

DECEMBER 13, 2022

RULES COMMITTEE PRINT 117-72
TEXT OF THE HOUSE AMENDMENT TO THE
SENATE AMENDMENT TO H.R. 1437

[Showing the text of Further Continuing Appropriations and Extensions Act, 2023.]

In lieu of the matter proposed to be inserted by the Senate, insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Further Continuing
3 Appropriations and Extensions Act, 2023”.

4 SEC. 2. TABLE OF CONTENTS.

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

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

1 **DIVISION A—FURTHER CONTINUING**
2 **APPROPRIATIONS ACT, 2023**

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

5 (1) by striking the date specified in section
6 106(3) and inserting “December 23, 2022”;

7 (2) by adding after section 157 the following
8 new section:

9 “SEC. 158. During the period covered by this Act,
10 section 227(a) of the Federal Cybersecurity Enhancement
11 Act of 2015 (6 U.S.C. 1525) shall not apply.”.

12 This division may be cited as the “Further Con-
13 tinuing Appropriations Act, 2023”.

1 **DIVISION B—OTHER MATTERS**
2 **TITLE I—EXTENSIONS**

3 **SEC. 101. EXTENSION OF FCC AUCTION AUTHORITY.**

4 Section 309(j)(11) of the Communications Act of
5 1934 (47 U.S.C. 309(j)(11)) is amended by striking “De-
6 cember 16, 2022” and inserting “December 23, 2022”.

7 **SEC. 102. EXTENSION OF AUTHORIZATION FOR SPECIAL AS-**
8 **SESSMENT FOR DOMESTIC TRAFFICKING VIC-**
9 **TIMS’ FUND.**

10 Section 3014(a) of title 18, United States Code, is
11 amended, in the matter preceding paragraph (1), by strik-
12 ing “December 16, 2022” and inserting “December 23,
13 2022”.

14 **SEC. 103. UNITED STATES PAROLE COMMISSION EXTEN-**
15 **SION.**

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

19 (b) **AMENDMENT OF SENTENCING REFORM ACT OF**
20 1984.—For purposes of section 235(b) of the Sentencing
21 Reform Act of 1984 (18 U.S.C. 3551 note; Public Law
22 98–473; 98 Stat. 2032), as such section relates to chapter
23 311 of title 18, United States Code, and the United States
24 Parole Commission, each reference in such section to “35
25 years” or “35-year period” shall be deemed a reference

1 to “35 years and 53 days” or “35-year and 53-day pe-
2 riod”, respectively.

3 **SEC. 104. EXTENSION OF COMMODITY FUTURES TRADING**
4 **COMMISSION CUSTOMER PROTECTION FUND**
5 **EXPENSES ACCOUNT.**

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

11 **TITLE II—BUDGETARY EFFECTS**

12 **SEC. 201. BUDGETARY EFFECTS.**

13 (a) **STATUTORY PAYGO SCORECARDS.**—The budg-
14 etary effects of this division and each succeeding division
15 shall not be entered on either PAYGO scorecard main-
16 tained pursuant to section 4(d) of the Statutory Pay-As-
17 You-Go Act of 2010.

18 (b) **SENATE PAYGO SCORECARDS.**—The budgetary
19 effects of this division and each succeeding division shall
20 not be entered on any PAYGO scorecard maintained for
21 purposes of section 4106 of H. Con. Res. 71 (115th Con-
22 gress).

23 (c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—
24 Notwithstanding Rule 3 of the Budget Scorekeeping
25 Guidelines set forth in the joint explanatory statement of

1 the committee of conference accompanying Conference Re-
2 port 105–217 and section 250(c)(8) of the Balanced
3 Budget and Emergency Deficit Control Act of 1985, the
4 budgetary effects of this division and each succeeding divi-
5 sion shall not be estimated—

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

7 (2) for purposes of an allocation to the Com-
8 mittee on Appropriations pursuant to section 302(a)
9 of the Congressional Budget Act of 1974; and

10 (3) for purposes of paragraph (4)(C) of section
11 3 of the Statutory Pay-As-You-Go Act of 2010 as
12 being included in an appropriation Act.

1 **DIVISION C—HEALTH AND**
2 **HUMAN SERVICES**
3 **TITLE I—MEDICARE AND**
4 **MEDICAID**

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

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

10 (1) in subparagraph (B), in the matter pre-
11 ceding clause (i), by striking “December 17, 2022”
12 and inserting “December 24, 2022”;

13 (2) in subparagraph (C)(i)—

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

17 (B) in subclause (III), by striking “Decem-
18 ber 16, 2022” and inserting “December 23,
19 2022”; and

20 (C) in subclause (IV), by striking “Decem-
21 ber 17, 2022” and inserting “December 24,
22 2022”; and

23 (3) in subparagraph (D)—

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

4 (B) in clause (ii), by striking “December
5 16, 2022’” and inserting “December 23,
6 2022”.

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

12 **SEC. 102. EXTENSION OF THE MEDICARE-DEPENDENT HOS-**
13 **PITAL PROGRAM.**

14 (a) IN GENERAL.—Section 1886(d)(5)(G) of the So-
15 cial Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amend-
16 ed—

17 (1) in clause (i), by striking “December 17,
18 2022” and inserting “December 24, 2022”; and

19 (2) in clause (ii)(II), by striking “December 17,
20 2022” and inserting “December 24, 2022”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) EXTENSION OF TARGET AMOUNTS.—Section
23 1886(b)(3)(D) of the Social Security Act (42 U.S.C.
24 1395ww(b)(3)(D)) is amended—

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

4 (B) in clause (iv), by striking “December
5 16, 2022,” and inserting “December 23, 2022”.

6 (2) PERMITTING HOSPITALS TO DECLINE RE-
7 CLASSIFICATION.—Section 13501(e)(2) of the Omni-
8 bus Budget Reconciliation Act of 1993 (42 U.S.C.
9 1395ww note) is amended by striking “December
10 16, 2022” and inserting “December 23, 2022”.

11 **SEC. 103. EXTENSION OF INCREASED FMAPS UNDER MED-**
12 **ICAID FOR THE TERRITORIES.**

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

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

17 (2) in paragraph (3), by striking “December
18 16, 2022” and inserting “December 23, 2022”.

19 **SEC. 104. MEDICARE IMPROVEMENT FUND.**

20 Section 1898(b)(1) of the Social Security Act (42
21 U.S.C. 1395iii(b)(1)) is amended by striking
22 “\$7,308,000,000” and inserting “\$7,278,000,000”.

1 **TITLE II—HUMAN SERVICES**

2 **SEC. 201. EXTENSION OF MATERNAL, INFANT, AND EARLY** 3 **CHILDHOOD HOME VISITING PROGRAMS.**

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

11 **SEC. 202. EXTENSION OF CHILD AND FAMILY SERVICES** 12 **PROGRAMS.**

13 Activities authorized by part B of title IV of the So-
14 cial Security Act shall continue through December 23,
15 2022, in the manner authorized for fiscal year 2022, and
16 out of any money in the Treasury of the United States
17 not otherwise appropriated, there are hereby appropriated
18 such sums as may be necessary for such purpose.

19 **TITLE III—EXTENSION OF FDA** 20 **AUTHORIZATIONS**

21 **SEC. 301. REAUTHORIZATION OF THE CRITICAL PATH PUB-** 22 **LIC-PRIVATE PARTNERSHIP.**

23 Section 566(f) of the Federal Food, Drug, and Cos-
24 metic Act (21 U.S.C. 360bbb–5(f)) is amended by striking
25 “\$1,265,753 for the period beginning on October 1, 2022

1 and ending on December 16, 2022” and inserting
2 “\$1,380,822 for the period beginning on October 1, 2022
3 and ending on December 23, 2022”.

4 **SEC. 302. REAUTHORIZATION OF THE BEST PHARMA-**
5 **CEUTICALS FOR CHILDREN PROGRAM.**

6 Section 409I(d)(1) of the Public Health Service Act
7 (42 U.S.C. 284m(d)(1)) is amended by striking
8 “\$5,273,973 for the period beginning on October 1, 2022
9 and ending on December 16, 2022” and inserting
10 “\$5,753,425 for the period beginning on October 1, 2022
11 and ending on December 23, 2022”.

12 **SEC. 303. REAUTHORIZATION OF THE HUMANITARIAN DE-**
13 **VICE EXEMPTION INCENTIVE.**

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

18 **SEC. 304. REAUTHORIZATION OF THE PEDIATRIC DEVICE**
19 **CONSORTIA PROGRAM.**

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

1 period beginning on October 1, 2022 and ending on De-
2 cember 23, 2022”.

3 **SEC. 305. REAUTHORIZATION OF PROVISION PERTAINING**
4 **TO DRUGS CONTAINING SINGLE**
5 **ENANTIOMERS.**

6 Section 505(u)(4) of the Federal Food, Drug, and
7 Cosmetic Act (21 U.S.C. 355(u)(4)) is amended by strik-
8 ing “December 17, 2022” and inserting “December 24,
9 2022”.

10 **SEC. 306. REAUTHORIZATION OF CERTAIN DEVICE INSPEC-**
11 **TIONS.**

12 Section 704(g)(11) of the Federal Food, Drug, and
13 Cosmetic Act (21 U.S.C. 374(g)(11)) is amended by strik-
14 ing “December 17, 2022” and inserting “December 24,
15 2022”.

16 **SEC. 307. REAUTHORIZATION OF ORPHAN DRUG GRANTS.**

17 Section 5(c) of the Orphan Drug Act (21 U.S.C.
18 360ee(c)) is amended by striking “\$6,328,767 for the pe-
19 riod beginning on October 1, 2022, and ending on Decem-
20 ber 16, 2022” and inserting “\$6,904,110 for the period
21 beginning on October 1, 2022 and ending on December
22 23, 2022”.

1 **SEC. 308. REAUTHORIZATION OF REPORTING REQUIRE-**
2 **MENTS RELATED TO PENDING GENERIC**
3 **DRUG APPLICATIONS AND PRIORITY REVIEW**
4 **APPLICATIONS.**

5 Section 807 of the FDA Reauthorization Act of 2017
6 (Public Law 115–52) is amended, in the matter preceding
7 paragraph (1), by striking “December 16, 2022” and in-
8 serting “December 23, 2022”.

9 **SEC. 309. REAUTHORIZATION OF THIRD-PARTY REVIEW**
10 **PROGRAM.**

11 Section 523(c) of the Federal Food, Drug, and Cos-
12 metic Act (21 U.S.C. 360m(c)) is amended by striking
13 “December 17, 2022” and inserting “December 24,
14 2022”.

15 **TITLE IV—INDIAN HEALTH**

16 **SEC. 401. EXTENSION OF MORATORIUM.**

17 Section 424(a) of title IV of division G of Public Law
18 113–76 is amended by striking “December 16, 2022” and
19 inserting “December 24, 2022”.

1 **DIVISION D—PRECIP ACT**

2 **SEC. 1. SHORT TITLE.**

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

6 **SEC. 2. AMENDMENT TO THE WEATHER RESEARCH AND**
7 **FORECASTING INNOVATION ACT OF 2017 RE-**
8 **LATING TO IMPROVING FEDERAL PRECIPITA-**
9 **TION INFORMATION.**

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

13 **“TITLE VI—IMPROVING FED-**
14 **ERAL PRECIPITATION INFOR-**
15 **MATION**

16 **“SEC. 601. STUDY ON PRECIPITATION ESTIMATION.**

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

22 “(1) to conduct a study on the state of practice
23 and research needs for precipitation estimation, in-
24 cluding probable maximum precipitation estimation;
25 and

1 “(2) to submit, not later than 24 months after
2 the date on which such agreement is finalized, to the
3 Committee on Science, Space, and Technology of the
4 House of Representatives and the Committee on
5 Commerce, Science, and Transportation of the Sen-
6 ate, and make publicly available on a website, a re-
7 port on the results of the study under paragraph
8 (1).

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

11 “(1) An examination of the current state of
12 practice for precipitation estimation at scales appro-
13 priate for decisionmaker needs, and rationale for
14 further evolution of this field.

15 “(2) An evaluation of best practices for precipi-
16 tation estimation that are based on the best-avail-
17 able science, include considerations of non-
18 stationarity, and can be utilized by the user commu-
19 nity.

20 “(3) A framework for—

21 “(A) the development of a National Guid-
22 ance Document for estimating extreme precipi-
23 tation in future conditions; and

24 “(B) evaluation of the strengths and chal-
25 lenges of the full spectrum of approaches, in-

1 cluding for probable maximum precipitation
2 studies.

3 “(4) A description of existing research needs in
4 the field of precipitation estimation in order to mod-
5 ernize current methodologies and consider non-
6 stationarity.

7 “(5) A description of in-situ, airborne, and
8 space-based observation requirements, that could en-
9 hance precipitation estimation and development of
10 models, including an examination of the use of geo-
11 graphic information systems and geospatial tech-
12 nology for integration, analysis, and visualization of
13 precipitation data.

14 “(6) A recommended plan for a Federal re-
15 search and development program, including speci-
16 fications for costs, timeframes, and responsible agen-
17 cies for addressing identified research needs.

18 “(7) An analysis of the respective roles in pre-
19 cipitation estimation of various Federal agencies,
20 academia, State, tribal, territorial, and local govern-
21 ments, and other public and private stakeholders.

22 “(8) Recommendations for data management to
23 promote long-term needs such as enabling retrospec-
24 tive analyses and data discoverability, interoper-
25 ability, and reuse.

1 “(9) Recommendations for how data and serv-
2 ices from the entire enterprise can be best leveraged
3 by the Federal Government.

4 “(10) A description of non-Federal precipitation
5 data, its accessibility by the Federal Government,
6 and ways for National Oceanic and Atmospheric Ad-
7 ministration to improve or expand such datasets.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized \$1,500,000 to the National Oceanic and At-
10 mospheric Administration to carry out this study.

11 **“SEC. 602. IMPROVING PROBABLE MAXIMUM PRECIPITA-
12 TION ESTIMATES.**

13 “(a) IN GENERAL.—Not later than 90 days after the
14 date on which the National Academies makes public the
15 report under section 601, the Administrator, in consider-
16 ation of the report recommendations, shall consult with
17 relevant partners, including users of the data, on the de-
18 velopment of a plan to—

19 “(1) not later than 6 years after the completion
20 of such report and not less than every 10 years
21 thereafter, update probable maximum precipitation
22 estimates for the United States, such that each up-
23 date considers non-stationarity;

24 “(2) coordinate with partners to conduct re-
25 search in the field of extreme precipitation esti-

1 mation, in accordance with the research needs iden-
2 tified in such report;

3 “(3) make publicly available, in a searchable,
4 interoperable format, all probable maximum precipi-
5 tation studies developed by the National Oceanic and
6 Atmospheric Administration that the Administrator
7 has the legal right to redistribute and deemed to be
8 at an appropriate state of development on an inter-
9 net website of the National Oceanic and Atmos-
10 pheric Administration; and

11 “(4) ensure all probable maximum precipitation
12 estimate data, products, and supporting documenta-
13 tion and metadata developed by the National Oce-
14 anic and Atmospheric Administration are preserved,
15 curated, and served by the National Oceanic and At-
16 mospheric Administration, as appropriate.

17 “(b) NATIONAL GUIDANCE DOCUMENT FOR THE DE-
18 VELOPMENT OF PROBABLE MAXIMUM PRECIPITATION
19 ESTIMATES.—The Administrator, in collaboration with
20 Federal agencies, State, territorial, Tribal and local gov-
21 ernments, academia, and other partners the Administrator
22 deems appropriate, shall develop a National Guidance
23 Document that—

24 “(1) provides best practices that can be fol-
25 lowed by Federal and State regulatory agencies, pri-

1 vate meteorological consultants, and other users that
2 perform probable maximum precipitation studies;

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

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

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

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

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

20 **“SEC. 603. DEFINITIONS.**

21 “ In this title:

22 “(1) ADMINISTRATOR.—The term ‘Adminis-
23 trator’ means the Under Secretary of Commerce for
24 Oceans and Atmosphere and Administrator of the
25 National Oceanic and Atmospheric Administration.

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

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

11 (b) CONFORMING AMENDMENT.—Section 1(b) of the
12 Weather Research and Forecasting Innovation Act of
13 2017 (15 U.S.C. 8501 note) is amended in the table of
14 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.”.

