

117TH CONGRESS  
1ST SESSION

# S. 3344

To protect the American Taxpayer and Medicare.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2021

Mr. KENNEDY (for himself, Mr. GRAHAM, Mr. HAGERTY, Mr. COTTON, Mr. SCOTT of South Carolina, Mr. SCOTT of Florida, Mrs. BLACKBURN, Mr. HAWLEY, Mr. BOOZMAN, Mr. HOEVEN, Mr. MARSHALL, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To protect the American Taxpayer and Medicare.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting the Amer-  
5 ican Taxpayer and Medicare Act”.

6 **SEC. 2. ADJUSTMENTS TO MEDICARE SEQUESTRATION RE-**  
7 **DUCTIONS.**

8 (a) **EXTENSION OF TEMPORARY SUSPENSION**  
9 **THROUGH MARCH 2022.—**

1           (1) IN GENERAL.—Section 3709(a) of division  
2     A of the CARES Act (2 U.S.C. 901a note) is  
3     amended—

4           (A) in the subsection header by inserting  
5     “AND ADJUSTMENT” after “SUSPENSION”; and

6           (B) by striking “December 31, 2021” and  
7     inserting “March 31, 2022”.

8           (2) EFFECTIVE DATE.—The amendments made  
9     by paragraph (1) shall take effect as if enacted as  
10    part of the CARES Act (Public Law 116–136).

11    (b) ADJUSTMENTS TO MEDICARE PROGRAM SEQUES-  
12    TRATION REDUCTION WITH RESPECT TO FISCAL YEARS  
13    2022 AND 2030.—Section 251A(6) of the Balanced Budg-  
14    et and Emergency Deficit Control Act of 1985 (2 U.S.C.  
15    901a(6)) is amended—

16           (1) by redesignating subparagraph (C) as sub-  
17    paragraph (E); and

18           (2) by inserting after subparagraph (B) the fol-  
19    lowing new subparagraphs:

20           “(C) Notwithstanding the 2 percent limit  
21    specified in subparagraph (A) for payments for  
22    the Medicare programs specified in section  
23    256(d), the sequestration order of the President  
24    under such subparagraph for fiscal year 2022  
25    shall be applied to such payments so that with

1 respect to the period beginning on April 1,  
2 2022, and ending on June 30, 2022, the pay-  
3 ment reduction shall be 1.0 percent.

4 “(D) Notwithstanding the 2 percent limit  
5 specified in subparagraph (A) for payments for  
6 the Medicare programs specified in section  
7 256(d), the sequestration order of the President  
8 under such subparagraph for fiscal year 2030  
9 shall be applied to such payments so that—

10 “(i) with respect to the first 6 months  
11 in which such order is effective for such  
12 fiscal year, the payment reduction shall be  
13 2.25 percent; and

14 “(ii) with respect to the second 6  
15 months in which such order is so effective  
16 for such fiscal year, the payment reduction  
17 shall be 3 percent.”.

18 **SEC. 3. EXTENSION OF SUPPORT FOR PHYSICIANS AND**  
19 **OTHER PROFESSIONALS IN ADJUSTING TO**  
20 **MEDICARE PAYMENT CHANGES.**

21 (a) IN GENERAL.—Section 1848 of the Social Secu-  
22 rity Act (42 U.S.C. 1395w-4) is amended—

23 (1) in subsection (c)(2)(B)(iv)(V), by striking  
24 “2021” and inserting “2021 or 2022”; and

25 (2) in subsection (t)—

1 (A) in the subsection header, by striking  
2 “2021” and inserting “2021 AND 2022”;

3 (B) in paragraph (1)—

4 (i) by striking “during 2021” and in-  
5 serting “during 2021 and 2022”; and

6 (ii) by striking “for such services fur-  
7 nished on or after January 1, 2021, and  
8 before January 1, 2022, by 3.75 percent.”  
9 and inserting “for—

10 “(A) such services furnished on or after  
11 January 1, 2021, and before January 1, 2022,  
12 by 3.75 percent; and

13 “(B) such services furnished on or after  
14 January 1, 2022, and before January 1, 2023,  
15 by 3.0 percent.”; and

16 (C) in paragraph (2)(C)—

17 (i) in the subparagraph header, by  
18 striking “2021” and inserting “2021 AND  
19 2022”;

20 (ii) by inserting “for services fur-  
21 nished in 2021 or 2022” after “under this  
22 subsection”; and

23 (iii) by inserting “or 2022, respec-  
24 tively” before the period at the end.

1 (b) REPORT.—Section 101(e) of division N of the  
2 Consolidated Appropriations Act, 2021 (Public Law 116–  
3 260) is amended—

4 (1) in the first sentence—

5 (A) by striking “April 1, 2022” and insert-  
6 ing “each of April 1, 2022, and April 1, 2023”;  
7 and

8 (B) by striking “, as added by subsection  
9 (a)” and inserting “furnished during 2021 or  
10 2022, respectively”; and

11 (2) in the second sentence—

12 (A) by striking “Such report” and insert-  
13 ing “Each such report”; and

14 (B) by inserting “with respect to 2021 or  
15 2022, as applicable” after “under such sec-  
16 tion”.

17 **SEC. 4. PRESERVING PATIENT ACCESS TO CRITICAL CLIN-**  
18 **ICAL LAB SERVICES.**

19 (a) REVISED PHASE-IN OF REDUCTIONS FROM PRI-  
20 VATE PAYOR RATE IMPLEMENTATION.—Section  
21 1834A(b)(3) of the Social Security Act (42 U.S.C.  
22 1395m–1(b)(3)) is amended—

23 (1) in subparagraph (A), by striking “through  
24 2024” and inserting “through 2025”; and

25 (2) in subparagraph (B)—

1 (A) in clause (ii), by striking “for 2021”  
2 and inserting “for each of 2021 and 2022”;  
3 and

4 (B) in clause (iii), by striking “2022  
5 through 2024” and inserting “2023 through  
6 2025”.

7 (b) REVISED REPORTING PERIOD FOR REPORTING  
8 OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISH-  
9 MENT OF MEDICARE PAYMENT RATES.—Section  
10 1834A(a)(1)(B) of the Social Security Act (42 U.S.C.  
11 1395m–1(a)(1)(B)) is amended—

12 (1) in clause (i), by striking “December 31,  
13 2021” and inserting “December 31, 2022”; and

14 (2) in clause (ii)—

15 (A) by striking “January 1, 2022” and in-  
16 serting “January 1, 2023”; and

17 (B) by striking “March 31, 2022” and in-  
18 serting “March 31, 2023”.

19 **SEC. 5. DELAY TO THE IMPLEMENTATION OF THE RADI-**  
20 **ATION ONCOLOGY MODEL UNDER THE MEDI-**  
21 **CARE PROGRAM.**

22 Section 133 of Division CC of the Consolidated Ap-  
23 propriations Act, 2021 (Public Law 116–260) is amended  
24 by striking “January 1, 2022” and inserting “January 1,  
25 2023”.

1 **SEC. 6. MEDICARE IMPROVEMENT FUND.**

2 Section 1898(b)(1) of the Social Security Act (42  
3 U.S.C. 1395iii(b)(1)) is amended by striking “fiscal year  
4 2021” and all that follows through the period at the end  
5 and inserting “fiscal year 2021, \$101,000,000.”.

6 **SEC. 7. PAYGO ANNUAL REPORT.**

7 For the purposes of the annual report issued pursu-  
8 ant to section 5 of the Statutory Pay-As-You-Go Act of  
9 2010 (2 U.S.C. 934) after adjournment of the first session  
10 of the 117th Congress, and for determining whether a se-  
11 questration order is necessary under such section, the  
12 debit for the budget year on the 5-year scorecard, if any,  
13 and the 10-year scorecard, if any, shall be deducted from  
14 such scorecard in 2022 and added to such scorecard in  
15 2023.

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