional Supplemental Ap-
19 propriations for Disaster Relief Act, 2019 (Public Law
20 116–20) is amended in the matter under the heading “De-
21 partment of Agriculture—Office of the Secretary” by in-
22 serting “to cooperative processors for reduced quantity
23 and quality sugar beets,” after “planting in 2019,”: *Pro-*
24 *vided*, That amounts repurposed pursuant to this section
25 that were previously designated by the Congress as an

1 emergency requirement pursuant to the Balanced Budget
2 and Emergency Deficit Control Act of 1985 are des-
3 ignated by the Congress as an emergency requirement
4 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
5 et and Emergency Deficit Control Act of 1985 and shall
6 be available only if the President subsequently so des-
7 ignates all such amounts and transmits such designations
8 to the Congress.

9 SEC. 117. The Secretary of Agriculture may waive
10 the matching funds requirement under Section 412(g) of
11 the Agricultural Research, Extension, and Education Re-
12 form Act of 1998 (7 U.S.C. 7632(g)).

13 SEC. 118. Amounts made available by section 101 for
14 “Department of Agriculture—Food and Nutrition Serv-
15 ice—Child Nutrition Programs” to carry out section
16 749(g) of the Agriculture, Rural Development, Food and
17 Drug Administration, and Related Agencies Appropria-
18 tions Act, 2010 (Public Law 111–80) may be apportioned
19 up to the rate for operations necessary to ensure that the
20 program can be fully operational by May 2020.

21 SEC. 119. Amounts provided by section 111 to the
22 Department of Agriculture for “Corporations—Com-
23 modity Credit Corporation Fund—Reimbursement for Net
24 Realized Losses” may be used, prior to the completion of
25 the report described in section 2 of the Act of August 17,

1 1961 (15 U.S.C. 713a–11), to reimburse the Commodity
2 Credit Corporation for net realized losses sustained, but
3 not previously reimbursed, as of September 17, 2019: *Pro-*
4 *vided*, That the Secretary of Agriculture shall submit a
5 report, no later than October 31, 2019, to the Committees
6 on Appropriations and Agriculture of both Houses of Con-
7 gress, including estimates for all Market Facilitation Pro-
8 gram payments, in calendar year 2018 and 2019 and pro-
9 jected payments in calendar year 2020 resulting from the
10 calendar year 2019 program that include State-by-State,
11 commodity-by-commodity, including specialty crops, anal-
12 ysis of the trade damage caused by retaliatory tariffs and
13 separately by non-tariff trade barriers, including dumping,
14 on U.S. agricultural producers, and an accounting of any
15 commodity purchases made from substantially foreign-
16 owned companies or their subsidiaries.

17 SEC. 120. In addition to amounts provided by section
18 101, amounts are provided for “Department of Agri-
19 culture—Agricultural Marketing Service—Marketing
20 Services” at a rate for operations of \$16,496,000 to con-
21 tinue the implementation of the Hemp Production Pro-
22 gram (section 10113 of Public Law 115–334).

23 SEC. 121. Amounts made available by section 101 for
24 “International Trade Commission—Salaries and Ex-
25 penses” may be apportioned up to the rate for operations

1 necessary to carry out responsibilities under the American
2 Manufacturing Competitiveness Act of 2016 (Public Law
3 114–159).

4 SEC. 122. Amounts made available by section 101 to
5 the Department of Commerce for “Bureau of the Cen-
6 sus—Periodic Censuses and Programs” may be appor-
7 tioned up to the rate for operations necessary to maintain
8 the schedule and deliver the required data according to
9 the statutory deadlines in the 2020 Decennial Census Pro-
10 gram.

11 SEC. 123. Notwithstanding section 2208(l)(3) of title
12 10, United States Code, during the period covered by this
13 Act, any advanced billing for background investigation
14 services and related services purchased from activities fi-
15 nanced using Defense Working Capital Funds shall be ex-
16 cluded from the calculation of cumulative advance billings
17 under section 2208(l)(3) of such title. In the preceding
18 sentence, the term “advance billing” has the meaning
19 given the term in section 2208(l)(4) of such title.

20 SEC. 124. (a) The remaining unobligated balances of
21 funds as of September 30, 2019, from amounts provided
22 by section 9013 of division A of Public Law 115–245 are
23 hereby rescinded: *Provided*, That such amounts that were
24 previously designated by the Congress as being for Over-
25 seas Contingency Operations/Global War on Terrorism

1 pursuant to section 251(b)(2)(A)(ii) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985 are
3 designated by the Congress as being for Overseas Contingency
4 Operations/Global War on Terrorism pursuant to
5 that section of that Act.

6 (b) In addition to the amount otherwise provided by
7 section 101 for the “Ukraine Security Assistance Initiative”, there is appropriated on September 30, 2019, for
8 an additional amount for fiscal year 2019, an amount
9 equal to the unobligated balances rescinded pursuant to
10 subsection (a) of this section: *Provided*, That amounts
11 made available pursuant to this subsection shall remain
12 available until September 30, 2020, and shall be available
13 for the same purposes and under the same authorities for
14 which they were originally provided in Public Law 115–
15 245: *Provided further*, That such amount is designated by
16 the Congress as being for Overseas Contingency Operations/Global War on Terrorism pursuant to section
17 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

21 (c) This section shall become effective immediately
22 upon enactment of this Act.

23 (d) If this Act is enacted after September 30, 2019,
24 or if the designation in subsection 114(b) occurs after Sep-

1 tember 30, 2019, this section shall be applied as if it were
2 in effect on September 30, 2019.

3 SEC. 125. (a) No funds shall be transferred directly
4 from “Department of Energy—Power Marketing Admin-
5 istration—Colorado River Basins Power Marketing Fund,
6 Western Area Power Administration” to the general fund
7 of the Treasury in fiscal year 2019.

8 (b) This section shall become effective immediately
9 upon enactment of this Act.

10 SEC. 126. During the period covered by this Act, title
11 I of Public Law 108–361, as amended (the Califed Bay-
12 Delta Authorization Act) (118 Stat. 1681), shall be ap-
13 plied by substituting “2020” for “2019” each place it ap-
14 pears.

15 SEC. 127. Notwithstanding section 101, title I of divi-
16 sion D of Public Law 116–6 shall be applied by adding
17 the following new heading and appropriation language
18 under the heading “Department of the Treasury—Depart-
19 mental Offices”:

20 “COMMITTEE ON FOREIGN INVESTMENT IN
21 THE UNITED STATES FUND

22 “For necessary expenses of the Committee on For-
23 eign Investment in the United States, \$15,000,000, to re-
24 main available until expended: *Provided*, That the chair-
25 person of the Committee may transfer such amounts to

1 any department or agency represented on the Committee
2 (including the Department of the Treasury) subject to ad-
3 vance notification to the Committees on Appropriations of
4 the House of Representatives and the Senate: *Provided*
5 *further*, That amounts so transferred shall remain avail-
6 able until expended for expenses of implementing section
7 721 of the Defense Production Act of 1950, as amended
8 (50 U.S.C. 4565), and shall be available in addition to
9 any other funds available to any department or agency:
10 *Provided further*, That fees authorized by section 721(p)
11 of such Act shall be credited to this appropriation as off-
12 setting collections: *Provided further*, That the total amount
13 appropriated pursuant to this section from the general
14 fund shall be reduced as such offsetting collections are re-
15 ceived during this fiscal year, so as to result in a total
16 appropriation from the general fund estimated at not more
17 than \$5,000,000.”.

18 SEC. 128. Notwithstanding any other provision of
19 this Act, except section 106, the District of Columbia may
20 expend local funds made available under the heading “Dis-
21 trict of Columbia—District of Columbia Funds” for such
22 programs and activities under the District of Columbia
23 Appropriations Act, 2019 (title IV of division D of Public
24 Law 116–6) at the rate set forth in the Fiscal Year 2020

1 Local Budget Act of 2019 (D.C. Act 23–78), as modified
2 as of the date of enactment of this Act.

3 SEC. 129. In addition to amounts provided by section
4 101, amounts are provided to the Office of Personnel
5 Management for “Salaries and Expenses” at a rate for
6 operations of \$48,000,000, for an additional amount for
7 administrative expenses: *Provided*, That of such amounts,
8 \$29,760,000 shall be transferred from the appropriate
9 trust funds of the Office without regard to any other pro-
10 vision of law: *Provided further*, That such amounts may
11 be apportioned up to the rate for operations necessary to
12 maintain agency operations.

13 SEC. 130. Notwithstanding section 101, the matter
14 preceding the first proviso under the heading “Small Busi-
15 ness Administration—Business Loans Program Account”
16 in title V of division D of Public Law 116–6 shall be ap-
17 plied as if the following were inserted before the colon:
18 “, and for the cost of guaranteed loans as authorized by
19 section 7(a) of the Small Business Act (Public Law 83–
20 163), \$99,000,000, to remain available until expended”:
21 *Provided*, That amounts made available under such head-
22 ing by this Act may be apportioned up to the rate for oper-
23 ations necessary to accommodate increased demand for
24 commitments for general business loans authorized under
25 section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

1 SEC. 131. Notwithstanding section 101, amounts are
2 provided for “Small Business Administration—Disaster
3 Loans Program Account” at a rate for operations of
4 \$177,136,000: *Provided*, That amounts made available
5 under such heading by this Act may be apportioned up
6 to the rate for operations necessary to accommodate in-
7 creased demand for commitments for disaster administra-
8 tive expenses authorized under section 20(a) of the Small
9 Business Act (15 U.S.C. 631): *Provided further*, That the
10 language under such heading in title V of division D of
11 Public Law 116–6 shall be applied by—

12 (1) substituting “\$1,600,000” for
13 “\$1,000,000”;

14 (2) substituting “\$8,400,000” for
15 “\$9,000,000”; and

16 (3) inserting the following before the period: “;
17 and of which \$167,136,000 is for direct administra-
18 tive expenses of loan making and servicing to carry
19 out the direct loan program, which may be trans-
20 ferred to and merged with the appropriations for
21 Salaries and Expenses: *Provided*, That, of the funds
22 provided under this heading, \$150,888,000 shall be
23 for major disasters declared pursuant to the Robert
24 T. Stafford Disaster Relief and Emergency Assist-
25 ance Act (42 U.S.C. 5122(2)): *Provided further*,

1 That the amount for major disasters under this
2 heading is designated by Congress as being for dis-
3 aster relief pursuant to section 251(b)(2)(D) of the
4 Balanced Budget and Emergency Deficit Control
5 Act of 1985 (Public Law 99–177)”.

6 SEC. 132. Amounts made available by section 101 to
7 the Department of Homeland Security for “United States
8 Secret Service—Operations and Support” may be appor-
9 tioned up to the rate for operations necessary to support
10 hiring and operations required for protective activities as-
11 sociated with the 2020 presidential election campaign.

12 SEC. 133. Amounts made available by section 101 to
13 the Department of Homeland Security for “Federal Emer-
14 gency Management Agency—Disaster Relief Fund” may
15 be apportioned up to the rate for operations necessary to
16 carry out response and recovery activities under the Rob-
17 ert T. Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5121 et seq.).

19 SEC. 134. (a) Sections 1309(a) and 1319 of the Na-
20 tional Flood Insurance Act of 1968 (42 U.S.C. 4016(a)
21 and 4026) shall be applied by substituting the date speci-
22 fied in section 106(3) of this Act for “September 30,
23 2019”.

1 (b) If this Act is enacted after September 30, 2019,
2 this section shall be applied as if it were in effect on Sep-
3 tember 30, 2019.

4 SEC. 135. Amounts made available by section 101 to
5 the Department of Homeland Security for “Office of the
6 Secretary and Executive Management—Operations and
7 Support”, “Management Directorate—Operations and
8 Support”, and “Intelligence, Analysis, and Operations Co-
9 ordination—Operations and Support” may be apportioned
10 up to the rate for operations necessary to carry out activi-
11 ties previously funded by the Working Capital Fund of
12 the Department of Homeland Security, consistent with the
13 fiscal year 2020 President’s Budget.

14 SEC. 136. (a) In addition to amounts provided by sec-
15 tion 101, amounts are provided to the “Department of
16 Health and Human Services—Indian Health Service—In-
17 dian Health Services” at a rate for operations of
18 \$18,397,500, for an additional amount for costs of staff-
19 ing and operating facilities that were opened, renovated,
20 or expanded in fiscal years 2019 and 2020, and such
21 amounts may be apportioned up to the rate for operations
22 necessary to staff and operate such facilities.

23 (b) In addition to amounts provided by section 101,
24 amounts are provided for “Department of Health and
25 Human Services—Indian Health Service—Indian Health

1 Facilities” at a rate for operations of \$631,000, for an
2 additional amount for costs of staffing and operating fa-
3 cilities that were opened, renovated, or expanded in fiscal
4 years 2019 and 2020, and such amounts may be appor-
5 tioned up to the rate for operations necessary to staff and
6 operate such facilities.

7 SEC. 137. Amounts made available by section 101 to
8 the Department of Health and Human Services for “Cen-
9 ters for Disease Control and Prevention—Public Health
10 Preparedness and Response” and “Office of the Sec-
11 retary—Public Health and Social Services Emergency
12 Fund” may be obligated in the account and budget struc-
13 ture, and under the authorities and conditions, set forth
14 in H.R. 2740, as passed by the U.S. House of Representa-
15 tives on June 19, 2019.

16 SEC. 138. During the period covered by this Act, up
17 to \$20,000,000 of the unobligated amounts in the Infec-
18 tious Diseases Rapid Response Reserve Fund established
19 by section 231 of division B of Public Law 115–245 may
20 be transferred to “Department of Health and Human
21 Services—Centers for Disease Control and Prevention—
22 CDC–Wide Activities and Program Support” and shall be
23 available until expended for Ebola preparedness and re-
24 sponse activities without regard to the limitations in the
25 third proviso in such section 231: *Provided*, That the Di-

1 rector of the Centers for Disease Control and Prevention
2 may transfer such amounts to any of the appropriations
3 accounts under the heading “Centers for Disease Control
4 and Prevention” for Ebola response activities: *Provided*
5 *further*, That such transfer authority shall be in addition
6 to any other transfer authority provided to the Depart-
7 ment of Health and Human Services.

8 SEC. 139. Section 114(f) of the Higher Education
9 Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by sub-
10 stituting the date specified in section 106(3) of this Act
11 for “September 30, 2019”.

12 SEC. 140. Amounts made available by section 101 for
13 “Department of Veterans Affairs—Veterans Benefits Ad-
14 ministration—General Operating Expenses, Veterans
15 Benefits Administration” and “Department of Veterans
16 Affairs—Departmental Administration—Information
17 Technology Systems” may be apportioned up to the rate
18 for operations necessary to support projects and activities
19 created by the Blue Water Navy Vietnam Veterans Act
20 of 2019 (Public Law 116–23).

21 SEC. 141. Section 7 of the Export-Import Bank Act
22 of 1945 (12 U.S.C. 635f) shall be applied by substituting
23 the date specified in section 106(3) of this Act for “Sep-
24 tember 30, 2019”.

1 SEC. 142. Section 209 of the International Religious
2 Freedom Act of 1998 (22 U.S.C. 6436) shall be applied
3 by substituting the date specified in section 106(3) of this
4 Act for “September 30, 2019”.

5 SEC. 143. Title I of division L of Public Law 115–
6 141 and title I of division G of Public Law 116–6 shall
7 be amended in the first provisos in each Act under the
8 headings “Department of Transportation—Federal Tran-
9 sit Administration—Capital Investment Grants” by strik-
10 ing “obligated” and inserting “allocated”.

11 SEC. 144. Section 9503(e)(4) of the Internal Revenue
12 Code of 1986 shall not apply during the period covered
13 by this Act.

14 SEC. 145. Amounts made available by section 101 to
15 the Department of Housing and Urban Development for
16 “Housing Programs—Housing for the Elderly” may be
17 apportioned up to the rate for operations necessary to
18 maintain project rental assistance for the elderly under
19 section 202(c)(2) of the Housing Act of 1959 (12 U.S.C.
20 1701q(c)(2)), including making amendments to contracts
21 for such assistance and renewing expiring contracts for
22 such assistance for up to a 1-year term.

23 This division may be cited as the “Continuing Appro-
24 priations Act, 2020”.

1 **DIVISION B—HEALTH AND**
2 **HUMAN SERVICES EXTEND-**
3 **ERS AND OTHER MATTERS**
4 **TITLE I—PUBLIC HEALTH**
5 **EXTENDERS**

6 **SEC. 1101. EXTENSION FOR COMMUNITY HEALTH CENTERS,**
7 **THE NATIONAL HEALTH SERVICE CORPS,**
8 **AND TEACHING HEALTH CENTERS THAT OP-**
9 **ERATE GME PROGRAMS.**

10 (a) COMMUNITY HEALTH CENTERS.—Section
11 10503(b)(1)(F) of the Patient Protection and Affordable
12 Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by
13 striking “2018 and \$4,000,000,000 for fiscal year 2019.”
14 and inserting “2018, \$4,000,000,000 for fiscal year 2019,
15 and \$569,863,014 for the period beginning on October 1,
16 2019, and ending on November 21, 2019; and”.

17 (b) NATIONAL HEALTH SERVICE CORPS.—Section
18 10503(b)(2) of the Patient Protection and Affordable
19 Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

20 (1) in subparagraph (E), by striking “; and”
21 and inserting a semicolon;

22 (2) in subparagraph (F), by striking the period
23 at the end and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(G) \$44,164,384 for the period beginning
2 on October 1, 2019, and ending on November
3 21, 2019.”.

4 (c) TEACHING HEALTH CENTERS THAT OPERATE
5 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section
6 340H(g)(1) of the Public Health Service Act (42 U.S.C.
7 256h(g)(1)) is amended—

8 (1) by striking “and \$126,500,000” and insert-
9 ing “\$126,500,000”; and

10 (2) by inserting “and \$18,021,918 for the pe-
11 riod beginning on October 1, 2019, and ending on
12 November 21, 2019,” before “to remain available”.

13 (d) APPLICATION OF PROVISIONS.—Amounts appro-
14 priated pursuant to this section for the period beginning
15 on October 1, 2019, and ending on November 21, 2019,
16 shall be subject to the requirements contained in Public
17 Law 115–245 for funds for programs authorized under
18 sections 330 through 340 of the Public Health Service Act
19 (42 U.S.C. 254 through 256).

20 (e) CONFORMING AMENDMENT.—Paragraph (4) of
21 section 3014(h) of title 18, United States Code, as amend-
22 ed by section 50901 of Public Law 115–123, is amended
23 by striking “and section 50901(e) of the Advancing
24 Chronic Care, Extenders, and Social Services Act” and in-
25 serting “, section 50901(e) of the Advancing Chronic

1 Care, Extenders, and Social Services Act, and section
2 1101(d) of division B of the Continuing Appropriations
3 Act, 2020, and Health Extenders Act of 2019”.

4 **SEC. 1102. DIABETES PROGRAMS.**

5 (a) TYPE I.—Section 330B(b)(2)(D) of the Public
6 Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is
7 amended by inserting “and \$21,369,863 for the period be-
8 ginning on October 1, 2019, and ending on November 21,
9 2019,” before “to remain available”.

10 (b) INDIANS.—Section 330C(c)(2)(D) of the Public
11 Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is
12 amended by inserting “and \$21,369,863 for the period be-
13 ginning on October 1, 2019, and ending on November 21,
14 2019,” before “to remain available”.

15 **TITLE II—OTHER HEALTH**
16 **EXTENDERS**

17 **SEC. 1201. EXTENSION OF SEXUAL RISK AVOIDANCE EDU-**
18 **CATION PROGRAM.**

19 Section 510 of the Social Security Act (42 U.S.C.
20 710) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-
24 graph (A)—

1 (I) by inserting after “for each of
2 fiscal years 2018 and 2019” the fol-
3 lowing: “and for the period beginning
4 October 1, 2019, and ending Novem-
5 ber 21, 2019”; and

6 (II) by inserting after “for the
7 fiscal year” the following: “(or, with
8 respect to such period, for fiscal year
9 2020)”; and

10 (ii) in subparagraph (A), by striking
11 “for the fiscal year” each place it appears
12 and inserting “for the fiscal year or pe-
13 riod” in each such place; and

14 (B) in paragraph (2)—

15 (i) in subparagraph (A)—

16 (I) by inserting after “for each of
17 fiscal years 2018 and 2019” the fol-
18 lowing: “and for the period beginning
19 October 1, 2019, and ending Novem-
20 ber 21, 2019”; and

21 (II) by inserting after “for the
22 fiscal year” the following: “(or, with
23 respect to such period, for fiscal year
24 2020)”; and

1 (ii) in subparagraph (B)(i), by insert-
2 ing after “for the fiscal year” the fol-
3 lowing: “(or, with respect to such period,
4 for fiscal year 2020)”; and

5 (2) in subsection (f)—

6 (A) in paragraph (1), by inserting after
7 “for each of fiscal years 2018 and 2019” the
8 following: “and \$10,684,931 for the period be-
9 ginning October 1, 2019, and ending November
10 21, 2019”; and

11 (B) in paragraph (2), by inserting after
12 “for each of fiscal years 2018 and 2019” the
13 following: “and for the period described in para-
14 graph (1)”.

15 **SEC. 1202. EXTENSION OF PERSONAL RESPONSIBILITY**
16 **EDUCATION PROGRAM.**

17 Section 513 of the Social Security Act (42 U.S.C.
18 713) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A)—

22 (I) in the matter preceding clause
23 (i), by inserting after “for each of fis-
24 cal years 2010 through 2019” the fol-
25 lowing: “and for the period beginning

1 October 1, 2019, and ending Novem-
2 ber 21, 2019”; and

3 (II) in clause (i), by inserting
4 after “for the fiscal year” the fol-
5 lowing: “or period”;

6 (ii) in subparagraph (B)(i), by adding
7 at the end the following new sentence:
8 “The previous sentence shall not apply
9 with respect to State allotments under this
10 paragraph for the period beginning Octo-
11 ber 1, 2019, and ending November 21,
12 2019.”; and

13 (iii) in subparagraph (C)(i)—

14 (I) by inserting after “for a fiscal
15 year” the following: “or the period de-
16 scribed in subparagraph (A)”;

17 (II) by inserting after “for the
18 fiscal year” the following: “or period”;

19 (B) in paragraph (3)—

20 (i) by inserting after “for a fiscal
21 year” the following: “or the period de-
22 scribed in paragraph (1)(A)”;

23 (ii) by striking “the end of the second
24 succeeding fiscal year” and inserting “the

1 end of the second fiscal year following such
2 fiscal year or period”; and

3 (C) in paragraph (4)—

4 (i) in subparagraph (A)—

5 (I) by inserting after “for each of
6 fiscal years 2010 through 2019” the
7 following: “and for the period de-
8 scribed in paragraph (1)(A)”;

9 (II) by inserting after “for each
10 of fiscal years 2012 through 2019”
11 the following: “and for the period so
12 described”; and

13 (III) by inserting after “for a fis-
14 cal year” the following: “or the period
15 so described”; and

16 (ii) in subparagraph (B)(i), by strik-
17 ing “continue through fiscal year 2019”
18 and inserting “continue through the period
19 described in paragraph (1)(A)”;

20 (2) in subsection (c)—

21 (A) in paragraph (1), by striking “From
22 the amount” and inserting “Subject to para-
23 graph (3), from the amount”;

1 (B) in paragraph (2), by striking “From
2 the amount” and inserting “Subject to para-
3 graph (3), from the amount”; and

4 (C) by adding at the end the following new
5 paragraph:

6 “(3) EXCEPTION.—Paragraphs (1) and (2)
7 shall not apply with respect to any amount appro-
8 priated under subsection (f) for the period described
9 in subsection (a)(1)(A).”; and

10 (3) in subsection (f), by inserting after “for
11 each of fiscal years 2010 through 2019” the fol-
12 lowing: “and \$10,684,931 for the period beginning
13 October 1, 2019, and ending November 21, 2019”.

14 **TITLE III—MEDICAID**
15 **EXTENDERS**

16 **SEC. 1301. EXTENSION OF COMMUNITY MENTAL HEALTH**
17 **SERVICES DEMONSTRATION PROGRAM.**

18 Section 223(d)(3) of the Protecting Access to Medi-
19 care Act of 2014 (42 U.S.C. 1396a note) is amended by
20 striking “September 13, 2019” and inserting “November
21 21, 2019”.

1 **SEC. 1302. TEMPORARY INCREASE IN FEDERAL MEDICAL**
2 **ASSISTANCE PERCENTAGE FOR TERRITORIES**
3 **UNDER MEDICAID PROGRAM.**

4 Section 1905 of the Social Security Act (42 U.S.C.
5 1396d) is amended—

6 (1) in subsection (b), by striking “and (aa)”
7 and inserting “(aa), and (ff)”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(ff) TEMPORARY INCREASE IN FMAP FOR TERRI-
11 TORIES.—Notwithstanding subsection (b) or (z)(2), the
12 Federal medical assistance percentage for Puerto Rico, the
13 Virgin Islands, Guam, the Northern Mariana Islands, and
14 American Samoa shall be equal to 100 percent for the pe-
15 riod beginning October 1, 2019, and ending November 21,
16 2019.”.

17 **SEC. 1303. DELAY OF REDUCTIONS IN MEDICAID DSH AL-**
18 **LOTMENTS.**

19 Section 1923(f)(7)(A) of the Social Security Act (42
20 U.S.C. 1396r-4(f)(7)(A)) is amended—

21 (1) in clause (i), in the matter preceding sub-
22 clause (I), by striking “For each of fiscal years 2020
23 through 2025” and inserting “For the period begin-
24 ning November 22, 2019, and ending September 30,
25 2020, and for each of fiscal years 2021 through
26 2025”; and

1 (2) in clause (ii)(I), by striking “for fiscal year
2 2020” and inserting “for the period beginning No-
3 vember 22, 2019, and ending September 30, 2020”.

4 **TITLE IV—MEDICARE**
5 **EXTENDERS**

6 **SEC. 1401. EXTENSION OF FUNDING FOR QUALITY MEAS-**
7 **URE ENDORSEMENT, INPUT, AND SELECTION.**

8 Section 1890(d)(2) of the Social Security Act (42
9 U.S.C. 1395aaa(d)(2)) is amended—

10 (1) in the first sentence—

11 (A) by striking “and \$7,500,000” and in-
12 serting “\$7,500,000”; and

13 (B) by inserting before the period at the
14 end the following: “, and \$1,069,000 for the pe-
15 riod beginning on October 1, 2019, and ending
16 on November 21, 2019”; and

17 (2) in the third sentence, by inserting “and for
18 the period beginning on October 1, 2019, and ending
19 on November 21, 2019,” after “2019”.

20 **SEC. 1402. EXTENSION OF FUNDING OUTREACH AND AS-**
21 **SISTANCE FOR LOW-INCOME PROGRAMS.**

22 (a) **ADDITIONAL FUNDING FOR STATE HEALTH IN-**
23 **SURANCE PROGRAMS.**—Subsection (a)(1)(B) of section
24 119 of the Medicare Improvements for Patients and Pro-
25 viders Act of 2008 (42 U.S.C. 1395b–3 note), as amended

1 by section 3306 of the Patient Protection and Affordable
2 Care Act (Public Law 111–148), section 610 of the Amer-
3 ican Taxpayer Relief Act of 2012 (Public Law 112–240),
4 section 1110 of the Pathway for SGR Reform Act of 2013
5 (Public Law 113–67), section 110 of the Protecting Ac-
6 cess to Medicare Act of 2014 (Public Law 113–93), sec-
7 tion 208 of the Medicare Access and CHIP Reauthoriza-
8 tion Act of 2015 (Public Law 114–10), and section 50207
9 of division E of the Bipartisan Budget Act of 2018 (Public
10 Law 115–123), is amended—

11 (1) in clause (vii), by striking “and” at the end;

12 (2) in clause (viii), by striking “and” at the
13 end;

14 (3) in clause (ix), by striking the period at the
15 end and inserting “; and”; and

16 (4) by inserting after clause (ix) the following
17 new clause:

18 “(x) for the period beginning on Octo-
19 ber 1, 2019, and ending on November 21,
20 2019, of \$1,852,000.”.

21 (b) ADDITIONAL FUNDING FOR AREA AGENCIES ON
22 AGING.—Subsection (b)(1)(B) of such section 119, as so
23 amended, is amended—

24 (1) in clause (vii), by striking “and” at the end;

1 (2) in clause (viii), by striking “and” at the
2 end;

3 (3) in clause (ix), by striking the period at the
4 end and inserting “; and”; and

5 (4) by inserting after clause (ix) the following
6 new clause:

7 “(x) for the period beginning on Octo-
8 ber 1, 2019, and ending on November 21,
9 2019, of \$1,069,000.”.

10 (c) ADDITIONAL FUNDING FOR AGING AND DIS-
11 ABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of
12 such section 119, as so amended, is amended—

13 (1) in clause (vii), by striking “and” at the end;

14 (2) in clause (viii), by striking “and” at the
15 end;

16 (3) in clause (ix), by striking the period at the
17 end and inserting “; and”; and

18 (4) by inserting after clause (ix) the following
19 new clause:

20 “(x) for the period beginning on Octo-
21 ber 1, 2019, and ending on November 21,
22 2019, of \$712,000.”.

23 (d) ADDITIONAL FUNDING FOR CONTRACT WITH
24 THE NATIONAL CENTER FOR BENEFITS AND OUTREACH

1 ENROLLMENT.—Subsection (d)(2) of such section 119, as
2 so amended, is amended—

3 (1) in clause (vii), by striking “and” at the end;

4 (2) in clause (viii), by striking “and” at the
5 end;

6 (3) in clause (ix), by striking the period at the
7 end and inserting “; and”; and

8 (4) by inserting after clause (ix) the following
9 new clause:

10 “(x) for the period beginning on Octo-
11 ber 1, 2019, and ending on November 21,
12 2019, of \$1,710,000.”.

13 **SEC. 1403. EXTENSION OF TERMINATION DATE OF PATIENT-**
14 **CENTERED OUTCOMES RESEARCH TRUST**
15 **FUND.**

16 Section 9511(f) of the Internal Revenue Code of
17 1986 is amended by striking “September 30” and insert-
18 ing “November 21”.

19 **TITLE V—HUMAN SERVICES**
20 **EXTENDERS**

21 **SEC. 1501. EXTENSION OF DEMONSTRATION PROJECTS TO**
22 **ADDRESS HEALTH PROFESSIONS WORK-**
23 **FORCE NEEDS.**

24 Activities authorized by section 2008 of the Social Se-
25 curity Act shall continue through November 21, 2019, in

1 the manner authorized for fiscal year 2019, and out of
2 any money in the Treasury of the United States not other-
3 wise appropriated, there are hereby appropriated such
4 sums as may be necessary for such purpose. Grants and
5 payments may be made pursuant to this authority through
6 the date so specified at the pro rata portion of the total
7 amount authorized for such activities in fiscal year 2019.

8 **SEC. 1502. EXTENSION OF THE TEMPORARY ASSISTANCE**
9 **FOR NEEDY FAMILIES PROGRAM AND RE-**
10 **LATED PROGRAMS.**

11 Activities authorized by part A of title IV and section
12 1108(b) of the Social Security Act shall continue through
13 November 21, 2019, in the manner authorized for fiscal
14 year 2019, and out of any money in the Treasury of the
15 United States not otherwise appropriated, there are here-
16 by appropriated such sums as may be necessary for such
17 purpose.

18 **TITLE VI—MISCELLANEOUS**
19 **POLICIES**

20 **SEC. 1601. ALASKA NATIVE REGIONAL HEALTH ENTITIES.**

21 Section 424(a) of the Consolidated Appropriations
22 Act, 2014 (Public Law 113–76), as amended by section
23 428 of the Consolidated Appropriations Act, 2018 (Public
24 Law 115–141), shall be applied by substituting “Novem-
25 ber 21, 2019” for “October 1, 2019”.

1 **SEC. 1602. INCREASING NUMERICAL LIMITATIONS OF THE**
2 **WORLD TRADE CENTER HEALTH PROGRAM.**

3 (a) WORLD TRADE CENTER RESPONDERS.—Section
4 3311(a)(4)(A) of the Public Health Service Act (42 U.S.C.
5 300mm–21(a)(4)(A)) is amended by striking “25,000”
6 and inserting “75,000”.

7 (b) WORLD TRADE CENTER SURVIVORS.—Section
8 3321(a)(3)(A) of the Public Health Service Act (42 U.S.C.
9 300mm–31(a)(3)(A)) is amended by striking “25,000”
10 and inserting “75,000”.

11 (c) RULE OF CONSTRUCTION REGARDING ANNUAL
12 FUNDING LIMITATIONS.—Nothing in this section, or the
13 amendments made by this section, shall alter the annual
14 limitations on amounts appropriated to the World Trade
15 Center Health Program Fund under section 3351(a)(2)
16 of the Public Health Service Act (42 U.S.C. 300mm–
17 61(a)(2)).

18 **SEC. 1603. EXCLUDING AUTHORIZED GENERIC DRUGS**
19 **FROM CALCULATION OF AVERAGE MANUFAC-**
20 **TURER PRICE FOR PURPOSES OF THE MED-**
21 **ICAID DRUG REBATE PROGRAM; EXCLUDING**
22 **MANUFACTURERS FROM DEFINITION OF**
23 **WHOLESALE.**

24 (a) IN GENERAL.—Subparagraph (C) of section
25 1927(k)(1) of the Social Security Act (42 U.S.C. 1396r–
26 8(k)(1)) is amended—

1 (1) in the subparagraph heading, by striking
2 “INCLUSION” and inserting “EXCLUSION”;

3 (2) by striking “a new drug application” and
4 inserting “the manufacturer’s new drug applica-
5 tion”; and

6 (3) by striking “inclusive” and inserting “exclu-
7 sive”.

8 (b) EXCLUDING MANUFACTURERS FROM DEFINI-
9 TION OF WHOLESALER.—Section 1927(k)(11) of the So-
10 cial Security Act (42 U.S.C. 1396r–8(k)(11)) is amend-
11 ed—

12 (1) by striking “manufacturers,”; and

13 (2) by striking “manufacturer’s and”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the first day of the first
16 fiscal quarter that begins after the date of enactment of
17 this Act.

18 **SEC. 1604. MEDICAID IMPROVEMENT FUND.**

19 Section 1941(b) of the Social Security Act (42 U.S.C.
20 1396w–1(b)), as amended by section 2 of Public Law
21 116–29, is amended—

22 (1) in paragraph (1), by striking “\$1,000,000”
23 and inserting “\$0”; and

24 (2) in paragraph (3)—

1 (A) by striking “2023” each place it ap-
2 pears and inserting “2025”; and

3 (B) in subparagraph (A), by striking “\$0”
4 and inserting “\$2,387,000,000”.

5 **TITLE VII—BUDGETARY**
6 **EFFECTS**

7 **SEC. 1701. BUDGETARY EFFECTS.**

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

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

16 (c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—
17 Notwithstanding Rule 3 of the Budget Scorekeeping
18 Guidelines set forth in the joint explanatory statement of
19 the committee of conference accompanying Conference Re-
20 port 105–217 and section 250(c)(8) of the Balanced
21 Budget and Emergency Deficit Control Act of 1985, the
22 budgetary effects of this division shall not be estimated—
23 (1) for purposes of section 251 of such Act; and

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1ST Session

H. R. 4378

AN ACT

Making continuing appropriations for fiscal year
2020, and for other purposes.

SEPTEMBER 23, 2019

Read the second time and placed on the calendar