

116TH CONGRESS  
2D SESSION

# H. R. 6336

To amend title XI of the Social Security Act to provide for a waiver of payment reductions under the Medicare and Medicaid programs for certain nonapproved capital expenditures undertaken by health care facilities during the COVID-19 emergency.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2020

Mr. BISHOP of North Carolina (for himself, Mr. BANKS, and Mr. BUDD) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XI of the Social Security Act to provide for a waiver of payment reductions under the Medicare and Medicaid programs for certain nonapproved capital expenditures undertaken by health care facilities during the COVID-19 emergency.

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 “Increasing Hospital  
5 Capacity to Fight the Coronavirus Act of 2020”.

1 **SEC. 2. PROVIDING FOR A WAIVER OF PAYMENT REDUC-**  
2 **TIONS UNDER THE MEDICARE AND MEDICAID**  
3 **PROGRAMS FOR CERTAIN NONAPPROVED**  
4 **CAPITAL EXPENDITURES UNDERTAKEN BY**  
5 **HEALTH CARE FACILITIES DURING THE**  
6 **COVID-19 EMERGENCY.**

7 (a) IN GENERAL.—Section 1122(d) of the Social Se-  
8 curity Act (42 U.S.C. 1320a–1(d)) is amended—

9 (1) in paragraph (1), by inserting “or (3)”  
10 after “paragraph (2)”; and

11 (2) by adding at the end the following new  
12 paragraph:

13 “(3) No payment reduction shall be made pursuant  
14 to paragraph (1) with respect to an obligation for a capital  
15 expenditure made during the emergency period defined in  
16 section 1135(g)(1)(B).”.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that any State requirement relating to the approval  
19 of capital expenditures of health care facilities located in  
20 such State (commonly referred to as “certificate of need  
21 laws”) should be waived for the duration of the emergency  
22 period defined in section 1135(g)(1)(B) of the Social Secu-  
23 rity Act (42 U.S.C. 1320b–5(g)(1)(B)).

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