

In the House of Representatives, U. S.,

December 14, 2022.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1437) entitled “An Act to amend the Weather Research and Forecasting Innovation Act of 2017 to direct the National Oceanic and Atmospheric Administration to provide comprehensive and regularly updated Federal precipitation information, and for other purposes.”, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

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 Ap-*
3 *propriations 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.*

13 **DIVISION A—FURTHER CONTINUING**
 14 **APPROPRIATIONS ACT, 2023**

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

17 *(1) by striking the date specified in section*
 18 *106(3) and inserting “December 23, 2022”;*

19 *(2) by adding after section 157 the following new*
 20 *section:*

21 *“SEC. 158. During the period covered by this Act, sec-*
 22 *tion 227(a) of the Federal Cybersecurity Enhancement Act*
 23 *of 2015 (6 U.S.C. 1525) shall not apply.”.*

1 *This division may be cited as the “Further Continuing*
 2 *Appropriations Act, 2023”.*

3 ***DIVISION B—OTHER MATTERS***
 4 ***TITLE I—EXTENSIONS***

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

6 *Section 309(j)(11) of the Communications Act of 1934*
 7 *(47 U.S.C. 309(j)(11)) is amended by striking “December*
 8 *16, 2022” and inserting “December 23, 2022”.*

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

12 *Section 3014(a) of title 18, United States Code, is*
 13 *amended, in the matter preceding paragraph (1), by strik-*
 14 *ing “December 16, 2022” and inserting “December 23,*
 15 *2022”.*

16 ***SEC. 103. UNITED STATES PAROLE COMMISSION EXTEN-***
 17 ***SION.***

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

21 *(b) AMENDMENT OF SENTENCING REFORM ACT OF*
 22 *1984.—For purposes of section 235(b) of the Sentencing Re-*
 23 *form Act of 1984 (18 U.S.C. 3551 note; Public Law 98–*
 24 *473; 98 Stat. 2032), as such section relates to chapter 311*
 25 *of title 18, United States Code, and the United States Pa-*

1 *role Commission, each reference in such section to “35*
 2 *years” or “35-year period” shall be deemed a reference to*
 3 *“35 years and 53 days” or “35-year and 53-day period”,*
 4 *respectively.*

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

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

13 **TITLE II—BUDGETARY EFFECTS**

14 **SEC. 201. BUDGETARY EFFECTS.**

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

20 *(b) SENATE PAYGO SCORECARDS.—The budgetary ef-*
 21 *fects of this division and each succeeding division shall not*
 22 *be entered on any PAYGO scorecard maintained for pur-*
 23 *poses of section 4106 of H. Con. Res. 71 (115th Congress).*

24 *(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Not-*
 25 *withstanding Rule 3 of the Budget Scorekeeping Guidelines*

1 *set forth in the joint explanatory statement of the committee*
 2 *of conference accompanying Conference Report 105–217*
 3 *and section 250(c)(8) of the Balanced Budget and Emer-*
 4 *gency Deficit Control Act of 1985, the budgetary effects of*
 5 *this division and each succeeding division shall not be esti-*
 6 *mated—*

7 *(1) for purposes of section 251 of such Act;*

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

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

14 ***DIVISION C—HEALTH AND***
 15 ***HUMAN SERVICES***
 16 ***TITLE I—MEDICARE AND***
 17 ***MEDICAID***

18 ***SEC. 101. EXTENSION OF INCREASED INPATIENT HOSPITAL***
 19 ***PAYMENT ADJUSTMENT FOR CERTAIN LOW-***
 20 ***VOLUME HOSPITALS.***

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

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

1 (2) *in subparagraph (C)(i)—*

2 (A) *in the matter preceding subclause (I),*
 3 *by striking “December 16, 2022” and inserting*
 4 *“December 23, 2022”;*

5 (B) *in subclause (III), by striking “Decem-*
 6 *ber 16, 2022’” and inserting “December 23,*
 7 *2022”;* *and*

8 (C) *in subclause (IV), by striking “Decem-*
 9 *ber 17, 2022” and inserting “December 24,*
 10 *2022”;* *and*

11 (3) *in subparagraph (D)—*

12 (A) *in the matter preceding clause (i), by*
 13 *striking “December 16, 2022’” and inserting*
 14 *“December 23, 2022”;* *and*

15 (B) *in clause (ii), by striking “December*
 16 *16, 2022’” and inserting “December 23, 2022”.*

17 (b) *IMPLEMENTATION.—Notwithstanding any other*
 18 *provision of law, the Secretary of Health and Human Serv-*
 19 *ices may implement the provisions of, including the amend-*
 20 *ments made by, this section by program instruction or oth-*
 21 *erwise.*

22 **SEC. 102. EXTENSION OF THE MEDICARE-DEPENDENT HOS-**
 23 **PITAL PROGRAM.**

24 (a) *IN GENERAL.—Section 1886(d)(5)(G) of the Social*
 25 *Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—*

1 (1) *in clause (i), by striking “December 17,*
 2 *2022” and inserting “December 24, 2022”; and*

3 (2) *in clause (ii)(II), by striking “December 17,*
 4 *2022” and inserting “December 24, 2022”.*

5 (b) *CONFORMING AMENDMENTS.—*

6 (1) *EXTENSION OF TARGET AMOUNTS.—Section*
 7 *1886(b)(3)(D) of the Social Security Act (42 U.S.C.*
 8 *1395ww(b)(3)(D)) is amended—*

9 (A) *in the matter preceding clause (i), by*
 10 *striking “December 17, 2022” and inserting “De-*
 11 *cember 24, 2022”; and*

12 (B) *in clause (iv), by striking “December*
 13 *16, 2022,” and inserting “December 23, 2022”.*

14 (2) *PERMITTING HOSPITALS TO DECLINE RE-*
 15 *CLASSIFICATION.—Section 13501(e)(2) of the Omni-*
 16 *bus Budget Reconciliation Act of 1993 (42 U.S.C.*
 17 *1395ww note) is amended by striking “December 16,*
 18 *2022” and inserting “December 23, 2022”.*

19 **SEC. 103. EXTENSION OF INCREASED FMAPS UNDER MED-**
 20 **ICAID FOR THE TERRITORIES.**

21 *Section 1905(ff) of the Social Security Act (42 U.S.C.*
 22 *1396d(ff)) is amended—*

23 (1) *in paragraph (2), by striking “December 16,*
 24 *2022” and inserting “December 23, 2022”; and*

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

3 **SEC. 104. MEDICARE IMPROVEMENT FUND.**

4 Section 1898(b)(1) of the Social Security Act (42
5 U.S.C. 1395iii(b)(1)) is amended by striking
6 “\$7,308,000,000” and inserting “\$7,278,000,000”.

7 **TITLE II—HUMAN SERVICES**

8 **SEC. 201. EXTENSION OF MATERNAL, INFANT, AND EARLY**
9 **CHILDHOOD HOME VISITING PROGRAMS.**

10 Activities authorized by section 511 of the Social Secu-
11 rity Act shall continue through December 23, 2022, and out
12 of any money in the Treasury of the United States not oth-
13 erwise appropriated, there is hereby appropriated for such
14 purpose an amount equal to the pro rata portion of the
15 amount appropriated for such activities for fiscal year
16 2022.

17 **SEC. 202. EXTENSION OF CHILD AND FAMILY SERVICES**
18 **PROGRAMS.**

19 Activities authorized by part B of title IV of the Social
20 Security Act shall continue through December 23, 2022, in
21 the manner authorized for fiscal year 2022, and out of any
22 money in the Treasury of the United States not otherwise
23 appropriated, there are hereby appropriated such sums as
24 may be necessary for such purpose.

1 ***TITLE III—EXTENSION OF FDA***
2 ***AUTHORIZATIONS***

3 ***SEC. 301. REAUTHORIZATION OF THE CRITICAL PATH PUB-***
4 ***LIC-PRIVATE PARTNERSHIP.***

5 *Section 566(f) of the Federal Food, Drug, and Cos-*
6 *metic Act (21 U.S.C. 360bbb–5(f)) is amended by striking*
7 *“\$1,265,753 for the period beginning on October 1, 2022*
8 *and ending on December 16, 2022” and inserting*
9 *“\$1,380,822 for the period beginning on October 1, 2022*
10 *and ending on December 23, 2022”.*

11 ***SEC. 302. REAUTHORIZATION OF THE BEST PHARMA-***
12 ***CEUTICALS FOR CHILDREN PROGRAM.***

13 *Section 409I(d)(1) of the Public Health Service Act*
14 *(42 U.S.C. 284m(d)(1)) is amended by striking “\$5,273,973*
15 *for the period beginning on October 1, 2022 and ending*
16 *on December 16, 2022” and inserting “\$5,753,425 for the*
17 *period beginning on October 1, 2022 and ending on Decem-*
18 *ber 23, 2022”.*

19 ***SEC. 303. REAUTHORIZATION OF THE HUMANITARIAN DE-***
20 ***VICE EXEMPTION INCENTIVE.***

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

1 **SEC. 304. REAUTHORIZATION OF THE PEDIATRIC DEVICE**
2 **CONSORTIA PROGRAM.**

3 *Section 305(e) of the Pediatric Medical Device Safety*
4 *and Improvement Act of 2007 (Public Law 110–85; 42*
5 *U.S.C. 282 note) is amended by striking “\$1,107,534 for*
6 *the period beginning on October 1, 2022, and ending on*
7 *December 16, 2022” and inserting “\$1,610,959 for the pe-*
8 *riod beginning on October 1, 2022 and ending on December*
9 *23, 2022”.*

10 **SEC. 305. REAUTHORIZATION OF PROVISION PERTAINING**
11 **TO DRUGS CONTAINING SINGLE**
12 **ENANTIOMERS.**

13 *Section 505(u)(4) of the Federal Food, Drug, and Cos-*
14 *metic Act (21 U.S.C. 355(u)(4)) is amended by striking*
15 *“December 17, 2022” and inserting “December 24, 2022”.*

16 **SEC. 306. REAUTHORIZATION OF CERTAIN DEVICE INSPEC-**
17 **TIONS.**

18 *Section 704(g)(11) of the Federal Food, Drug, and Cos-*
19 *metic Act (21 U.S.C. 374(g)(11)) is amended by striking*
20 *“December 17, 2022” and inserting “December 24, 2022”.*

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

22 *Section 5(c) of the Orphan Drug Act (21 U.S.C.*
23 *360ee(c)) is amended by striking “\$6,328,767 for the period*
24 *beginning on October 1, 2022, and ending on December 16,*
25 *2022” and inserting “\$6,904,110 for the period beginning*
26 *on October 1, 2022 and ending on December 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 insert-*
8 *ing “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 “De-*
13 *cember 17, 2022” and inserting “December 24, 2022”.*

14 **TITLE IV—INDIAN HEALTH**

15 **SEC. 401. EXTENSION OF MORATORIUM.**

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

19 **DIVISION D—PRECIP ACT**

20 **SEC. 1. SHORT TITLE.**

21 *This Act may be cited as the “Providing Research and*
22 *Estimates of Changes In Precipitation Act” or the*
23 *“PRECIP Act”.*

1 **SEC. 2. AMENDMENT TO THE WEATHER RESEARCH AND**
 2 **FORECASTING INNOVATION ACT OF 2017 RE-**
 3 **LATING TO IMPROVING FEDERAL PRECIPITA-**
 4 **TION INFORMATION.**

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

8 **“TITLE VI—IMPROVING FEDERAL**
 9 **PRECIPITATION INFORMATION**

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

11 “(a) *IN GENERAL.*—*Not later than 90 days after the*
 12 *date of enactment of the PRECIP Act, the Administrator,*
 13 *in consultation with other Federal agencies as appropriate,*
 14 *shall seek to enter an agreement with the National Acad-*
 15 *emies—*

16 “(1) *to conduct a study on the state of practice*
 17 *and research needs for precipitation estimation, in-*
 18 *cluding probable maximum precipitation estimation;*
 19 *and*

20 “(2) *to submit, not later than 24 months after*
 21 *the date on which such agreement is finalized, to the*
 22 *Committee on Science, Space, and Technology of the*
 23 *House of Representatives and the Committee on Com-*
 24 *merce, Science, and Transportation of the Senate,*
 25 *and make publicly available on a website, a report on*
 26 *the results of the study under paragraph (1).*

1 “(b) *STUDY.*—*The report under subsection (a) shall in-*
2 *clude the following:*

3 “(1) *An examination of the current state of prac-*
4 *tice for precipitation estimation at scales appropriate*
5 *for decisionmaker needs, and rationale for further evo-*
6 *lution of this field.*

7 “(2) *An evaluation of best practices for precipi-*
8 *tation estimation that are based on the best-available*
9 *science, include considerations of non-stationarity,*
10 *and can be utilized by the user community.*

11 “(3) *A framework for—*

12 “(A) *the development of a National Guid-*
13 *ance Document for estimating extreme precipita-*
14 *tion in future conditions; and*

15 “(B) *evaluation of the strengths and chal-*
16 *lenges of the full spectrum of approaches, includ-*
17 *ing for probable maximum precipitation studies.*

18 “(4) *A description of existing research needs in*
19 *the field of precipitation estimation in order to mod-*
20 *ernize current methodologies and consider non-*
21 *stationarity.*

22 “(5) *A description of in-situ, airborne, and*
23 *space-based observation requirements, that could en-*
24 *hance precipitation estimation and development of*
25 *models, including an examination of the use of geo-*

1 *graphic information systems and geospatial tech-*
2 *nology for integration, analysis, and visualization of*
3 *precipitation data.*

4 “(6) *A recommended plan for a Federal research*
5 *and development program, including specifications*
6 *for costs, timeframes, and responsible agencies for ad-*
7 *dresssing identified research needs.*

8 “(7) *An analysis of the respective roles in pre-*
9 *cipitation estimation of various Federal agencies,*
10 *academia, State, tribal, territorial, and local govern-*
11 *ments, and other public and private stakeholders.*

12 “(8) *Recommendations for data management to*
13 *promote long-term needs such as enabling retrospec-*
14 *tive analyses and data discoverability, interoper-*
15 *ability, and reuse.*

16 “(9) *Recommendations for how data and services*
17 *from the entire enterprise can be best leveraged by the*
18 *Federal Government.*

19 “(10) *A description of non-Federal precipitation*
20 *data, its accessibility by the Federal Government, and*
21 *ways for National Oceanic and Atmospheric Admin-*
22 *istration to improve or expand such datasets.*

23 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
24 *authorized \$1,500,000 to the National Oceanic and Atmos-*
25 *pheric Administration to carry out this study.*

1 **“SEC. 602. IMPROVING PROBABLE MAXIMUM PRECIPITA-**
2 **TION ESTIMATES.**

3 “(a) *IN GENERAL.*—Not later than 90 days after the
4 date on which the National Academies makes public the re-
5 port under section 601, the Administrator, in consideration
6 of the report recommendations, shall consult with relevant
7 partners, including users of the data, on the development
8 of a plan to—

9 “(1) not later than 6 years after the completion
10 of such report and not less than every 10 years there-
11 after, update probable maximum precipitation esti-
12 mates for the United States, such that each update
13 considers non-stationarity;

14 “(2) coordinate with partners to conduct re-
15 search in the field of extreme precipitation esti-
16 mation, in accordance with the research needs identi-
17 fied in such report;

18 “(3) make publicly available, in a searchable,
19 interoperable format, all probable maximum precipi-
20 tation studies developed by the National Oceanic and
21 Atmospheric Administration that the Administrator
22 has the legal right to redistribute and deemed to be
23 at an appropriate state of development on an internet
24 website of the National Oceanic and Atmospheric Ad-
25 ministration; and

1 “(4) *ensure all probable maximum precipitation*
 2 *estimate data, products, and supporting documenta-*
 3 *tion and metadata developed by the National Oceanic*
 4 *and Atmospheric Administration are preserved,*
 5 *curated, and served by the National Oceanic and At-*
 6 *mospheric Administration, as appropriate.*

7 “(b) *NATIONAL GUIDANCE DOCUMENT FOR THE DE-*
 8 *VELOPMENT OF PROBABLE MAXIMUM PRECIPITATION ESTI-*
 9 *MATES.—The Administrator, in collaboration with Federal*
 10 *agencies, State, territorial, Tribal and local governments,*
 11 *academia, and other partners the Administrator deems ap-*
 12 *propriate, shall develop a National Guidance Document*
 13 *that—*

14 “(1) *provides best practices that can be followed*
 15 *by Federal and State regulatory agencies, private me-*
 16 *teorological consultants, and other users that perform*
 17 *probable maximum precipitation studies;*

18 “(2) *considers the recommendations provided in*
 19 *the National Academies study under section 601;*

20 “(3) *facilitates review of probable maximum pre-*
 21 *cipitation studies by regulatory agencies; and*

22 “(4) *provides confidence in regional and site-spe-*
 23 *cific probable maximum precipitation estimates.*

24 “(c) *PUBLICATION.—Not later than 2 years after the*
 25 *date on which the National Academies makes public the re-*

1 port under section 601, the Administrator shall make pub-
 2 licly available the National Guidance Document under sub-
 3 section (b) on an internet website of the National Oceanic
 4 and Atmospheric Administration.

5 “(d) *UPDATES.*—The Administrator shall update the
 6 National Guidance Document not less than once every 10
 7 years after the publication of the National Guidance Docu-
 8 ment under subsection (c) and publish such updates in ac-
 9 cordance with such subsection.

10 **“SEC. 603. DEFINITIONS.**

11 “In this title:

12 “(1) *ADMINISTRATOR.*—The term ‘Adminis-
 13 trator’ means the Under Secretary of Commerce for
 14 Oceans and Atmosphere and Administrator of the Na-
 15 tional Oceanic and Atmospheric Administration.

16 “(2) *NATIONAL ACADEMIES.*—The term ‘National
 17 Academies’ means the National Academies of
 18 Sciences, Engineering, and Medicine.

19 “(3) *UNITED STATES.*—The term ‘United States’
 20 means, collectively, each State of the United States,
 21 the District of Columbia, the Commonwealth of Puer-
 22 to Rico, American Samoa, Guam, the Commonwealth
 23 of the Northern Mariana Islands, the Virgin Islands
 24 of the United States, and any other territory or pos-
 25 session of the United States.”.

1 *(b) CONFORMING AMENDMENT.—Section 1(b) of the*
2 *Weather Research and Forecasting Innovation Act of 2017*
3 *(15 U.S.C. 8501 note) is amended in the table of contents*
4 *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.”.

Attest:

Clerk.

117TH CONGRESS
2^D SESSION

H.R. 1437

**HOUSE AMENDMENT TO
SENATE AMENDMENT**