One Hundred Sixteenth Congress
of the
United States of America

AT THE FIRST SESSION

Began and held at the City of Washington on Thursday,
the third day of January, two thousand and nineteen

An Act

Making further consolidated appropriations for the fiscal year ending September
30, 2020, and for other purposes.

Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Further Consolidated Appropriations Act, 2020”

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Explanatory statement.
Sec. 5. Statement of appropriations.
Sec. 6. Availability of funds.
Sec. 7. Adjustments to compensation.
Sec. 8 Office of Management and Budget Reporting Requirements.

DIVISION A—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions

DIVISION B—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG
ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

Title I—Agricultural Programs
Title II—Farm Production and Conservation Programs
Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Related Agencies and Food and Drug Administration
Title VII—General Provisions

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED
AGENCIES APPROPRIATIONS ACT, 2020

Title I—Corps of Engineers—Civil
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent Agencies
Title V—General Provisions

DIVISION D—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2020

Title I—Department of the Interior
H. R. 1865—2

Title II—Environmental Protection Agency
Title III—Related Agencies
Title IV—General Provisions

DIVISION E—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2020
Title I—Legislative Branch
Title II—General Provisions

DIVISION F—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2020
Title I—Department of Defense
Title II—Department of Veterans Affairs
Title III—Related Agencies
Title IV—Overseas Contingency Operations
Title V—Natural Disaster Relief
Title VI—General Provisions

DIVISION G—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND
RELATED PROGRAMS APPROPRIATIONS ACT, 2020
Title I—Department of State and Related Agency
Title II—United States Agency for International Development
Title III—Bilateral Economic Assistance
Title IV—International Security Assistance
Title V—Multilateral Assistance
Title VI—Export and Investment Assistance
Title VII—General Provisions

DIVISION H—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2020
Title I—Department of Transportation
Title II—Department of Housing and Urban Development
Title III—Related Agencies
Title IV—General Provisions—This Act

DIVISION I—EXTENSIONS
Title I—Immigration Extensions
Title II—National Flood Insurance Program Extension
Title III—Secure Rural Schools and Community Self-Determination Extension
Title IV—Export-Import Bank Extension
Title V—Terrorism Risk Insurance Program Extension
Title VI—NASA Robonaut Use Leasing Extension
Title VII—IRINKA Extension
Title VIII—Related USA Extension
Title IX—DC Opportunity Scholarship Extensions
Title X—Budgetary Effects

DIVISION J—FOREIGN POLICY
DIVISION K—NATIONAL LAW ENFORCEMENT MUSEUM COMMEMORATIVE
COIN
DIVISION L—DHS CYBER HUNT AND INCIDENT RESPONSE TEAMS
DIVISION M—BIPARTISAN AMERICAN MINERS
DIVISION N—HEALTH AND HUMAN SERVICES EXTENDERS
DIVISION O—SETTING EVERY COMMUNITY UP FOR RETIREMENT
ENHANCEMENT

DIVISION P—OTHER MATTER
Title I—Platte River Recovery Implementation Program
Title II—Great Lakes
Title III—Mrs. K. Udall and Stewart L. Udall Foundation
Title IV—White Horse Hill National Game Preserve
Title V—Pittman-Robertson Fund
Title VI—John F. Kennedy Center
Title VII—Preserving America’s Battlefields
Title VIII—Veterans Affairs Report on Disability Compensation and the Positive Association With Exposure to an Herbicide Agent
signatory operator or a related person to a signa-
tory operator (as those terms are defined in section
9701(c) of the Internal Revenue Code of 1986)."

SEC. 104. REDUCTION IN MINIMUM AGE FOR ALLOWABLE IN-SERVICE
DISTRIBUTIONS.

(a) IN GENERAL.—Section 401(a)(36) of the Internal Revenue
Code of 1986 is amended by striking “age 62” and inserting “age
59½”.
(b) APPLICATION TO GOVERNMENTAL SECTION 457(b) PLANS.—
Clause (i) of section 457(d)(1)(A) of the Internal Revenue Code
of 1986 is amended by inserting “(in the case of a plan maintained
by an employer described in subsection (e)(3)(A), age 59½)” before
the comma at the end.
(c) EFFECTIVE DATE.—The amendments made by this section
shall apply to plan years beginning after December 31, 2019.

DIVISION N—HEALTH AND HUMAN
SERVICES EXTENDERS

TITLE I—HEALTH AND HUMAN
SERVICES EXTENDERS

Subtitle A—Medicare Provisions
Sec. 101. Extension of the work geographic index floor under the Medicare pro-
gram.
Sec. 102. Extension of funding for quality measure endorsement, input, and selec-
tion.
Sec. 103. Extension of funding outreach and assistance for low-income programs.
Sec. 104. Extension of appropriations to the Patient-Centered Outcomes Research
Trust Fund, extension of certain health insurance fees.
Sec. 105. Laboratory Access for Beneficiaries.
Sec. 106. Exclusion of complex rehabilitative manual wheelchairs from Medicare
competitive acquisition program; non-application of Medicare fee-sched-
ule adjustments for certain wheelchair accessories and cushions.
Sec. 107. Extending pass-through status for certain drugs under Part B of the
Medicare program.
Sec. 108. Hematopoietic stem cell acquisition payments.

Subtitle B—Medicaid Provisions
Sec. 201. Extension of Community Mental Health Services demonstration program.
Sec. 202. Medicaid funding for the territories.
Sec. 203. Delay of DRA reductions.
Sec. 204. Extension of appeals, impoverishment protections.
Sec. 205. Extension of the Money Follows the Person rebalancing demonstration
program.

Subtitle C—Human Services and Other Health Programs
Sec. 301. Extension of demonstration projects to address health professions work-
force needs.
Sec. 302. Extension of the temporary assistance for needy families program and re-
lated programs.
Sec. 303. Extension of sexual risk avoidance education program.
Sec. 304. Extension of personal responsibility education program.

Subtitle D—Public Health Provisions
Sec. 401. Extension for community health centers, the national health service
corps, and teaching health centers that operate GME programs.
Sec. 402. Diabetes programs.
Sec. 403. Privacy Center Network Enhancement.

Subtitle E—Revenue Provisions
Sec. 501. Repeal of medical device excise tax.
H. R. 1865—563

Sec. 502. Repeal of annual fee on health insurance providers.
Sec. 503. Repeal of excise tax on high cost employer-sponsored health coverage.

Subtitle F—Miscellaneous Provisions
Sec. 602. Addressing expiration of child welfare demonstration projects and supporting Family First implementation.
Sec. 603. Minimum age of sale of tobacco products.
Sec. 604. Sale of tobacco products to individuals under the age of 21.
Sec. 605. Biological product definition.
Sec. 606. Protecting access to biological products.
Sec. 607. Streamlining the transaction of biological products.
Sec. 608. Reenrollment of certain individuals in qualified health plans in certain Exchanges.
Sec. 609. Protection of silver loading practice.
Sec. 610. Actions for delays of generic drugs and biosimilar biological products.

Subtitle A—Medicare Provisions

SEC. 101. EXTENSION OF THE WORK GEOGRAPHIC INDEX FLOOR UNDER THE MEDICARE PROGRAM.


SEC. 102. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION.

(a) In General.—Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aa(d)(2)) is amended—

(1) in the first sentence, by striking “$1,665,000 for the period beginning on October 1, 2019, and ending on December 20, 2019” and inserting “$4,830,000 for the period beginning on October 1, 2019, and ending on May 22, 2020”; and

(2) in the third sentence, by striking “December 20, 2019,” and inserting “May 22, 2020”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Public Law 116–69).

SEC. 103. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.


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

(2) in clause (xi), by striking the period at the end and inserting “; and”; and
H. R. 1865—564

(3) by inserting after clause (xi) the following new clause:

"(xiii) for the period beginning on December 21, 2019, and ending on May 22, 2020, of $5,485,000.".

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

(1) in clause (x), by striking "and" at the end;
(2) in clause (xi), by striking the period at the end and inserting "; and"; and
(3) by inserting after clause (xi) the following new clause:

"(xii) for the period beginning on December 21, 2019, and ending on May 22, 2020, of $3,165,000.".

(c) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (x), by striking "and" at the end;
(2) in clause (xi), by striking the period at the end and inserting "; and"; and
(3) by inserting after clause (xi) the following new clause:

"(xii) for the period beginning on December 21, 2019, and ending on May 22, 2020, of $2,110,000.".

(d) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119, as so amended, is amended—

(1) in clause (x), by striking "and" at the end;
(2) in clause (xi), by striking the period at the end and inserting "; and"; and
(3) by inserting after clause (xi) the following new clause:

"(xii) for the period beginning on December 21, 2019, and ending on May 22, 2020, of $5,060,000.".

SEC. 194. EXTENSION OF APPROPRIATIONS TO THE PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND; EXTENSION OF CERTAIN HEALTH INSURANCE FEES.

(a) In general.—Section 9511 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting after subparagraph (E) the following new subparagraph:

"(F) For each of fiscal years 2020 through 2029—

(ii) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

(iii) the applicable amount (as defined in paragraph (4)) for the fiscal year."; and

(ii) by striking "and (E)(ii)" in the last sentence and inserting "(E)(ii), and (F)(ii)"; and

(B) by adding at the end the following new paragraph:

"(4) Applicable amount defined.—In paragraph (1)(F)(ii), the term 'applicable amount' means—

(A) for fiscal year 2020, $275,500,000;

(B) for fiscal year 2021, $285,000,000;

(C) for fiscal year 2022, $295,500,000;

(D) for fiscal year 2023, $311,500,000;
“(E) for fiscal year 2024, $320,000,000;
“(F) for fiscal year 2025, $338,000,000;
“(G) for fiscal year 2026, $355,500,000;
“(H) for fiscal year 2027, $363,500,000;
“(I) for fiscal year 2028, $381,000,000; and
“(J) for fiscal year 2029, $399,000,000.”;
(2) in subsection (d)(2)(A), by striking “2019” and inserting “2029”; and
(3) in subsection (f), by striking “December 20, 2019” and inserting “September 30, 2029”;
(b) HEALTH INSURANCE POLICIES.—Section 4375(e) of the Internal Revenue Code of 1986 is amended by striking “2019” and inserting “2029”.
(c) SELF-INSURED HEALTH PLANS.—Section 4376(e) of the Internal Revenue Code of 1986 is amended by striking “2019” and inserting “2029”.
(d) IDENTIFICATION OF RESEARCH PRIORITIES.—Subsection (d)(1)(A) of section 1181 of the Social Security Act (42 U.S.C. 1320e) is amended by adding at the end the following:

“Such national priorities shall include research with respect to intellectual and developmental disabilities and maternal mortality. Such priorities should reflect a balance between long-term priorities and short-term priorities, and be responsive to changes in medical evidence and in health care treatments.”
(e) CONSIDERATION OF FULL RANGE OF OUTCOMES DATA.—Subsection (d)(2) of such section 1181 is amended by adding at the end the following subparagraph:

“(F) CONSIDERATION OF FULL RANGE OF OUTCOMES DATA.—Research shall be designed, as appropriate, to take into account and capture the full range of clinical and patient-centered outcomes relevant to, and that meet the needs of, patients, clinicians, purchasers, and policy-makers in making informed health decisions. In addition to the relative health outcomes and clinical effectiveness, clinical and patient-centered outcomes shall include the potential burdens and economic impacts of the utilization of medical treatments, items, and services on different stakeholders and decision-makers respectively. These potential burdens and economic impacts include medical out-of-pocket costs, including health plan benefit and formulary design, non-medical costs to the patient and family, including caregiving, effects on future costs of care, workplace productivity and absenteeism, and healthcare utilization.”;
(f) BOARD COMPOSITION.—Subsection (f) of such section 1181 is amended—
(1) in paragraph (1)—
(A) in subparagraph (C)—
(i) in the matter preceding clause (i)—
(1) by striking “Seventeen” and inserting “At least nineteen, but no more than twenty-one”; and
(II) by striking “, not later than 6 months after the date of enactment of this section,”; and
(ii) in clause (iii), by striking “3” and inserting “at least 3, but no more than 5”; and
(2) in paragraph (3)—
(A) in the first sentence—
(i) by striking the “the members” and inserting “members”; and
(ii) by inserting the following before the period at the end: “to the extent necessary to preserve the evenly staggered terms of the Board.”; and
(B) by inserting the following after the first sentence:
“Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed for the remainder of that term and thereafter may be eligible for reappointment to a full term. A member may serve after the expiration of that member’s term until a successor has been appointed.”;
(g) METHODOLOGY COMMITTEE APPOINTMENTS.—Such section 1181 is amended—
(1) in subsection (d)(6)(B), by striking “Comptroller General of the United States” and inserting “Board”; and
(2) in subsection (h)(4)—
(A) in subparagraph (A)(i), by striking “Comptroller General” and inserting “Board”; and
(B) in the first sentence of subparagraph (B), by striking “and of the Government Accountability Office”.
(h) REPORTS BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—Subsection (g)(2)(A) of such section 1181 is amended—
(1) by striking clause (iv) and inserting the following:
“(iv) Not less frequently than every 5 years, the overall effectiveness of activities conducted under this section and the dissemination, training, and capacity building activities conducted under section 957 of the Public Health Service Act. Such review shall include the following:
1. A description of those activities and the financial commitments related to research, training, data capacity building, and dissemination and uptake of research findings.
2. The extent to which the Institute and the Agency for Healthcare Research and Quality have collaborated with stakeholders, including provider and payer organizations, to facilitate the dissemination and uptake of research findings.
3. An analysis of available data and performance metrics, such as the estimated public availability and dissemination of research findings and uptake and utilization of research findings in clinical guidelines and decision support tools, on the extent to which such research findings are used by health care decision-makers, the effect of the dissemination of such findings on changes in medical practice and reducing practice variation and disparities in health care, and the effect of the research conducted and disseminated on innovation and the health care economy of the United States.”; and
(2) by adding at the end the following new clause:
“(vi) Not less frequently than every 5 years, any barriers that researchers funded by the Institute have encountered in conducting studies or clinical trials,
including challenges covering the cost of any medical treatments, services, and items described in subsection (a)(2)(B) for purposes of the research study.”.

SEC. 105. LABORATORY ACCESS FOR BENEFICIARIES.

(a) Amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests.—

(1) Revised reporting period for reporting of private sector payment rates for establishment of Medicare payment rates.—Section 1834A(a) of the Social Security Act (42 U.S.C. 1395m–1(a)) is amended—

(A) in paragraph (1)—

(i) by striking “Beginning January 1, 2016” and inserting the following:

“(A) General reporting requirements.—Subject to subparagraph (B), beginning January 1, 2016”;

(ii) in subparagraph (A), as added by subparagraph (A) of this paragraph, by inserting “(referred to in this subsection as the ‘reporting period’)” after “at a time specified by the Secretary”;

(iii) by adding at the end the following:

“(B) Revised reporting period.—In the case of reporting with respect to clinical diagnostic laboratory tests that are not advanced diagnostic laboratory tests, the Secretary shall revise the reporting period under subparagraph (A) such that—

“(i) no reporting is required during the period beginning January 1, 2020, and ending December 31, 2020;

“(ii) reporting is required during the period beginning January 1, 2021, and ending March 31, 2021; and

“(iii) reporting is required every three years after the period described in clause (ii).”;

and

(B) in paragraph (4)—

(i) by striking “In this section” and inserting the following:

“(A) In general.—Subject to subparagraph (B) in this section; and

(ii) by adding at the end the following:

“(B) Exception.—In the case of the reporting period described in paragraph (1)(B)(ii) with respect to clinical diagnostic laboratory tests that are not advanced diagnostic laboratory tests, the term ‘data collection period’ means the period beginning January 1, 2019, and ending June 30, 2019.”

(2) Corrections relating to phase-in of reductions from private payor rate implementation.—Section 1834A(b)(3) of the Social Security Act (42 U.S.C. 1395m–1(b)(3)) is amended—

(A) in subparagraph (A), by striking “through 2022” and inserting “through 2023”; and

(B) in subparagraph (B)—

(i) in clause (i), by striking “through 2019” and inserting “through 2020”; and

(ii) in clause (ii), by striking “2020 through 2022” and inserting “2021 through 2023”.