

**AMENDMENT TO THE SENATE AMENDMENT TO  
H.J. RES. 66  
OFFERED BY MR. MULVANEY OF SOUTH  
CAROLINA**

The House concurs in the Senate Amendment to H.J. Res. 66 with the following amendment:

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

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Averting the Fiscal  
3 Cliff Act”.

**4 SEC. 2. TABLE OF CONTENTS.**

5 The table of contents is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.

**TITLE I—JOB PROTECTION AND RECESSION PREVENTION ACT**

Subtitle A—Job Protection and Recession Prevention Act

Sec. 1101. Short title.  
Sec. 1102. Permanent extension of 2001 and 2003 tax relief.  
Sec. 1103. Extension of increased small business expensing.  
Sec. 1104. Extension of alternative minimum tax relief for individuals.

Subtitle B—Pathway to Job Creation Through a Simpler, Fairer Tax Code  
Act

Sec. 1201. Short title.  
Sec. 1202. Findings and purposes.  
Sec. 1203. Expedited Consideration of a Measure Providing for Comprehensive  
Tax Reform.

TITLE II—SEQUESTRATION REPLACEMENT ACT

Subtitle A—Agriculture

- Sec. 2101. Short title.
- Sec. 2102. ARRA sunset on date of enactment of this Act.
- Sec. 2103. Categorical eligibility limited to cash assistance.
- Sec. 2104. Standard utility allowances based on the receipt of energy assistance payments.
- Sec. 2105. Employment and training; workfare.
- Sec. 2106. End State bonus program for the supplemental nutrition assistance program.
- Sec. 2107. Funding of employment and training programs.
- Sec. 2108. Turn off indexing for nutrition education and obesity prevention.
- Sec. 2109. Extension of Authorization of Food and Nutrition Act of 2008.
- Sec. 2110. Effective dates and application of amendments.

Subtitle B—Committee on Energy and Commerce

CHAPTER 1—REPEAL OF CERTAIN ACA FUNDING PROVISIONS

- Sec. 2201. Repealing mandatory funding to states to establish American Health Benefit Exchanges.
- Sec. 2202. Repealing Prevention and Public Health Fund.
- Sec. 2203. Rescinding unobligated balances for CO-OP program.

CHAPTER 2—MEDICAID

- Sec. 2211. Revision of provider tax indirect guarantee threshold.
- Sec. 2212. Rebasings of State DSH allotments for fiscal year 2022.
- Sec. 2213. Repeal of Medicaid and CHIP maintenance of effort requirements under PPACA.
- Sec. 2214. Medicaid payments to territories.
- Sec. 2215. Repealing bonus payments for enrollment under Medicaid and CHIP.

Subtitle C—Financial Services

- Sec. 2301. Table of contents.

CHAPTER 1—ORDERLY LIQUIDATION FUND

- Sec. 2311. Repeal of liquidation authority.

CHAPTER 2—HOME AFFORDABLE MODIFICATION PROGRAM

- Sec. 2321. Short title.
- Sec. 2322. Congressional findings.
- Sec. 2323. Termination of authority.
- Sec. 2324. Sense of Congress.

CHAPTER 3—BUREAU OF CONSUMER FINANCIAL PROTECTION

- Sec. 2331. Bringing the Bureau of Consumer Financial Protection into the regular appropriations process.

CHAPTER 4—REPEAL OF THE OFFICE OF FINANCIAL RESEARCH

- Sec. 2341. Repeal of the Office of Financial Research.

Subtitle D—Committee on the Judiciary

- Sec. 2401. Short title.
- Sec. 2402. Encouraging speedy resolution of claims.
- Sec. 2403. Compensating patient injury.
- Sec. 2404. Maximizing patient recovery.
- Sec. 2405. Punitive damages.
- Sec. 2406. Authorization of payment of future damages to claimants in health care lawsuits.
- Sec. 2407. Definitions.
- Sec. 2408. Effect on other laws.
- Sec. 2409. State flexibility and protection of States' rights.
- Sec. 2410. Applicability; effective date.

Subtitle E—Committee on Oversight and Government Reform

- Sec. 2501. Retirement contributions.
- Sec. 2502. Annuity supplement.
- Sec. 2503. Contributions to Thrift Savings Fund of payments for accrued or accumulated leave.

Subtitle F—Committee on Ways and Means

CHAPTER 1—RECAPTURE OF OVERPAYMENTS RESULTING FROM CERTAIN  
FEDERALLY-SUBSIDIZED HEALTH INSURANCE

- Sec. 2601. Recapture of overpayments resulting from certain federally-subsidized health insurance.

CHAPTER 2—SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE  
REFUNDABLE PORTION OF THE CHILD TAX CREDIT

- Sec. 2611. Social security number required to claim the refundable portion of the child tax credit.

CHAPTER 3—HUMAN RESOURCES PROVISIONS

- Sec. 2621. Repeal of the program of block grants to States for social services.

Subtitle G—Sequester Replacement

- Sec. 2701. Short title.
- Sec. 2702. Protecting veterans programs from sequester.
- Sec. 2703. Achieving \$19 billion in discretionary savings.
- Sec. 2704. Conforming amendments to section 314 of the Congressional Budget and Impoundment Control Act of 1974.
- Sec. 2705. Treatment for PAYGO purposes.
- Sec. 2706. Elimination of the fiscal year 2013 sequestration for defense direct spending.

1 **TITLE I—JOB PROTECTION AND**  
2 **RECESSION PREVENTION ACT**  
3 **Subtitle A—Job Protection and**  
4 **Recession Prevention Act**

5 **SEC. 1101. SHORT TITLE.**

6 This subtitle may be cited as the “Job Protection and  
7 Recession Prevention Act of 2012”.

8 **SEC. 1102. PERMANENT EXTENSION OF 2001 AND 2003 TAX**  
9 **RELIEF.**

10 (a) **EXTENSION OF 2001 TAX RELIEF.—**

11 (1) **IN GENERAL.—**The Economic Growth and  
12 Tax Relief Reconciliation Act of 2001 is amended by  
13 striking title IX.

14 (2) **EFFECTIVE DATE.—**The amendments made  
15 by this section shall take effect as if included in the  
16 enactment of the Economic Growth and Tax Relief  
17 Reconciliation Act of 2001.

18 (b) **EXTENSION OF 2003 TAX RELIEF.—**

19 (1) **IN GENERAL.—**The Jobs and Growth Tax  
20 Relief Reconciliation Act of 2003 is amended by  
21 striking section 303.

22 (2) **EFFECTIVE DATE.—**The amendment made  
23 by this section shall take effect as if included in the  
24 enactment of the Jobs and Growth Tax Relief Rec-  
25 onciliation Act of 2003.

1 (c) EXTENSION OF ESTATE TAX RELIEF.—

2 (1) IN GENERAL.—Section 304 of the Tax Re-  
3 lief, Unemployment Insurance Reauthorization, and  
4 Job Creation Act of 2010 is amended to read as fol-  
5 lows:

6 **“SEC. 304. SUNSET OF ESTATE TAX RELIEF.**

7 “(a) IN GENERAL.—All provisions of, and amend-  
8 ments made by, this title shall not apply to estates of dece-  
9 dents dying, gifts made, or generation skipping transfers,  
10 after December 31, 2013.

11 “(b) APPLICATION OF CERTAIN LAWS.—The Internal  
12 Revenue Code of 1986 shall be applied and administered  
13 to estates, gifts, and transfers described in subsection (a)  
14 as if the provisions and amendments described in sub-  
15 section (a) had never been enacted.”.

16 (2) EFFECTIVE DATE.—The amendment made  
17 by paragraph (1) shall apply to estates of decedents  
18 dying, gifts made, or generation skipping transfers,  
19 after December 31, 2012.

20 **SEC. 1103. EXTENSION OF INCREASED SMALL BUSINESS EX-**  
21 **PENSING.**

22 (a) DOLLAR LIMITATION.—Section 179(b)(1) of the  
23 Internal Revenue Code of 1986 is amended—

24 (1) by striking “and” at the end of subpara-  
25 graph (C), by redesignating subparagraph (D) as

1       subparagraph (E), and by inserting after subpara-  
2       graph (C) the following new subparagraph:

3               “(D) \$100,000 in the case of taxable years  
4               beginning in 2013, and”, and

5               (2) by striking “2012” in subparagraph (E) (as  
6       redesignated by paragraph (1)) and inserting  
7       “2013”.

8       (b) REDUCTION IN LIMITATION.—Section 179(b)(2)  
9       of such Code is amended—

10           (1) by striking “and” at the end of subpara-  
11       graph (C), by redesignating subparagraph (D) as  
12       subparagraph (E), and by inserting after subpara-  
13       graph (C) the following new subparagraph:

14               “(D) \$400,000 in the case of taxable years  
15               beginning in 2013, and”, and

16               (2) by striking “2012” in subparagraph (E) (as  
17       redesignated by paragraph (1)) and inserting  
18       “2013”.

19       (c) APPLICATION OF INFLATION ADJUSTMENT.—  
20       Section 179(b)(6)(A) of such Code is amended—

21           (1) by striking “calendar year 2012, the  
22       \$125,000 and \$500,000 amounts in paragraphs  
23       (1)(C) and (2)(C)” in the matter preceding clause  
24       (i) and inserting “calendar year 2013, the \$100,000

1 and \$400,000 amounts in paragraphs (1)(D) and  
2 (2)(D)”, and

3 (2) by striking “calendar year 2006” in clause  
4 (ii) and inserting “calendar year 2002”.

5 (d) COMPUTER SOFTWARE.—Section  
6 179(d)(1)(A)(ii) of such Code is amended by striking  
7 “2013” and inserting “2014”.

8 (e) SPECIAL RULE FOR REVOCATION OF ELEC-  
9 TIONS.—Section 179(e)(2) of such Code is amended by  
10 striking “2013” and inserting “2014”.

11 (f) EFFECTIVE DATE.—The amendments made by  
12 this section shall apply to taxable years beginning after  
13 December 31, 2012.

14 **SEC. 1104. EXTENSION OF ALTERNATIVE MINIMUM TAX RE-**  
15 **LIEF FOR INDIVIDUALS.**

16 (a) EXTENSION OF INCREASED ALTERNATIVE MIN-  
17 IMUM TAX EXEMPTION AMOUNT.—Section 55(d)(1) of  
18 the Internal Revenue Code of 1986 is amended—

19 (1) by striking “\$72,450” and all that follows  
20 through “2011” in subparagraph (A) and inserting  
21 “\$78,750 in the case of taxable years beginning in  
22 2012 and \$79,850 in the case of taxable years be-  
23 ginning in 2013”, and

24 (2) by striking “\$47,450” and all that follows  
25 through “2011” in subparagraph (B) and inserting

1 “\$50,600 in the case of taxable years beginning in  
2 2012 and \$51,150 in the case of taxable years be-  
3 ginning in 2013”.

4 (b) EXTENSION OF ALTERNATIVE MINIMUM TAX RE-  
5 LIEF FOR NONREFUNDABLE PERSONAL CREDITS.—Sec-  
6 tion 26(a)(2) of such Code is amended—

7 (1) by striking “during 2000, 2001, 2002,  
8 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010,  
9 or 2011” and inserting “after 1999 and before  
10 2014”, and

11 (2) by striking “2011” in the heading thereof  
12 and inserting “2013”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply to taxable years beginning after  
15 December 31, 2011.

16 **Subtitle B—Pathway to Job Cre-**  
17 **ation Through a Simpler, Fairer**  
18 **Tax Code Act**

19 **SEC. 1201. SHORT TITLE.**

20 This subtitle may be cited as the “Pathway to Job  
21 Creation through a Simpler, Fairer Tax Code Act of  
22 2012”.

1 **SEC. 1202. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that the following  
3 problems exist with the Internal Revenue Code of 1986  
4 (in this section referred to as the “tax code”):

5 (1) The tax code is unfair, containing hundreds  
6 of provisions that only benefit certain special inter-  
7 ests, resulting in a system of winners and losers.

8 (2) The tax code violates the fundamental prin-  
9 ciple of equal justice by subjecting families in similar  
10 circumstances to significantly different tax bills.

11 (3)(A) Many tax preferences, sometimes re-  
12 ferred to as “tax expenditures,” are similar to gov-  
13 ernment spending—instead of markets directing eco-  
14 nomic resources to their most efficient uses, the  
15 Government directs resources to other uses, creating  
16 a drag on economic growth and job creation.

17 (B) The exclusions, deductions, credits, and  
18 special rules that make up such tax expenditures  
19 amount to over \$1 trillion per year, nearly matching  
20 the total amount of annual revenue that is generated  
21 from the income tax itself.

22 (C) In some cases, tax subsidies can literally  
23 take the form of spending through the tax code, re-  
24 distributing taxes paid by some Americans to indi-  
25 viduals and businesses who do not pay any income  
26 taxes at all.

1           (4) The failure to adopt a permanent tax code  
2           with stable statutory tax policy has created greater  
3           economic uncertainty. Tax rates have been scheduled  
4           to increase sharply in 3 of the last 5 years, requiring  
5           the enactment of repeated temporary extensions. Ad-  
6           ditionally, approximately 70 other, more targeted tax  
7           provisions expired in 2011 or are currently sched-  
8           uled to expire by the end of 2012.

9           (5) Since 2001, there have been nearly 4,500  
10          changes made to the tax code, averaging more than  
11          one each day over the past decade.

12          (6) The tax code's complexity leads nearly nine  
13          out of ten families either to hire tax preparers (60  
14          percent) or purchase software (29 percent) to file  
15          their taxes, while 71 percent of unincorporated busi-  
16          nesses are forced to pay someone else to prepare  
17          their taxes.

18          (7) The cost of complying with the tax code is  
19          too burdensome, forcing individuals, families, and  
20          employers to spend over six billion hours and over  
21          \$160 billion per year trying to comply with the law  
22          and pay the actual tax owed.

23          (8) Compliance with the current tax code is a  
24          financial hardship for employers that falls dispropor-  
25          tionately on small businesses, which spend an aver-

1       age of \$74 per hour on tax-related compliance, mak-  
2       ing it the most expensive paperwork burden they en-  
3       counter.

4           (9) Small businesses have been responsible for  
5       two-thirds of the jobs created in the United States  
6       over the past 15 years, and approximately half of  
7       small-business profits are taxed at the current top 2  
8       individual rates.

9           (10) The historic range for tax revenues col-  
10      lected by the Federal government has averaged 18  
11      to 19 percent of Gross Domestic Product (GDP),  
12      but will rise to 21.2 percent of GDP under current  
13      law—a level never reached, let alone sustained, in  
14      the Nation’s history.

15          (11) The current tax code is highly punitive,  
16      with a top Federal individual income tax rate of 35  
17      percent (which is set to climb to over 40 percent in  
18      2013 when taking into account certain hidden  
19      rates), meaning some Americans could face a com-  
20      bined local, State and Federal tax rate of 50 per-  
21      cent.

22          (12) The tax code contains harmful provisions,  
23      such as the Alternative Minimum Tax (AMT), which  
24      was initially designed to affect only the very highest-  
25      income taxpayers but now threatens more than 30

1 million middle-class households because of a flawed  
2 design.

3 (13) As of April 1, 2012, the United States  
4 achieved the dubious distinction of having the high-  
5 est corporate tax rate (39.2 percent for Federal and  
6 State combined) in the developed world.

7 (14) The United States corporate tax rate is  
8 more than 50 percent higher than the average rate  
9 of member states of the Organization for Economic  
10 Cooperation and Development (OECD)—a factor  
11 that discourages employers and investors from locat-  
12 ing jobs and investments in the United States.

13 (15) The United States has become an outlier  
14 in that it still uses a “worldwide” system of tax-  
15 ation—one that has not been substantially reformed  
16 in 50 years, when the United States accounted for  
17 nearly half of global economic output and had no se-  
18 rious competitors around the world.

19 (16) The combination of the highest corporate  
20 tax rate with an antiquated “worldwide” system sub-  
21 jects American companies to double taxation when  
22 they attempt to compete with foreign companies in  
23 overseas markets and then reinvest their earnings in  
24 the United States.

1           (17) The Nation’s outdated tax code has con-  
2           tributed to the fact that the world’s largest compa-  
3           nies are more likely to be headquartered overseas  
4           today than at any point in the last 50 years: In  
5           1960, 17 of the world’s 20 largest companies were  
6           based in the United States; by 2010, that number  
7           sank to a mere six out of 20.

8           (18) The United States has one of the highest  
9           levels of taxation on capital—taxing it once at the  
10          corporate level and then again at the individual  
11          level—with integrated tax rates on certain invest-  
12          ment income already reaching roughly 50 percent  
13          (and scheduled to reach nearly 70 percent in 2013).

14          (19) The United States’ overall taxation of cap-  
15          ital is higher than all but four of the 38 countries  
16          that make up the OECD and the BRIC (Brazil,  
17          Russia, India and China).

18          (b) PURPOSES.—It is the purpose of this title to pro-  
19          vide for enactment of comprehensive tax reform in 2013  
20          that—

21                 (1) protects taxpayers by creating a fairer, sim-  
22                 pler, flatter tax code for individuals and families  
23                 by—

24                         (A) lowering marginal tax rates and broad-  
25                         ening the tax base;

- 1 (B) eliminating special interest loopholes;
- 2 (C) reducing complexity in the tax code,  
3 making tax compliance easier and less costly;
- 4 (D) repealing the Alternative Minimum  
5 Tax;
- 6 (E) maintaining modern levels of progres-  
7 sivity so as to not overburden any one group or  
8 further erode the tax base;
- 9 (F) making it easier for Americans to save;  
10 and
- 11 (G) reducing the tax burdens imposed on  
12 married couples and families;
- 13 (2) is comprehensive (addressing both indi-  
14 vidual and corporate rates), so as to have the max-  
15 imum economic impact by benefitting employers and  
16 their employees regardless of how a business is  
17 structured;
- 18 (3) results in tax revenue consistent with his-  
19 torical norms;
- 20 (4) spurs greater investment, innovation and  
21 job creation, and therefore increases economic activ-  
22 ity and the size of the economy on a dynamic basis  
23 as compared to the current tax code; and
- 24 (5) makes American workers and businesses  
25 more competitive by—

1 (A) creating a stable, predictable tax code  
2 under which families and employers are best  
3 able to plan for the future;

4 (B) keeping taxes on small businesses low;

5 (C) reducing America's corporate tax rate,  
6 which is currently the highest in the industri-  
7 alized world;

8 (D) maintaining a level of parity between  
9 individual and corporate rates to reduce eco-  
10 nomic distortions;

11 (E) promoting innovation in the United  
12 States;

13 (F) transitioning to a globally competitive  
14 territorial tax system;

15 (G) minimizing the double taxation of in-  
16 vestment and capital; and

17 (H) reducing the impact of taxes on busi-  
18 ness decision-making to allow such decisions to  
19 be driven by their economic potential.

20 **SEC. 1203. EXPEDITED CONSIDERATION OF A MEASURE**  
21 **PROVIDING FOR COMPREHENSIVE TAX RE-**  
22 **FORM.**

23 (a) DEFINITION.—For purposes of this section, the  
24 term “tax reform bill” means a bill of the 113th Con-  
25 gress—

1           (1) introduced in the House of Representatives  
2           by the chair of the Committee on Ways and Means  
3           not later than April 30, 2013, or the first legislative  
4           day thereafter if the House is not in session on that  
5           day, the title of which is as follows: “A bill to pro-  
6           vide for comprehensive tax reform.”; and

7           (2) which is the subject of a certification under  
8           subsection (b).

9           (b) CERTIFICATION.—The chair of the Joint Com-  
10          mittee on Taxation shall notify the House and Senate in  
11          writing whenever the chair of the Joint Committee deter-  
12          mines that an introduced bill described in subsection  
13          (a)(1) contains at least each of the following proposals:

14                 (1) a consolidation of the current 6 individual  
15                 income tax brackets into not more than two brackets  
16                 of 10 and not more than 25 percent;

17                 (2) a reduction in the corporate tax rate to not  
18                 greater than 25 percent;

19                 (3) a repeal of the Alternative Minimum Tax;

20                 (4) a broadening of the tax base to maintain  
21                 revenue between 18 and 19 percent of the economy;  
22                 and

23                 (5) a change from a “worldwide” to a “terri-  
24                 torial” system of taxation.

1 (c) EXPEDITED CONSIDERATION IN THE HOUSE OF  
2 REPRESENTATIVES.—

3 (1) Any committee of the House of Representa-  
4 tives to which the tax reform bill is referred shall re-  
5 port it to the House not later than 20 calendar days  
6 after the date of its introduction. If a committee  
7 fails to report the tax reform bill within that period,  
8 such committee shall be automatically discharged  
9 from further consideration of the bill.

10 (2) If the House has not otherwise proceeded to  
11 the consideration of the tax reform bill upon the ex-  
12 piration of 15 legislative days after the bill has been  
13 placed on the Union Calendar, it shall be in order  
14 for the Majority Leader or a designee (or, after the  
15 expiration of an additional 2 legislative days, any  
16 Member), to offer one motion that the House resolve  
17 into the Committee of the Whole House on the state  
18 of the Union for the consideration of the tax reform  
19 bill. The previous question shall be considered as or-  
20 dered on the motion to its adoption without inter-  
21 vening motion except 20 minutes of debate equally  
22 divided and controlled by the proponent and an op-  
23 ponent. If such a motion is adopted, consideration  
24 shall proceed in accordance with paragraph (3). A

1 motion to reconsider the vote by which the motion  
2 is disposed of shall not be in order.

3 (3) The first reading of the bill shall be dis-  
4 pensed with. General debate shall be confined to the  
5 bill and shall not exceed 4 hours, equally divided and  
6 controlled by the chair and ranking minority mem-  
7 ber of the Committee on Ways and Means. At the  
8 conclusion of general debate, the bill shall be read  
9 for amendment under the five-minute rule. Any com-  
10 mittee amendment shall be considered as read. At  
11 the conclusion of consideration of the bill for amend-  
12 ment the Committee shall rise and report the bill to  
13 the House with such amendments as may have been  
14 adopted. The previous question shall be considered  
15 as ordered on the bill and amendments thereto to  
16 final passage without intervening motion except one  
17 motion to recommit with or without instructions. A  
18 motion to reconsider the vote on passage of the bill  
19 shall not be in order.

20 (d) EXPEDITED CONSIDERATION IN THE SENATE.—

21 (1) COMMITTEE CONSIDERATION.—A tax re-  
22 form bill, as defined in subsection (a), received in  
23 the Senate shall be referred to the Committee on Fi-  
24 nance. The Committee shall report the bill not later  
25 than 15 calendar days after receipt of the bill in the

1 Senate. If the Committee fails to report the bill  
2 within that period, that committee shall be dis-  
3 charged from consideration of the bill, and the bill  
4 shall be placed on the calendar.

5 (2) MOTION TO PROCEED.—Notwithstanding  
6 rule XXII of the Standing Rules of the Senate, it is  
7 in order, not later than 2 days of session after the  
8 date on which the tax reform bill is reported or dis-  
9 charged from committee, for the majority leader of  
10 the Senate or the majority leader’s designee to move  
11 to proceed to the consideration of the tax reform  
12 bill. It shall also be in order for any Member of the  
13 Senate to move to proceed to the consideration of  
14 the tax reform bill at any time after the conclusion  
15 of such 2-day period. A motion to proceed is in order  
16 even though a previous motion to the same effect  
17 has been disagreed to. All points of order against  
18 the motion to proceed to the tax reform bill are  
19 waived. The motion to proceed is not debatable. The  
20 motion is not subject to a motion to postpone.

21 (3) CONSIDERATION.—No motion to recommit  
22 shall be in order and debate on any motion or appeal  
23 shall be limited to one hour, to be divided in the  
24 usual form.

1           (4) AMENDMENTS.—All amendments must be  
2 relevant to the bill and debate on any amendment  
3 shall be limited to 2 hours to be equally divided in  
4 the usual form between the opponents and pro-  
5 ponents of the amendment. Debate on any amend-  
6 ment to an amendment, debatable motion, or appeal  
7 shall be limited to 1 hour to be equally divided in  
8 the usual form between the opponents and pro-  
9 ponents of the amendment.

10           (5) VOTE ON PASSAGE.—If the Senate has pro-  
11 ceeded to the bill, and following the conclusion of all  
12 debate, the Senate shall proceed to a vote on pas-  
13 sage of the bill as amended, if amended.

14           (e) CONFERENCE IN THE HOUSE.—If the House re-  
15 ceives a message that the Senate has passed the tax re-  
16 form bill with an amendment or amendments, it shall be  
17 in order for the chair of the Committee on Ways and  
18 Means or a designee, without intervention of any point of  
19 order, to offer any motion specified in clause 1 of rule  
20 XXII.

21           (f) CONFERENCE IN THE SENATE.—If the Senate re-  
22 ceives from the House a message to accompany the tax  
23 reform bill, as defined in subsection (a), then no later than  
24 two session days after its receipt—

1           (1) the Chair shall lay the message before the  
2       Senate;

3           (2) the motion to insist on the Senate amend-  
4       ment or disagree to the House amendment or  
5       amendments to the Senate amendment, the request  
6       for a conference with the House or the motion to  
7       agree to the request of the House for a conference,  
8       and the motion to authorize the Chair to appoint  
9       conferees on the part of the Senate shall be agreed  
10      to; and

11          (3) the Chair shall then be authorized to ap-  
12      point conferees on the part of the Senate without in-  
13      tervening motion, with a ratio agreed to with the  
14      concurrence of both leaders.

15      (g) RULEMAKING.—This section is enacted by the  
16      Congress as an exercise of the rulemaking power of the  
17      House of Representatives and Senate, respectively, and as  
18      such is deemed a part of the rules of each House, respec-  
19      tively, or of that House to which they specifically apply,  
20      and such procedures supersede other rules only to the ex-  
21      tent that they are inconsistent with such rules; and with  
22      full recognition of the constitutional right of either House  
23      to change the rules (so far as relating to the procedures  
24      of that House) at any time, in the same manner, and to  
25      the same extent as any other rule of that House.

1           **TITLE II—SEQUESTRATION**  
2                   **REPLACEMENT ACT**  
3                   **Subtitle A—Agriculture**

4   **SEC. 2101. SHORT TITLE.**

5           This subtitle may be cited as the “Agricultural Rec-  
6   conciliation Act of 2012”.

7   **SEC. 2102. ARRA SUNSET ON DATE OF ENACTMENT OF THIS**  
8                   **ACT.**

9           Section 101(a)(2) of division A of the American Re-  
10   covery and Reinvestment Act of 2009 (Public Law 111–  
11   5; 123 Stat. 120) is amended by striking “October 31,  
12   2013” and inserting “the date of enactment of the Avert-  
13   ing the Fiscal Cliff Act”.

14   **SEC. 2103. CATEGORICAL ELIGIBILITY LIMITED TO CASH**  
15                   **ASSISTANCE.**

16           Section 5 of the Food and Nutrition Act of 2008 (7  
17   U.S.C. 2014) is amended—

18           (1) in the 2d sentence of subsection (a) by  
19           striking “households in which each member receives  
20           benefits” and inserting “households in which each  
21           member receives cash assistance”, and

22           (2) in subsection (j) by striking “or who re-  
23           ceives benefits under a State program” and inserting  
24           “or who receives cash assistance under a State pro-  
25           gram”.

1 **SEC. 2104. STANDARD UTILITY ALLOWANCES BASED ON**  
2 **THE RECEIPT OF ENERGY ASSISTANCE PAY-**  
3 **MENTS.**

4 (a) STANDARD UTILITY ALLOWANCE.—Section 5 of  
5 the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is  
6 amended—

7 (1) in subsection (e)(6)(C) by striking clause  
8 (iv), and

9 (2) in subsection (k) by striking paragraph (4)  
10 and inserting the following:

11 “(4) THIRD PARTY ENERGY ASSISTANCE PAY-  
12 MENTS.—For purposes of subsection (d)(1), a pay-  
13 ment made under a State law (other than a law re-  
14 ferred to in paragraph (2)(G)) to provide energy as-  
15 sistance to a household shall be considered money  
16 payable directly to the household.”.

17 (b) CONFORMING AMENDMENTS.—Section  
18 2605(f)(2) of the Low-Income Home Energy Assistance  
19 Act of 1981 (42 U.S.C. 8624(f)(2)) is amended—

20 (1) by striking “and for purposes of deter-  
21 mining any excess shelter expense deduction under  
22 section 5(e) of the Food and Nutrition Act of 2008  
23 (7 U.S.C. 2014(e))”, and

24 (2) in subparagraph (A) by inserting before the  
25 semicolon the following: “, except that such pay-  
26 ments or allowances shall not be deemed to be ex-

1        pended for purposes of determining any excess shel-  
2        ter expense deduction under section 5(e)(6) of the  
3        Food and Nutrition Act of 2008 (7 U.S.C.  
4        2014(e)(6))”.

5        **SEC. 2105. EMPLOYMENT AND TRAINING; WORKFARE.**

6        (a) ADMINISTRATIVE COST-SHARING FOR EMPLOY-  
7        MENT AND TRAINING PROGRAMS.—

8                (1) IN GENERAL.—Section 16 of the Food and  
9        Nutrition Act of 2008 (7 U.S.C. 2025) is amend-  
10       ed—

11                (A) in subsection (a) by inserting “(other  
12        than a program carried out under section  
13        6(d)(4) or section 20)” after “supplemental nu-  
14        trition assistance program” the first place it ap-  
15        pears, and

16                (B) in subsection (h)—

17                        (i) by striking paragraphs (2) and (3),

18                        and

19                        (ii) by redesignating paragraphs (4)

20                        and (5) as paragraphs (2) and (3), respec-

21                        tively.

22        (2) CONFORMING AMENDMENTS.—

23                (A) Section 17(b)(1)(B)(iv)(III)(hh) of the

24        Food and Nutrition Act of 2008 (7 U.S.C.

25        2026(b)(1)(B)(iv)(III)(hh)) is amended by

1 striking “(g), (h)(2), or (h)(3)” and inserting  
2 “or (g)”.

3 (B) Section 22(d)(1)(B)(ii) of the Food  
4 and Nutrition Act of 2008 (7 U.S.C.  
5 2031(d)(1)(B)(ii)) is amended is amended by  
6 striking “, (g), (h)(2), and (h)(3)” and insert-  
7 ing “and (g)”.

8 (b) ADMINISTRATIVE COST-SHARING AND REIM-  
9 BURSEMENTS FOR WORKFARE.—Section 20 of the Food  
10 and Nutrition Act of 2008 (7 U.S.C. 2029) is amended  
11 by striking subsection (g).

12 **SEC. 2106. END STATE BONUS PROGRAM FOR THE SUPPLE-**  
13 **MENTAL NUTRITION ASSISTANCE PROGRAM.**

14 Section 16 of the Food and Nutrition Act of 2008  
15 (7 U.S.C. 2025) is amended by striking subsection (d).

16 **SEC. 2107. FUNDING OF EMPLOYMENT AND TRAINING PRO-**  
17 **GRAMS.**

18 For purposes of fiscal year 2013, the reference to  
19 \$90,000,000 in section 16(h)(1)(A) of the Food and Nu-  
20 trition Act of 2008 (7 U.S.C. 2025(h)(1)(A)) shall be  
21 deemed to be a reference to \$79,000,000.

22 **SEC. 2108. TURN OFF INDEXING FOR NUTRITION EDU-**  
23 **CATION AND OBESITY PREVENTION.**

24 Section 28(d) of the Food and Nutrition Act of 2008  
25 (7 U.S.C. 2037(d)) is amended by striking “years—” and

1 all that follows through the period at the end, and insert-  
2 ing “years, \$375,000,000.”.

3 **SEC. 2109. EXTENSION OF AUTHORIZATION OF FOOD AND**  
4 **NUTRITION ACT OF 2008.**

5 Section 18(a)(1) of the Food and Nutrition Act of  
6 2008 (7 U.S.C. 2027(a)(1)) is amended by striking  
7 “2012” and inserting “2013”.

8 **SEC. 2110. EFFECTIVE DATES AND APPLICATION OF**  
9 **AMENDMENTS.**

10 (a) GENERAL EFFECTIVE DATE.—Except as pro-  
11 vided in subsection (b), this title and the amendments  
12 made by this title shall take effect on the date of enact-  
13 ment of this Act, and shall apply only with respect to cer-  
14 tification periods that begin on or after such date.

15 (b) SPECIAL EFFECTIVE DATE.—Section 2107 and  
16 the amendments made by sections 2102, 2103, 2104, and  
17 2109 shall take effect on the date of the enactment of  
18 this Act and shall apply only with respect to certification  
19 periods that begin on or after such date.

1     **Subtitle B—Committee on Energy**  
2                     **and Commerce**

3             **CHAPTER 1—REPEAL OF CERTAIN ACA**  
4                     **FUNDING PROVISIONS**

5     **SEC. 2201. REPEALING MANDATORY FUNDING TO STATES**  
6                     **TO ESTABLISH AMERICAN HEALTH BENEFIT**  
7                     **EXCHANGES.**

8             (a) **IN GENERAL.**—Section 1311(a) of the Patient  
9     Protection and Affordable Care Act (42 U.S.C. 18031(a))  
10    is repealed.

11            (b) **RESCISSION OF UNOBLIGATED FUNDS.**—Of the  
12    funds made available under such section 1311(a), the un-  
13    obligated balance is rescinded.

14     **SEC. 2202. REPEALING PREVENTION AND PUBLIC HEALTH**  
15                     **FUND.**

16            (a) **IN GENERAL.**—Section 4002 of the Patient Pro-  
17    tection and Affordable Care Act (42 U.S.C. 300u–11) is  
18    repealed.

19            (b) **RESCISSION OF UNOBLIGATED FUNDS.**—Of the  
20    funds made available by such section 4002, the unobli-  
21    gated balance is rescinded.

1 **SEC. 2203. RESCINDING UNOBLIGATED BALANCES FOR CO-**  
2 **OP PROGRAM.**

3 Of the funds made available under section 1322(g)  
4 of the Patient Protection and Affordable Care Act (42  
5 U.S.C. 18042(g)), the unobligated balance is rescinded.

6 **CHAPTER 2—MEDICAID**

7 **SEC. 2211. REVISION OF PROVIDER TAX INDIRECT GUAR-**  
8 **ANTEE THRESHOLD.**

9 Section 1903(w)(4)(C)(ii) of the Social Security Act  
10 (42 U.S.C. 1396b(w)(4)(C)(ii)) is amended by inserting  
11 “and for portions of fiscal years beginning on or after Oc-  
12 tober 1, 2012,” after “October 1, 2011,”.

13 **SEC. 2212. REBASING OF STATE DSH ALLOTMENTS FOR FIS-**  
14 **CAL YEAR 2022.**

15 Section 1923(f) of the Social Security Act (42 U.S.C.  
16 1396r-4(f)) is amended—

17 (1) by redesignating paragraph (9) as para-  
18 graph (10);

19 (2) in paragraph (3)(A) by striking “para-  
20 graphs (6), (7), and (8)” and inserting “paragraphs  
21 (6), (7), (8), and (9)”; and

22 (3) by inserting after paragraph (8) the fol-  
23 lowing new paragraph:

24 “(9) REBASING OF STATE DSH ALLOTMENTS  
25 FOR FISCAL YEAR 2022.—With respect to fiscal  
26 2022, for purposes of applying paragraph (3)(A) to

1 determine the DSH allotment for a State, the  
2 amount of the DSH allotment for the State under  
3 paragraph (3) for fiscal year 2021 shall be treated  
4 as if it were such amount as reduced under para-  
5 graph (7).”.

6 **SEC. 2213. REPEAL OF MEDICAID AND CHIP MAINTENANCE**  
7 **OF EFFORT REQUIREMENTS UNDER PPACA.**

8 (a) REPEAL OF PPACA MEDICAID MOE.—Section  
9 1902 of the Social Security Act (42 U.S.C. 1396a) is  
10 amended by striking subsection (gg).

11 (b) REPEAL OF PPACA CHIP MOE.—Section  
12 2105(d)(3) of the Social Security Act (42 U.S.C.  
13 1397ee(d)(3)) is amended—

14 (1) by striking subparagraph (A);

15 (2) by redesignating subparagraphs (B) and  
16 (C) as subparagraphs (A) and (B), respectively; and

17 (3) in the paragraph heading, by striking  
18 “CONTINUATION OF ELIGIBILITY STANDARDS FOR  
19 CHILDREN UNTIL OCTOBER 1, 2019” and inserting  
20 “CONTINUITY OF COVERAGE”.

21 (c) CONFORMING AMENDMENTS.—

22 (1) Section 1902(a) of the Social Security Act  
23 (42 U.S.C. 1396a(a)) is amended by striking para-  
24 graph (74).

1           (2) Effective January 1, 2014, paragraph (14)  
2           of section 1902(e) (as added by section 2002(a) of  
3           Public Law 111–148) is amended by striking the  
4           third sentence of subparagraph (A).

5           (d) EFFECTIVE DATE.—Except as provided in sub-  
6           section (c)(2), the amendments made by this section shall  
7           take effect on the date of the enactment of this section.

8           **SEC. 2214. MEDICAID PAYMENTS TO TERRITORIES.**

9           (a) LIMIT ON PAYMENTS.—Section 1108(g) of the  
10          Social Security Act (42 U.S.C. 1308(g)) is amended—

11           (1) in paragraph (2)—

12                   (A) by striking “paragraphs (3) and (5)”;

13                   and

14                   (B) by inserting “paragraph (3)” after

15                   “and subject to”;

16           (2) in paragraph (4), by striking “(3), and”

17           and all that follows through “of this subsection” and

18           inserting “and (3) of this subsection”; and

19           (3) by striking paragraph (5).

20          (b) FMAP.—The first sentence of section 1905(b) of  
21          the Social Security Act (42 U.S.C. 1396d(b)) is amended  
22          by striking “shall be 55 percent” and inserting “shall be  
23          50 percent”.

1 **SEC. 2215. REPEALING BONUS PAYMENTS FOR ENROLL-**  
2 **MENT UNDER MEDICAID AND CHIP.**

3 (a) IN GENERAL.—Paragraphs (3) and (4) of section  
4 2105(a) of the Social Security Act (42 U.S.C. 1397ee(a))  
5 are repealed.

6 (b) RESCISSION OF UNOBLIGATED FUNDS.—Of the  
7 funds made available by section 2105(a)(3) of the Social  
8 Security Act, the unobligated balance is rescinded.

9 (c) CONFORMING CHANGES.—

10 (1) AVAILABILITY OF EXCESS FUNDS FOR PER-  
11 FORMANCE BONUSES.—Section 2104(n)(2) of the  
12 Social Security Act (42 U.S.C. 1397dd(n)(2)) is  
13 amended by striking subparagraph (D).

14 (2) OUTREACH OR COVERAGE BENCHMARKS.—  
15 Section 2111(b)(3) of the Social Security Act (42  
16 U.S.C. 1397kk(b)(3)) is amended—

17 (A) in subparagraph (A)—

18 (i) in clause (i), by inserting “or”  
19 after the semicolon at the end; and

20 (ii) by striking clause (ii); and

21 (B) by striking subparagraph (C).

22 **Subtitle C—Financial Services**

23 **SEC. 2301. TABLE OF CONTENTS.**

24 The table of contents for this subtitle is as follows:

Sec. 2301. Table of contents.



1 (C) in section 716(g), by striking “or a  
2 covered financial company under title II”;

3 (D) in section 1105(e)(5), by striking  
4 “amount of any securities issued under that  
5 chapter 31 for such purpose shall be treated in  
6 the same manner as securities issued under sec-  
7 tion 208(n)(5)(E)” and inserting “issuances of  
8 such securities under that chapter 31 for such  
9 purpose shall by treated as public debt trans-  
10 actions of the United States, and the proceeds  
11 from the sale of any obligations acquired by the  
12 Secretary under this paragraph shall be depos-  
13 ited into the Treasury of the United States as  
14 miscellaneous receipts”; and

15 (E) in section 1106(c)(2), by amending  
16 subparagraph (A) to read as follows:

17 “(A) require the company to file a petition  
18 for bankruptcy under section 301 of title 11,  
19 United States Code; or”.

20 (2) FEDERAL DEPOSIT INSURANCE ACT.—Sec-  
21 tion 10(b)(3) of the Federal Deposit Insurance Act  
22 (12 U.S.C. 1820(b)(3)) is amended by striking “, or  
23 of such nonbank financial company supervised by  
24 the Board of Governors or bank holding company  
25 described in section 165(a) of the Financial Stability

1 Act of 2010, for the purpose of implementing its au-  
2 thority to provide for orderly liquidation of any such  
3 company under title II of that Act”.

4 (3) FEDERAL RESERVE ACT.—Section 13(3) of  
5 the Federal Reserve Act is amended—

6 (A) in subparagraph (B)—

7 (i) in clause (ii), by striking “, resolu-  
8 tion under title II of the Dodd-Frank Wall  
9 Street Reform and Consumer Protection  
10 Act, or” and inserting “or is subject to  
11 resolution under”; and

12 (ii) in clause (iii), by striking “, reso-  
13 lution under title II of the Dodd-Frank  
14 Wall Street Reform and Consumer Protec-  
15 tion Act, or” and inserting “or resolution  
16 under”; and

17 (B) by striking subparagraph (E).

## 18 **CHAPTER 2—HOME AFFORDABLE**

### 19 **MODIFICATION PROGRAM**

#### 20 **SEC. 2321. SHORT TITLE.**

21 This chapter may be cited as the “HAMP Termi-  
22 nation Act of 2012”.

#### 23 **SEC. 2322. CONGRESSIONAL FINDINGS.**

24 The Congress finds the following:

1           (1) According to the Department of the Treas-  
2           ury—

3                   (A) the Home Affordable Modification Pro-  
4                   gram (HAMP) is designed to “help as many as  
5                   3 to 4 million financially struggling homeowners  
6                   avoid foreclosure by modifying loans to a level  
7                   that is affordable for borrowers now and sus-  
8                   tainable over the long term”; and

9                   (B) as of February 2012, only 782,609 ac-  
10                  tive permanent mortgage modifications were  
11                  made under HAMP.

12           (2) Many homeowners whose HAMP modifica-  
13           tions were canceled suffered because they made fu-  
14           tile payments and some of those homeowners were  
15           even forced into foreclosure.

16           (3) The Special Inspector General for TARP  
17           reported that HAMP “benefits only a small portion  
18           of distressed homeowners, offers others little more  
19           than false hope, and in certain cases causes more  
20           harm than good”.

21           (4) Approximately \$30 billion was obligated by  
22           the Department of the Treasury to HAMP, however,  
23           approximately only \$2.54 billion has been disbursed.

1           (5) Terminating HAMP would save American  
2           taxpayers approximately \$2.84 billion, according to  
3           the Congressional Budget Office.

4 **SEC. 2323. TERMINATION OF AUTHORITY.**

5           Section 120 of the Emergency Economic Stabilization  
6 Act of 2008 (12 U.S.C. 5230) is amended by adding at  
7 the end the following new subsection:

8           “(c) TERMINATION OF AUTHORITY TO PROVIDE  
9 NEW ASSISTANCE UNDER THE HOME AFFORDABLE  
10 MODIFICATION PROGRAM.—

11           “(1) IN GENERAL.—Except as provided under  
12 paragraph (2), after the date of the enactment of  
13 this subsection the Secretary may not provide any  
14 assistance under the Home Affordable Modification  
15 Program under the Making Home Affordable initia-  
16 tive of the Secretary, authorized under this Act, on  
17 behalf of any homeowner.

18           “(2) PROTECTION OF EXISTING OBLIGATIONS  
19 ON BEHALF OF HOMEOWNERS ALREADY EXTENDED  
20 AN OFFER TO PARTICIPATE IN THE PROGRAM.—  
21 Paragraph (1) shall not apply with respect to assist-  
22 ance provided on behalf of a homeowner who, before  
23 the date of the enactment of this subsection, was ex-  
24 tended an offer to participate in the Home Afford-

1       able Modification Program on a trial or permanent  
2       basis.

3               “(3) DEFICIT REDUCTION.—

4                       “(A) USE OF UNOBLIGATED FUNDS.—Not-  
5       withstanding any other provision of this title,  
6       the amounts described in subparagraph (B)  
7       shall not be available after the date of the en-  
8       actment of this subsection for obligation or ex-  
9       penditure under the Home Affordable Modifica-  
10      tion Program of the Secretary, but should be  
11      covered into the General Fund of the Treasury  
12      and should be used only for reducing the budg-  
13      et deficit of the Federal Government.

14                      “(B) IDENTIFICATION OF UNOBLIGATED  
15      FUNDS.—The amounts described in this sub-  
16      paragraph are any amounts made available  
17      under title I of the Emergency Economic Sta-  
18      bilization Act of 2008 that—

19                              “(i) have been allocated for use, but  
20                              not yet obligated as of the date of the en-  
21                              actment of this subsection, under the  
22                              Home Affordable Modification Program of  
23                              the Secretary; and

24                              “(ii) are not necessary for providing  
25                              assistance under such Program on behalf

1 of homeowners who, pursuant to para-  
2 graph (2), may be provided assistance  
3 after the date of the enactment of this sub-  
4 section.

5 “(4) STUDY OF USE OF PROGRAM BY MEMBERS  
6 OF THE ARMED FORCES, VETERANS, AND GOLD  
7 STAR RECIPIENTS.—

8 “(A) STUDY.—The Secretary shall conduct  
9 a study to determine the extent of usage of the  
10 Home Affordable Modification Program by, and  
11 the impact of such Program on, covered home-  
12 owners.

13 “(B) REPORT.—Not later than the expira-  
14 tion of the 90-day period beginning on the date  
15 of the enactment of this subsection, the Sec-  
16 retary shall submit to the Congress a report  
17 setting forth the results of the study under sub-  
18 paragraph (A) and identifying best practices,  
19 derived from studying the Home Affordable  
20 Modification Program, that could be applied to  
21 existing mortgage assistance programs available  
22 to covered homeowners.

23 “(C) COVERED HOMEOWNER.—For pur-  
24 poses of this subsection, the term ‘covered  
25 homeowner’ means a homeowner who is—

1           “(i) a member of the Armed Forces of  
2           the United States on active duty or the  
3           spouse or parent of such a member;

4           “(ii) a veteran, as such term is de-  
5           fined in section 101 of title 38, United  
6           States Code; or

7           “(iii) eligible to receive a Gold Star  
8           lapel pin under section 1126 of title 10,  
9           United States Code, as a widow, parent, or  
10          next of kin of a member of the Armed  
11          Forces person who died in a manner de-  
12          scribed in subsection (a) of such section.

13           “(5) PUBLICATION OF MEMBER AVAILABILITY  
14          FOR ASSISTANCE.—Not later than 5 days after the  
15          date of the enactment of this subsection, the Sec-  
16          retary of the Treasury shall publish to its Website  
17          on the World Wide Web in a prominent location,  
18          large point font, and boldface type the following  
19          statement: ‘The Home Affordable Modification Pro-  
20          gram (HAMP) has been terminated. If you are hav-  
21          ing trouble paying your mortgage and need help con-  
22          tacting your lender or servicer for purposes of nego-  
23          tiating or acquiring a loan modification, please con-  
24          tact your Member of Congress to assist you in con-

1       tacting your lender or servicer for the purpose of ne-  
2       gotiating or acquiring a loan modification.’.

3               “(6) NOTIFICATION TO HAMP APPLICANTS RE-  
4       QUIRED.—Not later than 30 days after the date of  
5       the enactment of this subsection, the Secretary of  
6       the Treasury shall inform each individual who ap-  
7       plied for the Home Affordable Modification Program  
8       and will not be considered for a modification under  
9       such Program due to termination of such Program  
10      under this subsection—

11               “(A) that such Program has been termi-  
12      nated;

13               “(B) that loan modifications under such  
14      Program are no longer available;

15               “(C) of the name and contact information  
16      of such individual’s Member of Congress; and

17               “(D) that the individual should contact his  
18      or her Member of Congress to assist the indi-  
19      vidual in contacting the individual’s lender or  
20      servicer for the purpose of negotiating or ac-  
21      quiring a loan modification.”.

22   **SEC. 2324. SENSE OF CONGRESS.**

23       The Congress encourages banks to work with home-  
24      owners to provide loan modifications to those that are eli-  
25      gible. The Congress also encourages banks to work and

1 assist homeowners and prospective homeowners with fore-  
2 closure prevention programs and information on loan  
3 modifications.

4       **CHAPTER 3—BUREAU OF CONSUMER**  
5                   **FINANCIAL PROTECTION**

6       **SEC. 2331. BRINGING THE BUREAU OF CONSUMER FINAN-**  
7                   **CIAL PROTECTION INTO THE REGULAR AP-**  
8                   **PROPRIATIONS PROCESS.**

9       Section 1017 of the Consumer Financial Protection  
10 Act of 2010 is amended—

11               (1) in subsection (a)—

12                       (A) by amending the heading of such sub-  
13 section to read as follows: “BUDGET, FINAN-  
14 CIAL MANAGEMENT, AND AUDIT.—”;

15                       (B) by striking paragraphs (1), (2), and  
16 (3);

17                       (C) by redesignating paragraphs (4) and  
18 (5) as paragraphs (1) and (2), respectively; and

19                       (D) by striking subparagraphs (E) and (F)  
20 of paragraph (1), as so redesignated;

21                       (2) by striking subsections (b), (c), and (d);

22                       (3) by redesignating subsection (e) as sub-  
23 section (b); and

24                       (4) in subsection (b), as so redesignated—

1 (A) by striking paragraphs (1), (2), and  
2 (3) and inserting the following:

3 “(1) AUTHORIZATION OF APPROPRIATIONS.—  
4 There is authorized to be appropriated  
5 \$200,000,000 to carry out this title for each of fiscal  
6 years 2012 and 2013.”; and

7 (B) by redesignating paragraph (4) as  
8 paragraph (2).

9 **CHAPTER 4—REPEAL OF THE OFFICE OF**  
10 **FINANCIAL RESEARCH**

11 **SEC. 2341. REPEAL OF THE OFFICE OF FINANCIAL RE-**  
12 **SEARCH.**

13 (a) IN GENERAL.—Subtitle B of title I of the Dodd-  
14 Frank Wall Street Reform and Consumer Protection Act  
15 is hereby repealed.

16 (b) CONFORMING AMENDMENTS TO THE DODD-  
17 FRANK ACT.—The Dodd-Frank Wall Street Reform and  
18 Consumer Protection Act is amended—

19 (1) in section 102(a), by striking paragraph  
20 (5);

21 (2) in section 111—

22 (A) in subsection (b)(2)—

23 (i) by striking subparagraph (A); and

1 (ii) by redesignating subparagraphs  
2 (B), (C), (D), and (E) as subparagraphs  
3 (A), (B), (C), and (D), respectively;

4 (B) in subsection (c)(1), by striking “sub-  
5 paragraphs (C), (D), and (E)” and inserting  
6 “subparagraphs (B), (C), and (D)”;

7 (3) in section 112—

8 (A) in subsection (a)(2)—

9 (i) in subparagraph (A), by striking  
10 “direct the Office of Financial Research  
11 to”;

12 (ii) by striking subparagraph (B); and

13 (iii) by redesignating subparagraphs  
14 (C), (D), (E), (F), (G), (H), (I), (J), (K),  
15 (L), (M), and (N) as subparagraphs (B),  
16 (C), (D), (E), (F), (G), (H), (I), (J), (K),  
17 (L), and (M), respectively; and

18 (B) in subsection (d)—

19 (i) in paragraph (1), by striking “the  
20 Office of Financial Research, member  
21 agencies, and” and inserting “member  
22 agencies and”;

23 (ii) in paragraph (2), by striking “the  
24 Office of Financial Research, any member

1 agency, and” and inserting “any member  
2 agency and”;

3 (iii) in paragraph (3)—

4 (I) by striking “, acting through  
5 the Office of Financial Research,”  
6 each place it appears; and

7 (II) in subparagraph (B), by  
8 striking “the Office of Financial Re-  
9 search or”; and

10 (iv) in paragraph (5)(A), by striking  
11 “, the Office of Financial Research,”;

12 (4) in section 116, by striking “, acting through  
13 the Office of Financial Research,” each place it ap-  
14 pears; and

15 (5) by striking section 118.

16 (c) CONFORMING AMENDMENT TO THE PAPERWORK  
17 REDUCTION ACT.—Effective as of the date specified in  
18 section 1100H of the Dodd-Frank Wall Street Reform and  
19 Consumer Protection Act, section 1100D(a) of such Act  
20 is amended to read as follows:

21 “(a) DESIGNATION AS AN INDEPENDENT AGENCY.—  
22 Section 3502(5) of subchapter I of chapter 35 of title 44,  
23 United States Code (commonly known as the Paperwork  
24 Reduction Act) is amended by inserting ‘the Bureau of

1 Consumer Financial Protection,’ after ‘the Securities and  
2 Exchange Commission,’.”

3 (d) TECHNICAL AMENDMENTS.—The table of con-  
4 tents for the Dodd-Frank Wall Street Reform and Con-  
5 sumer Protection Act is amended—

6 (1) by striking the item relating to section 118;

7 and

8 (2) by striking the items relating to subtitle B  
9 of title I.

## 10 **Subtitle D—Committee on the** 11 **Judiciary**

### 12 **SEC. 2401. SHORT TITLE.**

13 This title may be cited as the “Help Efficient, Acces-  
14 sible, Low-cost, Timely Healthcare (HEALTH) Act of  
15 2012”.

### 16 **SEC. 2402. ENCOURAGING SPEEDY RESOLUTION OF** 17 **CLAIMS.**

18 The time for the commencement of a health care law-  
19 suit shall be 3 years after the date of manifestation of  
20 injury or 1 year after the claimant discovers, or through  
21 the use of reasonable diligence should have discovered, the  
22 injury, whichever occurs first. In no event shall the time  
23 for commencement of a health care lawsuit exceed 3 years  
24 after the date of manifestation of injury unless tolled for  
25 any of the following—

- 1 (1) upon proof of fraud;
- 2 (2) intentional concealment; or
- 3 (3) the presence of a foreign body, which has no
- 4 therapeutic or diagnostic purpose or effect, in the
- 5 person of the injured person.

6 Actions by a minor shall be commenced within 3 years  
7 from the date of the alleged manifestation of injury except  
8 that actions by a minor under the full age of 6 years shall  
9 be commenced within 3 years of manifestation of injury  
10 or prior to the minor's 8th birthday, whichever provides  
11 a longer period. Such time limitation shall be tolled for  
12 minors for any period during which a parent or guardian  
13 and a health care provider or health care organization  
14 have committed fraud or collusion in the failure to bring  
15 an action on behalf of the injured minor.

16 **SEC. 2403. COMPENSATING PATIENT INJURY.**

17 (a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL  
18 ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any  
19 health care lawsuit, nothing in this title shall limit a claim-  
20 ant's recovery of the full amount of the available economic  
21 damages, notwithstanding the limitation in subsection (b).

22 (b) ADDITIONAL NONECONOMIC DAMAGES.—In any  
23 health care lawsuit, the amount of noneconomic damages,  
24 if available, may be as much as \$250,000, regardless of  
25 the number of parties against whom the action is brought

1 or the number of separate claims or actions brought with  
2 respect to the same injury.

3 (c) NO DISCOUNT OF AWARD FOR NONECONOMIC  
4 DAMAGES.—For purposes of applying the limitation in  
5 subsection (b), future noneconomic damages shall not be  
6 discounted to present value. The jury shall not be in-  
7 formed about the maximum award for noneconomic dam-  
8 ages. An award for noneconomic damages in excess of  
9 \$250,000 shall be reduced either before the entry of judg-  
10 ment, or by amendment of the judgment after entry of  
11 judgment, and such reduction shall be made before ac-  
12 counting for any other reduction in damages required by  
13 law. If separate awards are rendered for past and future  
14 noneconomic damages and the combined awards exceed  
15 \$250,000, the future noneconomic damages shall be re-  
16 duced first.

17 (d) FAIR SHARE RULE.—In any health care lawsuit,  
18 each party shall be liable for that party's several share  
19 of any damages only and not for the share of any other  
20 person. Each party shall be liable only for the amount of  
21 damages allocated to such party in direct proportion to  
22 such party's percentage of responsibility. Whenever a  
23 judgment of liability is rendered as to any party, a sepa-  
24 rate judgment shall be rendered against each such party  
25 for the amount allocated to such party. For purposes of

1 this section, the trier of fact shall determine the propor-  
2 tion of responsibility of each party for the claimant's  
3 harm.

4 **SEC. 2404. MAXIMIZING PATIENT RECOVERY.**

5 (a) COURT SUPERVISION OF SHARE OF DAMAGES  
6 ACTUALLY PAID TO CLAIMANTS.—In any health care law-  
7 suit, the court shall supervise the arrangements for pay-  
8 ment of damages to protect against conflicts of interest  
9 that may have the effect of reducing the amount of dam-  
10 ages awarded that are actually paid to claimants. In par-  
11 ticular, in any health care lawsuit in which the attorney  
12 for a party claims a financial stake in the outcome by vir-  
13 tue of a contingent fee, the court shall have the power  
14 to restrict the payment of a claimant's damage recovery  
15 to such attorney, and to redirect such damages to the  
16 claimant based upon the interests of justice and principles  
17 of equity. In no event shall the total of all contingent fees  
18 for representing all claimants in a health care lawsuit ex-  
19 ceed the following limits:

20 (1) Forty percent of the first \$50,000 recovered  
21 by the claimant(s).

22 (2) Thirty-three and one-third percent of the  
23 next \$50,000 recovered by the claimant(s).

24 (3) Twenty-five percent of the next \$500,000  
25 recovered by the claimant(s).

1           (4) Fifteen percent of any amount by which the  
2           recovery by the claimant(s) is in excess of \$600,000.

3           (b) **APPLICABILITY.**—The limitations in this section  
4 shall apply whether the recovery is by judgment, settle-  
5 ment, mediation, arbitration, or any other form of alter-  
6 native dispute resolution. In a health care lawsuit involv-  
7 ing a minor or incompetent person, a court retains the  
8 authority to authorize or approve a fee that is less than  
9 the maximum permitted under this section. The require-  
10 ment for court supervision in the first two sentences of  
11 subsection (a) applies only in civil actions.

12 **SEC. 2405. PUNITIVE DAMAGES.**

13           (a) **IN GENERAL.**—Punitive damages may, if other-  
14 wise permitted by applicable State or Federal law, be  
15 awarded against any person in a health care lawsuit only  
16 if it is proven by clear and convincing evidence that such  
17 person acted with malicious intent to injure the claimant,  
18 or that such person deliberately failed to avoid unneces-  
19 sary injury that such person knew the claimant was sub-  
20 stantially certain to suffer. In any health care lawsuit  
21 where no judgment for compensatory damages is rendered  
22 against such person, no punitive damages may be awarded  
23 with respect to the claim in such lawsuit. No demand for  
24 punitive damages shall be included in a health care lawsuit  
25 as initially filed. A court may allow a claimant to file an

1 amended pleading for punitive damages only upon a mo-  
2 tion by the claimant and after a finding by the court, upon  
3 review of supporting and opposing affidavits or after a  
4 hearing, after weighing the evidence, that the claimant has  
5 established by a substantial probability that the claimant  
6 will prevail on the claim for punitive damages. At the re-  
7 quest of any party in a health care lawsuit, the trier of  
8 fact shall consider in a separate proceeding—

9 (1) whether punitive damages are to be award-  
10 ed and the amount of such award; and

11 (2) the amount of punitive damages following a  
12 determination of punitive liability.

13 If a separate proceeding is requested, evidence relevant  
14 only to the claim for punitive damages, as determined by  
15 applicable State law, shall be inadmissible in any pro-  
16 ceeding to determine whether compensatory damages are  
17 to be awarded.

18 (b) DETERMINING AMOUNT OF PUNITIVE DAM-  
19 AGES.—

20 (1) FACTORS CONSIDERED.—In determining  
21 the amount of punitive damages, if awarded, in a  
22 health care lawsuit, the trier of fact shall consider  
23 only the following—

24 (A) the severity of the harm caused by the  
25 conduct of such party;

1 (B) the duration of the conduct or any  
2 concealment of it by such party;

3 (C) the profitability of the conduct to such  
4 party;

5 (D) the number of products sold or med-  
6 ical procedures rendered for compensation, as  
7 the case may be, by such party, of the kind  
8 causing the harm complained of by the claim-  
9 ant;

10 (E) any criminal penalties imposed on such  
11 party, as a result of the conduct complained of  
12 by the claimant; and

13 (F) the amount of any civil fines assessed  
14 against such party as a result of the conduct  
15 complained of by the claimant.

16 (2) MAXIMUM AWARD.—The amount of punitive  
17 damages, if awarded, in a health care lawsuit may  
18 be as much as \$250,000 or as much as two times  
19 the amount of economic damages awarded, which-  
20 ever is greater. The jury shall not be informed of  
21 this limitation.

22 (c) NO PUNITIVE DAMAGES FOR PRODUCTS THAT  
23 COMPLY WITH FDA STANDARDS.—

24 (1) IN GENERAL.—

1 (A) No punitive damages may be awarded  
2 against the manufacturer or distributor of a  
3 medical product, or a supplier of any compo-  
4 nent or raw material of such medical product,  
5 based on a claim that such product caused the  
6 claimant's harm where—

7 (i)(I) such medical product was sub-  
8 ject to premarket approval, clearance, or li-  
9 censure by the Food and Drug Administra-  
10 tion with respect to the safety of the for-  
11 mulation or performance of the aspect of  
12 such medical product which caused the  
13 claimant's harm or the adequacy of the  
14 packaging or labeling of such medical  
15 product; and

16 (II) such medical product was so ap-  
17 proved, cleared, or licensed; or

18 (ii) such medical product is generally  
19 recognized among qualified experts as safe  
20 and effective pursuant to conditions estab-  
21 lished by the Food and Drug Administra-  
22 tion and applicable Food and Drug Admin-  
23 istration regulations, including without  
24 limitation those related to packaging and  
25 labeling, unless the Food and Drug Admin-

1           istration has determined that such medical  
2           product was not manufactured or distrib-  
3           uted in substantial compliance with appli-  
4           cable Food and Drug Administration stat-  
5           utes and regulations.

6           (B) RULE OF CONSTRUCTION.—Subpara-  
7           graph (A) may not be construed as establishing  
8           the obligation of the Food and Drug Adminis-  
9           tration to demonstrate affirmatively that a  
10          manufacturer, distributor, or supplier referred  
11          to in such subparagraph meets any of the con-  
12          ditions described in such subparagraph.

13          (2) LIABILITY OF HEALTH CARE PROVIDERS.—  
14          A health care provider who prescribes, or who dis-  
15          penses pursuant to a prescription, a medical product  
16          approved, licensed, or cleared by the Food and Drug  
17          Administration shall not be named as a party to a  
18          product liability lawsuit involving such product and  
19          shall not be liable to a claimant in a class action  
20          lawsuit against the manufacturer, distributor, or  
21          seller of such product. Nothing in this paragraph  
22          prevents a court from consolidating cases involving  
23          health care providers and cases involving products li-  
24          ability claims against the manufacturer, distributor,  
25          or product seller of such medical product.

1           (3) PACKAGING.—In a health care lawsuit for  
2           harm which is alleged to relate to the adequacy of  
3           the packaging or labeling of a drug which is required  
4           to have tamper-resistant packaging under regula-  
5           tions of the Secretary of Health and Human Serv-  
6           ices (including labeling regulations related to such  
7           packaging), the manufacturer or product seller of  
8           the drug shall not be held liable for punitive dam-  
9           ages unless such packaging or labeling is found by  
10          the trier of fact by clear and convincing evidence to  
11          be substantially out of compliance with such regula-  
12          tions.

13          (4) EXCEPTION.—Paragraph (1) shall not  
14          apply in any health care lawsuit in which—

15                (A) a person, before or after premarket ap-  
16                proval, clearance, or licensure of such medical  
17                product, knowingly misrepresented to or with-  
18                held from the Food and Drug Administration  
19                information that is required to be submitted  
20                under the Federal Food, Drug, and Cosmetic  
21                Act (21 U.S.C. 301 et seq.) or section 351 of  
22                the Public Health Service Act (42 U.S.C. 262)  
23                that is material and is causally related to the  
24                harm which the claimant allegedly suffered

1 (B) a person made an illegal payment to  
2 an official of the Food and Drug Administra-  
3 tion for the purpose of either securing or main-  
4 taining approval, clearance, or licensure of such  
5 medical product; or

6 (C) the defendant caused the medical prod-  
7 uct which caused the claimant's harm to be  
8 misbranded or adulterated (as such terms are  
9 used in chapter V of the Federal Food, Drug,  
10 and Cosmetic Act (21 U.S.C. 351 et seq.)).

11 **SEC. 2406. AUTHORIZATION OF PAYMENT OF FUTURE DAM-**  
12 **AGES TO CLAIMANTS IN HEALTH CARE LAW-**  
13 **SUITS.**

14 (a) IN GENERAL.—In any health care lawsuit, if an  
15 award of future damages, without reduction to present  
16 value, equaling or exceeding \$50,000 is made against a  
17 party with sufficient insurance or other assets to fund a  
18 periodic payment of such a judgment, the court shall, at  
19 the request of any party, enter a judgment ordering that  
20 the future damages be paid by periodic payments, in ac-  
21 cordance with the Uniform Periodic Payment of Judg-  
22 ments Act promulgated by the National Conference of  
23 Commissioners on Uniform State Laws.

1 (b) APPLICABILITY.—This section applies to all ac-  
2 tions which have not been first set for trial or retrial be-  
3 fore the effective date of this title.

4 **SEC. 2407. DEFINITIONS.**

5 In this title:

6 (1) ALTERNATIVE DISPUTE RESOLUTION SYS-  
7 TEM; ADR.—The term “alternative dispute resolution  
8 system” or “ADR” means a system that provides  
9 for the resolution of health care lawsuits in a man-  
10 ner other than through a civil action brought in a  
11 State or Federal court.

12 (2) CLAIMANT.—The term “claimant” means  
13 any person who brings a health care lawsuit, includ-  
14 ing a person who asserts or claims a right to legal  
15 or equitable contribution, indemnity, or subrogation,  
16 arising out of a health care liability claim or action,  
17 and any person on whose behalf such a claim is as-  
18 serted or such an action is brought, whether de-  
19 ceased, incompetent, or a minor.

20 (3) COMPENSATORY DAMAGES.—The term  
21 “compensatory damages” means objectively  
22 verifiable monetary losses incurred as a result of the  
23 provision of, use of, or payment for (or failure to  
24 provide, use, or pay for) health care services or med-  
25 ical products, such as past and future medical ex-

1       penses, loss of past and future earnings, cost of ob-  
2       taining domestic services, loss of employment, and  
3       loss of business or employment opportunities, dam-  
4       ages for physical and emotional pain, suffering, in-  
5       convenience, physical impairment, mental anguish,  
6       disfigurement, loss of enjoyment of life, loss of soci-  
7       ety and companionship, loss of consortium (other  
8       than loss of domestic service), hedonic damages, in-  
9       jury to reputation, and all other nonpecuniary losses  
10      of any kind or nature. The term “compensatory  
11      damages” includes economic damages and non-  
12      economic damages, as such terms are defined in this  
13      section.

14           (4) CONTINGENT FEE.—The term “contingent  
15      fee” includes all compensation to any person or per-  
16      sons which is payable only if a recovery is effected  
17      on behalf of one or more claimants.

18           (5) ECONOMIC DAMAGES.—The term “economic  
19      damages” means objectively verifiable monetary  
20      losses incurred as a result of the provision of, use  
21      of, or payment for (or failure to provide, use, or pay  
22      for) health care services or medical products, such as  
23      past and future medical expenses, loss of past and  
24      future earnings, cost of obtaining domestic services,

1 loss of employment, and loss of business or employ-  
2 ment opportunities.

3 (6) HEALTH CARE LAWSUIT.—The term  
4 “health care lawsuit” means any health care liability  
5 claim concerning the provision of health care goods  
6 or services or any medical product affecting inter-  
7 state commerce, or any health care liability action  
8 concerning the provision of health care goods or  
9 services or any medical product affecting interstate  
10 commerce, brought in a State or Federal court or  
11 pursuant to an alternative dispute resolution system,  
12 against a health care provider, a health care organi-  
13 zation, or the manufacturer, distributor, supplier,  
14 marketer, promoter, or seller of a medical product,  
15 regardless of the theory of liability on which the  
16 claim is based, or the number of claimants, plain-  
17 tiffs, defendants, or other parties, or the number of  
18 claims or causes of action, in which the claimant al-  
19 leges a health care liability claim. Such term does  
20 not include a claim or action which is based on  
21 criminal liability; which seeks civil fines or penalties  
22 paid to Federal, State, or local government; or which  
23 is grounded in antitrust.

24 (7) HEALTH CARE LIABILITY ACTION.—The  
25 term “health care liability action” means a civil ac-

1       tion brought in a State or Federal court or pursuant  
2       to an alternative dispute resolution system, against  
3       a health care provider, a health care organization, or  
4       the manufacturer, distributor, supplier, marketer,  
5       promoter, or seller of a medical product, regardless  
6       of the theory of liability on which the claim is based,  
7       or the number of plaintiffs, defendants, or other par-  
8       ties, or the number of causes of action, in which the  
9       claimant alleges a health care liability claim.

10           (8) HEALTH CARE LIABILITY CLAIM.—The  
11       term “health care liability claim” means a demand  
12       by any person, whether or not pursuant to ADR,  
13       against a health care provider, health care organiza-  
14       tion, or the manufacturer, distributor, supplier, mar-  
15       keter, promoter, or seller of a medical product, in-  
16       cluding, but not limited to, third-party claims, cross-  
17       claims, counter-claims, or contribution claims, which  
18       are based upon the provision of, use of, or payment  
19       for (or the failure to provide, use, or pay for) health  
20       care services or medical products, regardless of the  
21       theory of liability on which the claim is based, or the  
22       number of plaintiffs, defendants, or other parties, or  
23       the number of causes of action.

24           (9) HEALTH CARE ORGANIZATION.—The term  
25       “health care organization” means any person or en-

1       tity which is obligated to provide or pay for health  
2       benefits under any health plan, including any person  
3       or entity acting under a contract or arrangement  
4       with a health care organization to provide or admin-  
5       ister any health benefit.

6           (10) HEALTH CARE PROVIDER.—The term  
7       “health care provider” means any person or entity  
8       required by State or Federal laws or regulations to  
9       be licensed, registered, or certified to provide health  
10      care services, and being either so licensed, reg-  
11      istered, or certified, or exempted from such require-  
12      ment by other statute or regulation.

13          (11) HEALTH CARE GOODS OR SERVICES.—The  
14      term “health care goods or services” means any  
15      goods or services provided by a health care organiza-  
16      tion, provider, or by any individual working under  
17      the supervision of a health care provider, that relates  
18      to the diagnosis, prevention, or treatment of any  
19      human disease or impairment, or the assessment or  
20      care of the health of human beings.

21          (12) MALICIOUS INTENT TO INJURE.—The  
22      term “malicious intent to injure” means inten-  
23      tionally causing or attempting to cause physical in-  
24      jury other than providing health care goods or serv-  
25      ices.

1           (13) MEDICAL PRODUCT.—The term “medical  
2           product” means a drug, device, or biological product  
3           intended for humans, and the terms “drug”, “de-  
4           vice”, and “biological product” have the meanings  
5           given such terms in sections 201(g)(1) and 201(h)  
6           of the Federal Food, Drug and Cosmetic Act (21  
7           U.S.C. 321(g)(1) and (h)) and section 351(a) of the  
8           Public Health Service Act (42 U.S.C. 262(a)), re-  
9           spectively, including any component or raw material  
10          used therein, but excluding health care services.

11          (14) NONECONOMIC DAMAGES.—The term  
12          “noneconomic damages” means damages for phys-  
13          ical and emotional pain, suffering, inconvenience,  
14          physical impairment, mental anguish, disfigurement,  
15          loss of enjoyment of life, loss of society and compan-  
16          ionship, loss of consortium (other than loss of do-  
17          mestic service), hedonic damages, injury to reputa-  
18          tion, and all other nonpecuniary losses of any kind  
19          or nature.

20          (15) PUNITIVE DAMAGES.—The term “punitive  
21          damages” means damages awarded, for the purpose  
22          of punishment or deterrence, and not solely for com-  
23          pensatory purposes, against a health care provider,  
24          health care organization, or a manufacturer, dis-  
25          tributor, or supplier of a medical product. Punitive

1 damages are neither economic nor noneconomic  
2 damages.

3 (16) RECOVERY.—The term “recovery” means  
4 the net sum recovered after deducting any disburse-  
5 ments or costs incurred in connection with prosecu-  
6 tion or settlement of the claim, including all costs  
7 paid or advanced by any person. Costs of health care  
8 incurred by the plaintiff and the attorneys’ office  
9 overhead costs or charges for legal services are not  
10 deductible disbursements or costs for such purpose.

11 (17) STATE.—The term “State” means each of  
12 the several States, the District of Columbia, the  
13 Commonwealth of Puerto Rico, the Virgin Islands,  
14 Guam, American Samoa, the Northern Mariana Is-  
15 lands, the Trust Territory of the Pacific Islands, and  
16 any other territory or possession of the United  
17 States, or any political subdivision thereof.

18 **SEC. 2408. EFFECT ON OTHER LAWS.**

19 (a) VACCINE INJURY.—

20 (1) To the extent that title XXI of the Public  
21 Health Service Act establishes a Federal rule of law  
22 applicable to a civil action brought for a vaccine-re-  
23 lated injury or death—

24 (A) this title does not affect the application  
25 of the rule of law to such an action; and

1 (B) any rule of law prescribed by this title  
2 in conflict with a rule of law of such title XXI  
3 shall not apply to such action.

4 (2) If there is an aspect of a civil action  
5 brought for a vaccine-related injury or death to  
6 which a Federal rule of law under title XXI of the  
7 Public Health Service Act does not apply, then this  
8 title or otherwise applicable law (as determined  
9 under this title) will apply to such aspect of such ac-  
10 tion.

11 (b) OTHER FEDERAL LAW.—Except as provided in  
12 this section, nothing in this title shall be deemed to affect  
13 any defense available to a defendant in a health care law-  
14 suit or action under any other provision of Federal law.

15 **SEC. 2409. STATE FLEXIBILITY AND PROTECTION OF**  
16 **STATES' RIGHTS.**

17 (a) HEALTH CARE LAWSUITS.—The provisions gov-  
18 erning health care lawsuits set forth in this title preempt,  
19 subject to subsections (b) and (c), State law to the extent  
20 that State law prevents the application of any provisions  
21 of law established by or under this title. The provisions  
22 governing health care lawsuits set forth in this title super-  
23 sede chapter 171 of title 28, United States Code, to the  
24 extent that such chapter—

1           (1) provides for a greater amount of damages  
2           or contingent fees, a longer period in which a health  
3           care lawsuit may be commenced, or a reduced appli-  
4           cability or scope of periodic payment of future dam-  
5           ages, than provided in this title; or

6           (2) prohibits the introduction of evidence re-  
7           garding collateral source benefits, or mandates or  
8           permits subrogation or a lien on collateral source  
9           benefits.

10          (b) PROTECTION OF STATES' RIGHTS AND OTHER  
11          LAWS.—(1) Any issue that is not governed by any provi-  
12          sion of law established by or under this title (including  
13          State standards of negligence) shall be governed by other-  
14          wise applicable State or Federal law.

15          (2) This title shall not preempt or supersede any  
16          State or Federal law that imposes greater procedural or  
17          substantive protections for health care providers and  
18          health care organizations from liability, loss, or damages  
19          than those provided by this title or create a cause of ac-  
20          tion.

21          (c) STATE FLEXIBILITY.—No provision of this title  
22          shall be construed to preempt—

23                 (1) any State law (whether effective before, on,  
24                 or after the date of the enactment of this Act) that  
25                 specifies a particular monetary amount of compen-

1 satory or punitive damages (or the total amount of  
2 damages) that may be awarded in a health care law-  
3 suit, regardless of whether such monetary amount is  
4 greater or lesser than is provided for under this title,  
5 notwithstanding section 2303(a); or

6 (2) any defense available to a party in a health  
7 care lawsuit under any other provision of State or  
8 Federal law.

9 **SEC. 2410. APPLICABILITY; EFFECTIVE DATE.**

10 This subtitle shall apply to any health care lawsuit  
11 brought in a Federal or State court, or subject to an alter-  
12 native dispute resolution system, that is initiated on or  
13 after the date of the enactment of this Act, except that  
14 any health care lawsuit arising from an injury occurring  
15 prior to the date of the enactment of this Act shall be  
16 governed by the applicable statute of limitations provisions  
17 in effect at the time the injury occurred.

18 **Subtitle E—Committee on**  
19 **Oversight and Government Reform**

20 **SEC. 2501. RETIREMENT CONTRIBUTIONS.**

21 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

22 (1) INDIVIDUAL CONTRIBUTIONS.—Section  
23 8334(e) of title 5, United States Code, is amended—

24 (A) by striking “(e) Each” and inserting  
25 “(e)(1) Each”; and

1 (B) by adding at the end the following:

2 “(2) Notwithstanding any other provision of this sub-  
3 section, the applicable percentage of basic pay under this  
4 subsection shall—

5 “(A) except as provided in subparagraph (B) or  
6 (C), for purposes of computing an amount—

7 “(i) for a period in calendar year 2013, be  
8 equal to the applicable percentage under this  
9 subsection for calendar year 2012, plus an ad-  
10 ditional 1.5 percentage points;

11 “(ii) for a period in calendar year 2014, be  
12 equal to the applicable percentage under this  
13 subsection for calendar year 2013 (as deter-  
14 mined under clause (i)), plus an additional 0.5  
15 percentage point;

16 “(iii) for a period in calendar year 2015,  
17 2016, or 2017, be equal to the applicable per-  
18 centage under this subsection for the preceding  
19 calendar year (as determined under clause (ii)  
20 or this clause, as the case may be), plus an ad-  
21 ditional 1.0 percentage point; and

22 “(iv) for a period in any calendar year  
23 after 2017, be equal to the applicable percent-  
24 age under this subsection for calendar year  
25 2017 (as determined under clause (iii));

1           “(B) for purposes of computing an amount with  
2           respect to a Member for Member service—

3                   “(i) for a period in calendar year 2013, be  
4                   equal to the applicable percentage under this  
5                   subsection for calendar year 2012, plus an ad-  
6                   ditional 2.5 percentage points;

7                   “(ii) for a period in calendar year 2014,  
8                   2015, 2016, or 2017, be equal to the applicable  
9                   percentage under this subsection for the pre-  
10                  ceding calendar year (as determined under  
11                  clause (i) or this clause, as the case may be),  
12                  plus an additional 1.5 percentage points; and

13                  “(iii) for a period in any calendar year  
14                  after 2017, be equal to the applicable percent-  
15                  age under this subsection for calendar year  
16                  2017 (as determined under clause (ii)); and

17           “(C) for purposes of computing an amount with  
18           respect to a Member or employee for Congressional  
19           employee service—

20                   “(i) for a period in calendar year 2013, be  
21                   equal to the applicable percentage under this  
22                   subsection for calendar year 2012, plus an ad-  
23                   ditional 2.5 percentage points;

24                   “(ii) for a period in calendar year 2014,  
25                   2015, 2016, or 2017, be equal to the applicable

1 percentage under this subsection for the pre-  
2 ceding calendar year (as determined under  
3 clause (i) or this clause, as the case may be),  
4 plus an additional 1.5 percentage points; and

5 “(iii) for a period in any calendar year  
6 after 2017, be equal to the applicable percent-  
7 age under this subsection for calendar year  
8 2017 (as determined under clause (ii)).

9 “(3)(A) Notwithstanding subsection (a)(2), any ex-  
10 cess contributions under subsection (a)(1)(A) (including  
11 the portion of any deposit under this subsection allocable  
12 to excess contributions) shall, if made by an employee of  
13 the United States Postal Service or the Postal Regulatory  
14 Commission, be deposited to the credit of the Postal Serv-  
15 ice Fund under section 2003 of title 39, rather than the  
16 Civil Service Retirement and Disability Fund.

17 “(B) For purposes of this paragraph, the term ‘ex-  
18 cess contributions’, as used with respect to contributions  
19 made under subsection (a)(1)(A) by an employee of the  
20 United States Postal Service or the Postal Regulatory  
21 Commission, means the amount by which—

22 “(i) deductions from basic pay of such employee  
23 which are made under subsection (a)(1)(A), exceed

1           “(ii) deductions from basic pay of such em-  
2           ployee which would have been so made if paragraph  
3           (2) had not been enacted.”.

4           (2) GOVERNMENT CONTRIBUTIONS.—Section  
5           8334(a)(1)(B) of title 5, United States Code, is  
6           amended—

7                   (A) in clause (i), by striking “Except as  
8                   provided in clause (ii),” and inserting “Except  
9                   as provided in clause (ii) or (iii),”; and

10                   (B) by adding at the end the following:

11           “(iii) The amount to be contributed under clause (i)  
12           shall, with respect to a period in any year beginning after  
13           December 31, 2012, be equal to—

14                   “(I) the amount which would otherwise apply  
15                   under clause (i) with respect to such period, reduced  
16                   by

17                           “(II) the amount by which, with respect to such  
18                           period, the withholding under subparagraph (A) ex-  
19                           ceeds the amount which would otherwise have been  
20                           withheld from the basic pay of the employee or elect-  
21                           ed official involved under subparagraph (A) based on  
22                           the percentage applicable under subsection (c) for  
23                           calendar year 2012.”.

24           (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

1           (1) INDIVIDUAL CONTRIBUTIONS.—Section  
2           8422(a)(3) of title 5, United States Code, is amend-  
3           ed—

4                   (A) by redesignating subparagraph (B) as  
5           subparagraph (C);

6                   (B) by inserting after subparagraph (A)  
7           the following:

8           “(B) Notwithstanding any other provision of this  
9           paragraph, the applicable percentage under this para-  
10          graph for civilian service by employees or Members other  
11          than revised annuity employees shall—

12                   “(i) except as provided in clause (ii) or (iii), for  
13          purposes of computing an amount—

14                           “(I) for a period in calendar year 2013, be  
15          equal to the applicable percentage under this  
16          paragraph for calendar year 2012, plus an ad-  
17          ditional 1.5 percentage points;

18                           “(II) for a period in calendar year 2014,  
19          be equal to the applicable percentage under this  
20          paragraph for calendar year 2013 (as deter-  
21          mined under subclause (I)), plus an additional  
22          0.5 percentage point;

23                           “(III) for a period in calendar year 2015,  
24          2016, or 2017, be equal to the applicable per-  
25          centage under this paragraph for the preceding

1           calendar year (as determined under subclause  
2           (II) or this subclause, as the case may be), plus  
3           an additional 1.0 percentage point; and

4           “(IV) for a period in any calendar year  
5           after 2017, be equal to the applicable percent-  
6           age under this paragraph for calendar year  
7           2017 (as determined under subclause (III));

8           “(ii) for purposes of computing an amount with  
9           respect to a Member—

10           “(I) for a period in calendar year 2013, be  
11           equal to the applicable percentage under this  
12           paragraph for calendar year 2012, plus an ad-  
13           ditional 2.5 percentage points;

14           “(II) for a period in calendar year 2014,  
15           2015, 2016, or 2017, be equal to the applicable  
16           percentage under this paragraph for the pre-  
17           ceding calendar year (as determined under sub-  
18           clause (I) or this subclause, as the case may  
19           be), plus an additional 1.5 percentage points;  
20           and

21           “(III) for a period in any calendar year  
22           after 2017, be equal to the applicable percent-  
23           age under this paragraph for calendar year  
24           2017 (as determined under subclause (II)); and

1           “(iii) for purposes of computing an amount  
2 with respect to a Congressional employee—

3           “(I) for a period in calendar year 2013,  
4 2014, 2015, 2016, or 2017, be equal to the ap-  
5 plicable percentage under this paragraph for  
6 the preceding calendar year (including as in-  
7 creased under this subclause, if applicable), plus  
8 an additional 1.5 percentage points; and

9           “(II) for a period in any calendar year  
10 after 2017, be equal to the applicable percent-  
11 age under this paragraph for calendar year  
12 2017 (as determined under subclause (I)).”;  
13 and

14           (C) in subparagraph (C) (as so redesign-  
15 nated by subparagraph (A))—

16           (i) by striking “9.3” each place it ap-  
17 pears and inserting “12”; and

18           (ii) by striking “9.8” each place it ap-  
19 pears and inserting “12.5”.

20           (2) GOVERNMENT CONTRIBUTIONS.—Section  
21 8423(a)(2) of title 5, United States Code, is amend-  
22 ed—

23           (A) by striking “(2)” and inserting  
24 “(2)(A)”; and

25           (B) by adding at the end the following:

1           “(B)(i) Subject to clauses (ii) and (iii), for purposes  
2 of any period in any year beginning after December 31,  
3 2012, the normal-cost percentage under this subsection  
4 shall be determined and applied as if section 501(b)(1)  
5 of the Sequester Replacement Reconciliation Act of 2012  
6 had not been enacted.

7           “(ii) Any contributions under this subsection in ex-  
8 cess of the amounts which (but for clause (i)) would other-  
9 wise have been payable shall be applied toward reducing  
10 the unfunded liability of the Civil Service Retirement Sys-  
11 tem.

12           “(iii) After the unfunded liability of the Civil Service  
13 Retirement System has been eliminated, as determined by  
14 the Office, Government contributions under this sub-  
15 section shall be determined and made disregarding this  
16 subparagraph.

17           “(iv) The preceding provisions of this subparagraph  
18 shall be disregarded for purposes of determining the con-  
19 tributions payable by the United States Postal Service and  
20 the Postal Regulatory Commission.”.

21 **SEC. 2502. ANNUITY SUPPLEMENT.**

22           Section 8421(a) of title 5, United States Code, is  
23 amended—

24           (1) in paragraph (1), by striking “paragraph  
25           (3)” and inserting “paragraphs (3) and (4)”;

1           (2) in paragraph (2), by striking “paragraph  
2           (3)” and inserting “paragraphs (3) and (4)”; and

3           (3) by adding at the end the following:

4           “(4)(A) Except as provided in subparagraph (B), no  
5 annuity supplement under this section shall be payable in  
6 the case of an individual who first becomes subject to this  
7 chapter after December 31, 2012.

8           “(B) Nothing in this paragraph applies in the case  
9 of an individual separating under subsection (d) or (e) of  
10 section 8412.”.

11 **SEC. 2503. CONTRIBUTIONS TO THRIFT SAVINGS FUND OF**  
12 **PAYMENTS FOR ACCRUED OR ACCUMULATED**  
13 **LEAVE.**

14           (a) AMENDMENTS RELATING TO CSRS.—Section  
15 8351(b) of title 5, United States Code, is amended—

16           (1) by striking paragraph (2)(A) and inserting  
17 the following:

18           “(2)(A) An employee or Member may contribute to  
19 the Thrift Savings Fund in any pay period any amount  
20 of such employee’s or Member’s basic pay for such pay  
21 period, and may contribute (by direct transfer to the  
22 Fund) any part of any payment that the employee or  
23 Member receives for accumulated and accrued annual or  
24 vacation leave under section 5551 or 5552. Notwith-  
25 standing section 2105(e), in this paragraph the term ‘em-

1 ployee' includes an employee of the United States Postal  
2 Service or of the Postal Regulatory Commission.”;

3 (2) by striking subparagraph (B) of paragraph  
4 (2); and

5 (3) by redesignating subparagraph (C) of para-  
6 graph (2) as subparagraph (B).

7 (b) AMENDMENTS RELATING TO FERS.—Section  
8 8432(a) of title 5, United States Code, is amended—

9 (1) by striking all that precedes paragraph (3)  
10 and inserting the following:

11 “(a)(1) An employee or Member—

12 “(A) may contribute to the Thrift Savings  
13 Fund in any pay period, pursuant to an election  
14 under subsection (b), any amount of such employee’s  
15 or Member’s basic pay for such pay period; and

16 “(B) may contribute (by direct transfer to the  
17 Fund) any part of any payment that the employee  
18 or Member receives for accumulated and accrued an-  
19 nual or vacation leave under section 5551 or 5552.

20 “(2) Contributions made under paragraph (1)(A)  
21 pursuant to an election under subsection (b) shall, with  
22 respect to each pay period for which such election remains  
23 in effect, be made in accordance with a program of regular  
24 contributions provided in regulations prescribed by the  
25 Executive Director.”; and

1 (2) by adding at the end the following:

2 “(4) Notwithstanding section 2105(e), in this sub-  
3 section the term ‘employee’ includes an employee of the  
4 United States Postal Service or of the Postal Regulatory  
5 Commission.”.

6 (c) REGULATIONS.—The Executive Director of the  
7 Federal Retirement Thrift Investment Board shall pro-  
8 mulgate regulations to carry out the amendments made  
9 by this section.

10 (d) EFFECTIVE DATE.—The amendments made by  
11 subsections (a) and (b) shall take effect 1 year after the  
12 date of the enactment of this Act.

13 **Subtitle F—Committee on Ways**  
14 **and Means**

15 **CHAPTER 1—RECAPTURE OF OVERPAY-**  
16 **MENTS RESULTING FROM CERTAIN**  
17 **FEDERALLY-SUBSIDIZED HEALTH IN-**  
18 **SURANCE**

19 **SEC. 2601. RECAPTURE OF OVERPAYMENTS RESULTING**  
20 **FROM CERTAIN FEDERALLY-SUBSIDIZED**  
21 **HEALTH INSURANCE.**

22 (a) IN GENERAL.—Paragraph (2) of section 36B(f)  
23 of the Internal Revenue Code of 1986 is amended by strik-  
24 ing subparagraph (B).

1 (b) CONFORMING AMENDMENT.—So much of para-  
2 graph (2) of section 36B(f) of such Code, as amended by  
3 subsection (a), as precedes “advance payments” is amend-  
4 ed to read as follows:

5 “(2) EXCESS ADVANCE PAYMENTS.—If the”.

6 (c) EFFECTIVE DATE.—The amendments made by  
7 this section shall apply to taxable years ending after De-  
8 cember 31, 2013.

9 **CHAPTER 2—SOCIAL SECURITY NUMBER**  
10 **REQUIRED TO CLAIM THE REFUND-**  
11 **ABLE PORTION OF THE CHILD TAX**  
12 **CREDIT**

13 **SEC. 2611. SOCIAL SECURITY NUMBER REQUIRED TO**  
14 **CLAIM THE REFUNDABLE PORTION OF THE**  
15 **CHILD TAX CREDIT.**

16 (a) IN GENERAL.—Subsection (d) of section 24 of the  
17 Internal Revenue Code of 1986 is amended by adding at  
18 the end the following new paragraph:

19 “(5) IDENTIFICATION REQUIREMENT WITH RE-  
20 SPECT TO TAXPAYER.—

21 “(A) IN GENERAL.—Paragraph (1) shall  
22 not apply to any taxpayer for any taxable year  
23 unless the taxpayer includes the taxpayer’s So-  
24 cial Security number on the return of tax for  
25 such taxable year.

1           “(B) JOINT RETURNS.—In the case of a  
2 joint return, the requirement of subparagraph  
3 (A) shall be treated as met if the Social Secu-  
4 rity number of either spouse is included on such  
5 return.

6           “(C) LIMITATION.—Subparagraph (A)  
7 shall not apply to the extent the tentative min-  
8 imum tax (as defined in section 55(b)(1)(A))  
9 exceeds the credit allowed under section 32.”.

10       (b) OMISSION TREATED AS MATHEMATICAL OR  
11 CLERICAL ERROR.—Subparagraph (I) of section  
12 6213(g)(2) of such Code is amended to read as follows:

13           “(I) an omission of a correct Social Secu-  
14 rity number required under section 24(d)(5)  
15 (relating to refundable portion of child tax cred-  
16 it), or a correct TIN under section 24(e) (relat-  
17 ing to child tax credit), to be included on a re-  
18 turn,”.

19       (c) CONFORMING AMENDMENT.—Subsection (e) of  
20 section 24 of such Code is amended by inserting “WITH  
21 RESPECT TO QUALIFYING CHILDREN” after “IDENTI-  
22 FICATION REQUIREMENT” in the heading thereof.

23       (d) EFFECTIVE DATE.—The amendments made by  
24 this section shall apply to taxable years beginning after  
25 the date of the enactment of this Act.

1           **CHAPTER 3—HUMAN RESOURCES**  
2                           **PROVISIONS**

3   **SEC. 2621. REPEAL OF THE PROGRAM OF BLOCK GRANTS**  
4                           **TO STATES FOR SOCIAL SERVICES.**

5           (a) REPEALS.—Sections 2001 through 2007 of the  
6 Social Security Act (42 U.S.C. 1397–1397f) are repealed.

7           (b) CONFORMING AMENDMENTS.—

8                   (1) Section 404(d) of the Social Security Act  
9                   (42 U.S.C. 604(d)) is amended—

10                           (A) in paragraph (1), by striking “any or  
11                           all of the following provisions of law:” and all  
12                           that follows through “The” and inserting  
13                           “the”;

14                           (B) in paragraph (3)—

15                                   (i) by striking “RULES” and all that  
16                                   follows through “any amount paid” and in-  
17                                   serting “RULES.—Any amount paid”;

18                                   (ii) by striking “a provision of law  
19                                   specified in paragraph (1)” and inserting  
20                                   “the Child Care and Development Block  
21                                   Grant Act of 1990”; and

22                                   (iii) by striking subparagraph (B);  
23                                   and

24                           (C) by striking paragraph (2) and redesignig-  
25                           nating paragraph (3) as paragraph (2).

1           (2) Section 422(b) of the Social Security Act  
2           (42 U.S.C. 622(b)) is amended—

3           (A) in paragraph (1)(A)—

4                 (i) by striking “administers or super-  
5                 vises” and inserting “administered or su-  
6                 pervised”; and

7                 (ii) by striking “subtitle 1 of title  
8                 XX” and inserting “subtitle A of title XX  
9                 (as in effect before the repeal of such sub-  
10                 title)”; and

11           (B) in paragraph (2), by striking “under  
12           subtitle 1 of title XX,”.

13           (3) Section 471(a) of the Social Security Act  
14           (42 U.S.C. 671(a)) is amended—

15           (A) in paragraph (4), by striking “, under  
16           subtitle 1 of title XX of this Act,”; and

17           (B) in paragraph (8), by striking “XIX, or  
18           XX” and inserting “or XIX”.

19           (4) Section 472(h)(1) of the Social Security Act  
20           (42 U.S.C. 672(h)(1)) is amended by striking the  
21           2nd sentence.

22           (5) Section 473(b) of the Social Security Act  
23           (42 U.S.C. 673(b)) is amended—

24           (A) in paragraph (1), by striking “(3)”  
25           and inserting “(2)”;

1 (B) in paragraph (4), by striking “para-  
2 graphs (1) and (2)” and inserting “paragraph  
3 (1)”; and

4 (C) by striking paragraph (2) and redesign-  
5 nating paragraphs (3) and (4) as paragraphs  
6 (2) and (3), respectively.

7 (6) Section 504(b)(6) of the Social Security Act  
8 (42 U.S.C. 704(b)(6)) is amended in each of sub-  
9 paragraphs (A) and (B) by striking “XIX, or XX”  
10 and inserting “or XIX”.

11 (7) Section 1101(a)(1) of the Social Security  
12 Act (42 U.S.C. 1301(a)(1)) is amended by striking  
13 the penultimate sentence.

14 (8) Section 1128(h) of the Social Security Act  
15 (42 U.S.C. 1320a-7(h)) is amended—

16 (A) by adding “or” at the end of para-  
17 graph (2); and

18 (B) by striking paragraph (3) and redesign-  
19 nating paragraph (4) as paragraph (3).

20 (9) Section 1128A(i)(1) of the Social Security  
21 Act (42 U.S.C. 1320a-7a(i)(1)) is amended by strik-  
22 ing “or subtitle 1 of title XX”.

23 (10) Section 1132(a)(1) of the Social Security  
24 Act (42 U.S.C. 1320b-2(a)(1)) is amended by strik-  
25 ing “XIX, or XX” and inserting “or XIX”.

1           (11) Section 1902(e)(13)(F)(iii) of the Social  
2           Security Act (42 U.S.C. 1396a(e)(13)(F)(iii)) is  
3           amended—

4                   (A) by striking “EXCLUSIONS” and insert-  
5                   ing “EXCLUSION”; and

6                   (B) by striking “an agency that determines  
7                   eligibility for a program established under the  
8                   Social Services Block Grant established under  
9                   title XX or”.

10           (12) The heading for title XX of the Social Se-  
11           curity Act is amended by striking “BLOCK  
12           GRANTS TO STATES FOR SOCIAL SERVICES”  
13           and inserting “HEALTH PROFESSIONS DEM-  
14           ONSTRATIONS AND ENVIRONMENTAL  
15           HEALTH CONDITION DETECTION”.

16           (13) The heading for subtitle A of title XX of  
17           the Social Security Act is amended by striking  
18           “**Block Grants to States for Social Serv-**  
19           **ices**” and inserting “**Health Professions**  
20           **Demonstrations and Environmental**  
21           **Health Condition Detection**”.

22           (14) Section 16(k)(5)(B)(i) of the Food and  
23           Nutrition Act of 2008 (7 U.S.C. 2025(k)(5)(B)(i))  
24           is amended by striking “, or title XX,”.

1           (15) Section 402(b)(3) of the Personal Respon-  
2           sibility and Work Opportunity Reconciliation Act of  
3           1996 (8 U.S.C. 1612(b)(3)) is amended by striking  
4           subparagraph (B) and redesignating subparagraph  
5           (C) as subparagraph (B).

6           (16) Section 245A(h)(4)(I) of the Immigration  
7           Reform and Control Act of 1986 (8 U.S.C.  
8           1255a(h)(4)(I)) is amended by striking “, XVI, and  
9           XX” and inserting “and XVI”.

10          (17) Section 17 of the Richard B. Russell Na-  
11          tional School Lunch Act (42 U.S.C. 1766) is amend-  
12          ed—

13                 (A) in subsection (a)(2)—

14                         (i) in subparagraph (B)—

15                                 (I) by striking “—” and all that  
16                                 follows through “(i)”;

17                                 (II) by striking “or” at the end  
18                                 of clause (i); and

19                                 (III) by striking clause (ii); and

20                                 (ii) in subparagraph (D)(ii), by strik-  
21                                 ing “or title XX”; and

22                 (B) in subsection (o)(2)(B)—

23                                 (i) by striking “or title XX” each  
24                                 place it appears; and

25                                 (ii) by striking “or XX”.

1           (18) Section 201(b) of the Indian Child Welfare  
2 Act of 1978 (25 U.S.C. 1931(b)) is amended by  
3 striking “titles IV–B and XX” each place it appears  
4 and inserting “part B of title IV”.

5           (19) Section 3803(e)(2)(C) of title 31, United  
6 States Code, is amended by striking clause (vi) and  
7 redesignating clauses (vii) through (xvi) as clauses  
8 (vi) through (xv), respectively.

9           (20) Section 14502(d)(3) of title 40, United  
10 States Code, is amended—

11                   (A) by striking “and title XX”; and

12                   (B) by striking “, 1397 et seq.”.

13           (21) Section 2006(a)(15) of the Public Health  
14 Service Act (42 U.S.C. 300z–5(a)(15)) is amended  
15 by striking “and title XX”.

16           (22) Section 203(b)(3) of the Older Americans  
17 Act of 1965 (42 U.S.C. 3013(b)(3)) is amended by  
18 striking “XIX, and XX” and inserting “and XIX”.

19           (23) Section 213 of the Older Americans Act of  
20 1965 (42 U.S.C. 3020d) is amended by striking “or  
21 title XX”.

22           (24) Section 306(d) of the Older Americans Act  
23 of 1965 (42 U.S.C. 3026(d)) is amended in each of  
24 paragraphs (1) and (2) by striking “titles XIX and  
25 XX” and inserting “title XIX”.



1 **SEC. 2703. ACHIEVING \$19 BILLION IN DISCRETIONARY SAV-**  
2 **INGS.**

3 (a) REVISED 2013 DISCRETIONARY SPENDING  
4 LIMIT.—Paragraph (2) of section 251(c) of the Balanced  
5 Budget and Emergency Deficit Control Act of 1985 is  
6 amended to read as follows:

7 “(2) with respect to fiscal year 2013, for the  
8 discretionary category, \$1,047,000,000,000 in new  
9 budget authority;”.

10 (b) DISCRETIONARY SAVINGS.—Section 251A(7)(A)  
11 of the Balanced Budget and Emergency Deficit Control  
12 Act of 1985 is amended to read as follows:

13 “(A) FISCAL YEAR 2013.—

14 “(i) FISCAL YEAR 2013 ADJUST-  
15 MENT.—On January 2, 2013, the discre-  
16 tionary category set forth in section  
17 251(c)(2) shall be decreased by  
18 \$19,104,000,000 in budget authority.

19 “(ii) SUPPLEMENTAL SEQUESTRATION  
20 ORDER.—On January 15, 2013, OMB  
21 shall issue a supplemental sequestration  
22 report for fiscal year 2013 and take the  
23 form of a final sequestration report as set  
24 forth in section 254(f)(2) and using the  
25 procedures set forth in section 253(f), to  
26 eliminate any discretionary spending

1 breach of the spending limit set forth in  
2 section 251(c)(2) as adjusted by clause (i),  
3 and the President shall order a sequestra-  
4 tion, if any, as required by such report.”.

5 **SEC. 2704. CONFORMING AMENDMENTS TO SECTION 314 OF**  
6 **THE CONGRESSIONAL BUDGET AND IM-**  
7 **POUNDMENT CONTROL ACT OF 1974.**

8 Section 314(a) of the Congressional Budget Act of  
9 1974 is amended to read as follows:

10 “(a) ADJUSTMENTS.—

11 “(1) IN GENERAL.—The chair of the Committee  
12 on the Budget of the House of Representatives or  
13 the Senate may make adjustments as set forth in  
14 paragraph (2) for a bill or joint resolution, amend-  
15 ment thereto or conference report thereon, by the  
16 amount of new budget authority and outlays flowing  
17 therefrom in the same amount as required by section  
18 251(b) of the Balanced Budget and Emergency Def-  
19 icit Control Act of 1985.

20 “(2) MATTERS TO BE ADJUSTED.—The chair of  
21 the Committee on the Budget of the House of Rep-  
22 resentatives or the Senate may make the adjust-  
23 ments referred to in paragraph (1) to—

1           “(A) the allocations made pursuant to the  
2           appropriate concurrent resolution on the budget  
3           pursuant to section 302(a);

4           “(B) the budgetary aggregates as set forth  
5           in the appropriate concurrent resolution on the  
6           budget; and

7           “(C) the discretionary spending limits, if  
8           any, set forth in the appropriate concurrent res-  
9           olution on the budget.”.

10 **SEC. 2705. TREATMENT FOR PAYGO PURPOSES.**

11           The budgetary effects of this Act and any amendment  
12           made by it shall not be entered on either PAYGO score-  
13           card maintained pursuant to section 4(d) of the Statutory  
14           Pay-As-You-Go Act of 2010.

15 **SEC. 2706. ELIMINATION OF THE FISCAL YEAR 2013 SE-**  
16 **QUESTRATION FOR DEFENSE DIRECT SPEND-**  
17 **ING.**

18           Any sequestration order issued by the President  
19           under the Balanced Budget and Emergency Deficit Con-  
20           trol Act of 1985 to carry out reductions to direct spending  
21           for the defense function (050) for fiscal year 2013 pursu-  
22           ant to section 251A of such Act shall have no force or  
23           effect.

