

AMENDMENT NO. _____ Calendar No. _____

Purpose: To pay for the costs of extending unemployment insurance payments by reducing unnecessary and duplicative spending.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

H. R. 4853

An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COBURN to the amendment (No. 4753) proposed by Mr. REID (for himself and Mr. McCONNELL)

Viz:

1 On page 74, after line 6, add the following:

2 **TITLE IX—RESCISSIONS**

3 **SEC. 900. TABLE OF CONTENTS OF TITLE.**

4 The table of contents of this title is as follows:

TITLE IX—RESCISSIONS

Sec. 900. Table of contents of title.

Subtitle A—Rescissions and Elimination of Wasteful Government Programs

Sec. 901. 15 Percent Reduction in appropriations to the Executive Office of the President and Congress.

Sec. 902. No cost of living adjustment in pay of Members of Congress.

- Sec. 903. Freeze on cost of Federal employees (including civilian employees of the Department of Defense) salaries.
- Sec. 904. Reduction in the number of Federal employees.
- Sec. 905. Limitation on Government printing costs.
- Sec. 906. Limitation of Government travel costs.
- Sec. 907. Reduction in Federal vehicle costs.
- Sec. 908. Sale of excess Federal property.
- Sec. 909. Prohibition on use of Federal funds to pay unemployment compensation to millionaires.
- Sec. 910. Mandatory elimination of duplicative government programs.
- Sec. 911. Collection of unpaid taxes from employees of the Federal Government.
- Sec. 912. Ten percent reduction in voluntary contributions to the United Nations.
- Sec. 913. Low-priority construction projects of Corps of Engineers.
- Sec. 914. Ten percent reduction in international development and humanitarian assistance funding.
- Sec. 915. Elimination of the Safe and Drug-Free Schools and Communities program.
- Sec. 916. Rescission of amounts for Economic Development Administration.
- Sec. 917. Department of Justice wasteful activities.
- Sec. 918. Rescission of amounts for Hollings Manufacturing Partnership Program and Baldrige Performance Excellence Program.
- Sec. 919. Fossil fuel applied research.
- Sec. 920. Corporation for Public Broadcasting.
- Sec. 921. Fifteen percent reduction in fiscal year 2011 funding for the Department of Defense for procurement.
- Sec. 922. Ten percent reduction in fiscal year 2011 funding for the Department of Defense for research, development, test, and evaluation.
- Sec. 923. Reduction in Department of Defense spending in support of military installations.
- Sec. 924. Rescission of Diplomatic and Consular Programs funding.
- Sec. 925. Elimination of program to pay institutions of higher education for administrative expenses relating to student aid program.
- Sec. 926. Elimination of grants to large and medium hub airports under airport improvement program.
- Sec. 927. Consolidate all Federal Fire Management Programs and reducing funding by 10 percent.
- Sec. 928. High-energy cost grant program.
- Sec. 929. Resource conservation and development programs.
- Sec. 930. Repeal of LEAP.
- Sec. 931. Elimination of the B.J. Stupak Olympic Scholarships program.
- Sec. 932. Repeal of Robert C. Byrd Honors Scholarship Program.
- Sec. 933. Elimination of the Historic Whaling and Trading Partners program.
- Sec. 934. Elimination of the Underground Railroad educational and cultural program.
- Sec. 935. Brownfields economic development initiative.
- Sec. 936. Election reform grants.
- Sec. 937. Election Assistance Commission.
- Sec. 938. Emergency operations center grant program.
- Sec. 939. Elimination of health care facilities and construction program.
- Sec. 940. High priority surface transportation projects.
- Sec. 941. Save America's Treasures Program; Preserve America Program.
- Sec. 942. Targeted water infrastructure grants.
- Sec. 943. National Park Service Challenge Cost Share Program.

- Sec. 944. Termination of the Constellation Program of the National Aeronautics and Space Administration.
- Sec. 945. Delta health initiative.
- Sec. 946. Department of Agriculture health care services grant program.
- Sec. 947. Elimination of loan repayment for civil legal assistance attorneys.
- Sec. 948. Targeted air shed grant program.
- Sec. 949. Requiring transparency and ensuring no special treatment for the AARP or AMA.

Subtitle B—Fighting Fraud and Abuse to Save Taxpayers' Dollars

- Sec. 960. Findings.
- Sec. 961. Tracking excluded providers across State lines.
- Sec. 962. Access for private sector and governmental entities.
- Sec. 963. Liability of Medicare administrative contractors for claims submitted by excluded providers.
- Sec. 964. Limiting the discharge of debts in bankruptcy proceedings in cases where a health care provider or a supplier engages in fraudulent activity.
- Sec. 965. Prevention of waste, fraud, and abuse in the Medicaid and CHIP programs.
- Sec. 966. Illegal distribution of a Medicare, Medicaid, or CHIP beneficiary identification or billing privileges.
- Sec. 967. Pilot program for the use of universal product numbers on claim forms for reimbursement under the Medicare program.
- Sec. 968. Prohibition of inclusion of social security account numbers on Medicare cards.
- Sec. 969. Implementation.

1 **Subtitle A—Rescissions and Elimination of Wasteful Government**
 2 **Programs**

4 **SEC. 901. 15 PERCENT REDUCTION IN APPROPRIATIONS TO**
 5 **THE EXECUTIVE OFFICE OF THE PRESIDENT**
 6 **AND CONGRESS.**

7 (a) RESCISSIONS.—

- 8 (1) IN GENERAL.—There is rescinded an
 9 amount equal to 15 percent of the budget authority
 10 provided for any discretionary account in appropria-
 11 tions to the Legislative Branch for fiscal year 2011.

1 (2) PROPORTIONATE APPLICATION.—Any re-
2 scission made by paragraph (1) shall be applied pro-
3 portionately—

4 (A) to each discretionary account and each
5 item of budget authority described in such
6 paragraph; and

7 (B) within each such account and item, to
8 each program, project, and activity (with pro-
9 grams, projects, and activities as delineated in
10 the appropriation Act or accompanying reports
11 for the relevant fiscal year covering such ac-
12 count or item, or for accounts and items not in-
13 cluded in appropriation Acts, as delineated in
14 the most recently submitted President’s budg-
15 et).

16 (3) EXCEPTION.—This subsection shall not
17 apply to appropriations under the heading “CAP-
18 ITOL POLICE”.

19 (4) ADMINISTRATION OF ACROSS-THE-BOARD
20 REDUCTIONS.—In the administration of paragraph
21 (1), with respect to the budget authority provided
22 under the heading “SENATE” in—

23 (A) the percentage rescissions under para-
24 graph (1) shall apply to the total amount of all
25 funds appropriated under that heading; and

1 (B) the rescissions may be applied without
2 regard to paragraph (2).

3 (b) APPROPRIATIONS TO THE EXECUTIVE OFFICE OF
4 THE PRESIDENT.—Notwithstanding any other provision
5 of law, the total amount of funds appropriated to the ap-
6 propriations account under the heading under the heading
7 “EXECUTIVE OFFICE OF THE PRESIDENT AND
8 FUNDS APPROPRIATED TO THE PRESIDENT” for
9 each of fiscal years 2012 and 2013 may not exceed the
10 total amount of funds appropriated to that account for
11 fiscal year 2011 after application of the rescission under
12 subsection (a).

13 (c) APPROPRIATIONS TO CONGRESS.—Notwith-
14 standing any other provision of law, the total amount of
15 funds appropriated under the headings “SENATE” and
16 “HOUSE OF REPRESENTATIVES” for each of fiscal
17 years 2012 and 2013 may not exceed the total amount
18 of funds appropriated under those headings for fiscal year
19 2011 after application of the rescission under subsection
20 (a).

21 **SEC. 902. NO COST OF LIVING ADJUSTMENT IN PAY OF**
22 **MEMBERS OF CONGRESS.**

23 Notwithstanding any other provision of law, no ad-
24 justment shall be made under section 601(a) of the Legis-
25 lative Reorganization Act of 1946 (2 U.S.C. 31) (relating

1 to cost of living adjustments for Members of Congress)
2 during fiscal years 2012, 2013, and 2014.

3 **SEC. 903. FREEZE ON COST OF FEDERAL EMPLOYEES (IN-**
4 **CLUDING CIVILIAN EMPLOYEES OF THE DE-**
5 **PARTMENT OF DEFENSE) SALARIES.**

6 Notwithstanding any other provision of law, the total
7 amount of funds expended on salaries for civilian employ-
8 ees of the Federal Government, including civilian employ-
9 ees of the Department of Defense, for fiscal year 2011,
10 fiscal year 2012, and fiscal year 2013 shall not exceed the
11 total costs for such salaries in fiscal year 2010: *Provided,*
12 That the amounts spent on salaries of members of the
13 armed forces are exempt from the provisions of this sub-
14 section: *Provided further,* That nothing in this subsection
15 prohibits an employee from receiving an increase in salary
16 or other compensation so long as such an increase does
17 not increase an agency's net expenditures for employee
18 salaries.

19 **SEC. 904. REDUCTION IN THE NUMBER OF FEDERAL EM-**
20 **PLOYEES.**

21 (a) DEFINITION.—In this section, the term “agency”
22 means an executive agency as defined under section 105
23 of title 5, United States Code.

24 (b) DETERMINATION OF NUMBER OF EMPLOYEES.—
25 Not later than 60 days after the date of enactment of this

1 Act, the Director of the Office of Management and Budget
2 shall determine the number of full-time employees em-
3 ployed in each agency. The head of each agency shall co-
4 operate with the Director of the Office of Management
5 and Budget in making the determinations.

6 (c) REDUCTIONS.—Notwithstanding any other provi-
7 sion of law, the head of each agency shall take such ac-
8 tions as necessary, including a reduction in force under
9 sections 3502 and 3595 of title 5, United States Code,
10 to reduce the number of full-time employees employed in
11 that agency as determined under subsection (b) by 10 per-
12 cent not later than October 1, 2020.

13 (d) REPLACEMENT HIRE RATE.—In implementing
14 subsection (c), the head of each agency may hire no more
15 than 2 employees in that agency for every 3 employees
16 who leave employment in that agency during any fiscal
17 year.

18 **SEC. 905. LIMITATION ON GOVERNMENT PRINTING COSTS.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Director of the Office of Management and
21 Budget shall coordinate with the heads of Federal depart-
22 ments and independent agencies to—

23 (a) determine which Government publications could
24 be available on Government websites and no longer printed
25 and to devise a strategy to reduce overall Government

1 printing costs over the 10-year period beginning with fiscal
2 year 2011, except that the Director shall ensure that es-
3 sential printed documents prepared for social security re-
4 cipients, medicare beneficiaries, and other populations in
5 areas with limited internet access or use continue to re-
6 main available;

7 (b) establish government-wide Federal guidelines on
8 employee printing;

9 (c) issue on the Office of Management and Budget's
10 public website the results of a cost-benefit analysis on im-
11 plementing a digital signature system and on establishing
12 employee printing identification systems, such as the use
13 of individual employee cards or codes, to monitor the
14 amount of printing done by Federal employees; except that
15 the Director of the Office of Management and Budget
16 shall ensure that Federal employee printing costs unre-
17 lated to national defense, homeland security, border secu-
18 rity, national disasters, and other emergencies do not ex-
19 ceed \$860,000,000 annually; and

20 (d) issue guidelines requiring every department,
21 agency, commission or office to list at a prominent place
22 near the beginning of each publication distributed to the
23 public and issued or paid for by the Federal Govern-
24 ment—

1 (1) the name of the issuing agency, department,
2 commission or office;

3 (2) the total number of copies of the document
4 printed;

5 (3) the collective cost of producing and printing
6 all of the copies of the document; and

7 (4) the name of the firm publishing the docu-
8 ment.

9 **SEC. 906. LIMITATION OF GOVERNMENT TRAVEL COSTS.**

10 (a) IN GENERAL.—Within 60 days after the date of
11 enactment of this Act, the Director of the Office of Man-
12 agement and Budget, in consultation with the heads of
13 the Federal departments and agencies, shall establish a
14 definition of “nonessential travel” and criteria to deter-
15 mine if travel-related expenses and requests by Federal
16 employees meet the definition of “nonessential travel”. No
17 travel expenses paid for, in whole or in part, with Federal
18 funds shall be paid by the Federal Government unless a
19 request is made prior to the travel and the requested trav-
20 el meets the criteria established by this section. Any travel
21 request that does not meet the definition and criteria shall
22 be disallowed, including reimbursement for air flights,
23 automobile rentals, train tickets, lodging, per diem, and
24 other travel-related costs. The definition established by the
25 Director of the Office of Management and Budget may

1 include exemptions in the definition, including travel re-
2 lated to national defense, homeland security, border secu-
3 rity, national disasters, and other emergencies. The Direc-
4 tor of the Office of Management and Budget shall ensure
5 that all travel costs paid for in part or whole by the Fed-
6 eral Government not related to national defense, homeland
7 security, border security, national disasters, and other
8 emergencies do not exceed \$5,000,000,000 annually.

9 (b) RESCISSIONS.—

10 (1) DEFINITIONS.—In this subsection—

11 (A) the term “agency”—

12 (i) means an executive agency as de-
13 fined under section 105 of title 5, United
14 States Code; and

15 (ii) does not include the Department
16 of Defense; and

17 (B) the term “travel expense amount”
18 means, with respect to each agency, an amount
19 equal to 20 percent of all funds expended by
20 that agency on travel expenses during fiscal
21 year 2010.

22 (2) IN GENERAL.—There is rescinded a travel
23 expense amount from appropriations made for fiscal
24 year 2011 in each agency appropriations account
25 providing for travel expenses.

1 (3) FREEZE.—Notwithstanding any other provi-
2 sion of law, the total amount of funds appropriated
3 to the appropriations account providing for travel
4 expenses for each agency for each of fiscal years
5 2012 and 2013 may not exceed the total amount of
6 funds appropriated to that account for fiscal year
7 2011 after application of the rescission under para-
8 graph (2).

9 **SEC. 907. REDUCTION IN FEDERAL VEHICLE COSTS.**

10 Notwithstanding any other provision of law—

11 (a) of the amounts made available to the General
12 Services Administration for the acquisition of new vehicles
13 for the Federal fleet for fiscal year 2011 and remaining
14 unobligated as of the date of enactment of this Act, an
15 amount equal to 20 percent of all such amounts is re-
16 scinded;

17 (b) for fiscal year 2012 and each fiscal year there-
18 after—

19 (1) the amount made available to the General
20 Services Administration for the acquisition of new
21 vehicles for the Federal fleet shall not exceed an
22 amount equal to 80 percent of the amount made
23 available for the acquisition of those vehicles for fis-
24 cal year 2011 (before application of subsection (a));
25 and

1 “(A) IN GENERAL.—The term ‘real prop-
2 erty’ means—

3 “(i) a parcel of real property under
4 the administrative jurisdiction of the Fed-
5 eral Government that is—

6 “(I) excess;

7 “(II) surplus;

8 “(III) underperforming; or

9 “(IV) otherwise not meeting the
10 needs of the Federal Government, as
11 determined by the Director; and

12 “(ii) a building or other structure lo-
13 cated on real property described in clause
14 (i).

15 “(B) EXCLUSION.—The term ‘real prop-
16 erty’ excludes any parcel of real property, and
17 any building or other structure located on real
18 property, that is to be closed or realigned under
19 the Defense Authorization Amendments and
20 Base Closure and Realignment Act (10 U.S.C.
21 2687 note; Public Law 100–526).

22 **“§ 622. Disposal program**

23 “(a) IN GENERAL.—Except as provided in subsection
24 (e), the Director shall, by sale or auction, dispose of a
25 quantity of real property with an aggregate value of not

1 less than \$15,000,000,000 that, as determined by the Di-
2 rector, is not being used, and will not be used, to meet
3 the needs of the Federal Government for the period of fis-
4 cal years 2010 through 2015.

5 “(b) RECOMMENDATIONS.—The head of each land-
6 holding agency shall recommend to the Director real prop-
7 erty for disposal under subsection (a).

8 “(c) SELECTION OF PROPERTIES.—After receiving
9 recommendations of candidate real property under sub-
10 section (b), the Director—

11 “(1) with the concurrence of the head of each
12 landholding agency, may select the real property for
13 disposal under subsection (a); and

14 “(2) shall notify the recommending landholding
15 agency head of the selection of the real property.

16 “(d) WEBSITE.—The Director shall ensure that all
17 real properties selected for disposal under this section are
18 listed on a website that shall—

19 “(1) be updated routinely; and

20 “(2) include the functionality to allow any
21 member of the public, at the option of the member,
22 to receive updates of the list through electronic mail.

23 “(e) TRANSFER OF PROPERTY.—The Director may
24 transfer real property selected for disposal under this sec-
25 tion to the Department of Housing and Urban Develop-

1 ment if the Secretary of Housing and Urban Development
2 determines that the real property is suitable for use in
3 assisting the homeless.”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—
5 The table of sections for chapter 5 of subtitle I of title
6 40, United States Code, is amended by inserting after the
7 item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec. 621. Definitions.

“Sec. 622. Disposal program.”.

8 **SEC. 909. PROHIBITION ON USE OF FEDERAL FUNDS TO**
9 **PAY UNEMPLOYMENT COMPENSATION TO**
10 **MILLIONAIRES.**

11 (a) PROHIBITION.—Notwithstanding any other provi-
12 sion of law, no Federal funds may be used to make pay-
13 ments of unemployment compensation (including such
14 compensation under the Federal-State Extended Com-
15 pensation Act of 1970 and the emergency unemployment
16 compensation program under title IV of the of the Supple-
17 mental Appropriations Act, 2008) in a year to an indi-
18 vidual whose resources in the preceding year was equal
19 to or greater than \$1,000,000. For purposes of the pre-
20 ceding sentence, with respect to a year, an individual’s re-
21 sources shall be determined in the same manner as a sub-
22 sidiy eligible individual’s resources are determined for the
23 year for purposes of the Medicare part D drug benefit

1 under section 1860D–14(a)(3)(E) of the Social Security
2 Act (42 U.S.C. 1395w–114(a)(3)(E)).

3 (b) EFFECTIVE DATE.—The prohibition under sub-
4 section (a) shall apply to weeks of unemployment begin-
5 ning on or after January 1, 2011.

6 **SEC. 910. MANDATORY ELIMINATION OF DUPLICATIVE**
7 **GOVERNMENT PROGRAMS.**

8 (a) REDUCING DUPLICATION.—The Director of the
9 Office of Management Budget and the Secretary of each
10 Federal Government agency (and the head of each inde-
11 pendent agency) shall work with the Chairman and rank-
12 ing member of the relevant congressional appropriations
13 subcommittees and the congressional authorizing commit-
14 tees and the Director of the Office of Management Budget
15 to consolidate programs with duplicative goals, missions,
16 and initiatives.

17 (b) OMB REPORT.—Within 120 days after the date
18 of enactment of this section, the Director of the Office
19 of Management and Budget shall submit to Congress a
20 list of programs with duplicative goals, missions, and ini-
21 tiatives with recommendations for consolidation or elimi-
22 nation.

23 (c) FAILURE TO ACT.—If Congress takes no action
24 to address the recommendations submitted in subsection
25 (b) within 60 days, Secretary of each Federal Government

1 agency and the head of each independent agency shall
2 carry out the recommendations as submitted to Congress.

3 **SEC. 911. COLLECTION OF UNPAID TAXES FROM EMPLOY-**
4 **EES OF THE FEDERAL GOVERNMENT.**

5 (a) IN GENERAL.—Chapter 73 of title 5, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “SUBCHAPTER VIII—COLLECTION OF UNPAID
9 TAXES FROM EMPLOYEES OF THE FED-
10 ERAL GOVERNMENT

11 “§ 7381. Collection of unpaid taxes from employees of
12 the Federal Government

13 “(a) DEFINITIONS.—For purposes of this section—

14 “(1) the term ‘seriously delinquent tax debt’
15 means an outstanding debt under the Internal Rev-
16 enue Code of 1986 for which a notice of lien has
17 been filed in public records pursuant to section 6323
18 of such Code, except that such term does not in-
19 clude—

20 “(A) a debt that is being paid in a timely
21 manner pursuant to an agreement under sec-
22 tion 6159 or section 7122 of such Code; and

23 “(B) a debt with respect to which a collec-
24 tion due process hearing under section 6330 of
25 such Code, or relief under subsection (a), (b),

1 or (f) of section 6015 of such Code, is re-
2 quested or pending; and

3 “(2) the term ‘Federal employee’ means—

4 “(A) an employee, as defined by section
5 2105; and

6 “(B) an employee of the United States
7 Congress, including Members of the House of
8 Representatives and Senators.

9 “(b) COLLECTION OF UNPAID TAXES.—The Internal
10 Revenue Service shall coordinate with the Department of
11 Treasury and the hiring agency of a Federal employee who
12 has a seriously delinquent tax debt to collect such taxes
13 by withholding a portion of the employee’s salary over a
14 period set by the hiring agency to ensure prompt pay-
15 ment.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 73 of title 5, United States Code, is amended by add-
18 ing at the end the following:

“SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF
THE FEDERAL GOVERNMENT

“Sec. 7381. Collection of unpaid taxes from employees of the Federal Govern-
ment.”.

19 **SEC. 912. TEN PERCENT REDUCTION IN VOLUNTARY CON-**
20 **TRIBUTIONS TO THE UNITED NATIONS.**

21 Notwithstanding any other provision of law, of the
22 funds appropriated or otherwise made available for fiscal
23 year 2011, voluntary contributions to the United Nations

1 paid by the United States shall not exceed an amount that
2 is 10 percent less than the amount provided in fiscal year
3 2010.

4 **SEC. 913. LOW-PRIORITY CONSTRUCTION PROJECTS OF**
5 **CORPS OF ENGINEERS.**

6 (a) **TERMINATION OF AUTHORITY.**—The authority to
7 carry out low-priority construction projects of the Corps
8 of Engineers is terminated.

9 (b) **RESCISSION.**—Notwithstanding any other provi-
10 sion of law—

11 (1) all amounts made available for low-priority
12 construction projects of the Corps of Engineers that
13 remain unobligated as of the date of enactment of
14 this Act are rescinded; and

15 (2) no amounts made available after the date of
16 enactment of this Act for the projects referred to in
17 paragraph (1) shall be expended, other than such
18 amounts as are necessary to cover costs incurred in
19 terminating ongoing projects described in paragraph
20 (1), as determined by the Secretary of the Army, in
21 consultation with other appropriate Federal agen-
22 cies.

1 **SEC. 914. TEN PERCENT REDUCTION IN INTERNATIONAL**
2 **DEVELOPMENT AND HUMANITARIAN ASSIST-**
3 **ANCE FUNDING.**

4 Notwithstanding any other provision of law, of the
5 funds appropriated or otherwise made available for fiscal
6 year 2011, international development and humanitarian
7 assistance expenditures of the United States shall not ex-
8 ceed an amount that is 10 percent less than the amount
9 provided in fiscal year 2010.

10 **SEC. 915. ELIMINATION OF THE SAFE AND DRUG-FREE**
11 **SCHOOLS AND COMMUNITIES PROGRAM.**

12 (a) REPEAL.—Part A of title IV of the Elementary
13 and Secondary Education Act of 1965 (20 U.S.C. 7101
14 et seq.) is repealed.

15 (b) RECISION OF FUNDS.—Notwithstanding any
16 other provision of law, all unobligated balances held by
17 the Secretary of Education for the Safe and Drug-Free
18 Schools and Communities Program under part A of title
19 IV of the Elementary and Secondary Education Act of
20 1965 (20 U.S.C. 7101 et seq.), as in effect on the day
21 before the date of enactment of this Act, are rescinded
22 and no funds appropriated hereafter for such activities
23 shall be expended, except as determined necessary or es-
24 sential by such Secretary, in consultation with the appro-
25 priate Federal agencies.

1 **SEC. 916. RESCISSION OF AMOUNTS FOR ECONOMIC DE-**
2 **VELOPMENT ADMINISTRATION.**

3 Notwithstanding any other provision of law—

4 (1) all amounts made available for programs,
5 activities, and grants of the Economic Development
6 Administration that remain unobligated as of the
7 date of enactment of this Act are rescinded; and

8 (2) no amounts made available after the date of
9 enactment of this Act for the programs, activities,
10 and grants referred to in paragraph (1) shall be ex-
11 pended, other than such amounts as are necessary
12 to cover costs incurred in terminating such pro-
13 grams, activities, and grants, as determined by the
14 Secretary of Commerce, in consultation with other
15 appropriate Federal agencies.

16 **SEC. 917. DEPARTMENT OF JUSTICE WASTEFUL ACTIVI-**
17 **TIES.**

18 Notwithstanding any other provision of law, 5 percent
19 of all unobligated balances held by the Attorney General
20 as of the date of enactment of this Act are rescinded to
21 eliminate wasteful activities of the Department of Justice.

22 **SEC. 918. RESCISSION OF AMOUNTS FOR HOLLINGS MANU-**
23 **FACTURING PARTNERSHIP PROGRAM AND**
24 **BALDRIDGE PERFORMANCE EXCELLENCE**
25 **PROGRAM.**

26 Notwithstanding any other provision of law—

1 (1) all amounts made available for the Hollings
2 Manufacturing Partnership Program and the
3 Baldrige Performance Excellence Program that re-
4 main unobligated as of the date of enactment of this
5 Act are rescinded; and

6 (2) no amounts made available after the date of
7 enactment of this Act for the programs referred to
8 in paragraph (1) shall be expended, other than such
9 amounts as are necessary to cover costs incurred in
10 terminating ongoing projects and activities under
11 such programs, as determined by the Secretary of
12 Commerce, in consultation with other appropriate
13 Federal agencies.

14 **SEC. 919. FOSSIL FUEL APPLIED RESEARCH.**

15 (a) **TERMINATION OF AUTHORITY.**—The authority of
16 the Secretary of Energy to carry out fossil fuel applied
17 research is terminated.

18 (b) **RESCISSION.**—Notwithstanding any other provi-
19 sion of law—

20 (1) all amounts made available for fossil fuel
21 applied research described in subsection (a) that re-
22 main unobligated as of the date of enactment of this
23 Act are rescinded; and

24 (2) no amounts made available after the date of
25 enactment of this Act for research referred to in

1 paragraph (1) shall be expended, other than such
2 amounts as are necessary to cover costs incurred in
3 terminating ongoing research described in paragraph
4 (1), as determined by the Secretary of Energy, in
5 consultation with other appropriate Federal agen-
6 cies.

7 **SEC. 920. CORPORATION FOR PUBLIC BROADCASTING.**

8 Notwithstanding any other provision of law, the por-
9 tion of all unobligated balances held by the Corporation
10 for Public Broadcasting that consists of Federal funds are
11 rescinded and no Federal funds appropriated hereafter for
12 the Corporation for Public Broadcasting shall be obligated
13 or expended by such Corporation.

14 **SEC. 921. FIFTEEN PERCENT REDUCTION IN FISCAL YEAR**

15 **2011 FUNDING FOR THE DEPARTMENT OF DE-**
16 **FENSE FOR PROCUREMENT.**

17 Notwithstanding any other provision of law, the
18 amount available to the Department of Defense for fiscal
19 year 2011 for procurement is the amount equal to the ag-
20 gregate amount otherwise authorized to be appropriated
21 to the Department for that fiscal year for procurement
22 minus an amount equal to 15 percent of such aggregate
23 amount.

1 **SEC. 922. TEN PERCENT REDUCTION IN FISCAL YEAR 2011**
2 **FUNDING FOR THE DEPARTMENT OF DE-**
3 **FENSE FOR RESEARCH, DEVELOPMENT,**
4 **TEST, AND EVALUATION.**

5 Notwithstanding any other provision of law, the
6 amount available to the Department of Defense for fiscal
7 year 2011 for research, development, test, and evaluation
8 is the amount equal to the aggregate amount otherwise
9 authorized to be appropriated to the Department for that
10 fiscal year for research, development, test, and evaluation
11 minus an amount equal to 10 percent of such aggregate
12 amount.

13 **SEC. 923. REDUCTION IN DEPARTMENT OF DEFENSE**
14 **SPENDING IN SUPPORT OF MILITARY INSTAL-**
15 **LATIONS.**

16 The Secretary of Defense shall reduce the amount ob-
17 ligated or expended in support of military installations
18 through the reduction or elimination of waste, fraud, and
19 abuse attributable to programs and activities related to
20 such support.

21 **SEC. 924. RESCISSION OF DIPLOMATIC AND CONSULAR**
22 **PROGRAMS FUNDING.**

23 Ten percent of the funds appropriated or otherwise
24 made available to the Secretary of State for diplomatic
25 and consular programs and available for obligation as of
26 the date of the enactment of this Act is hereby rescinded.

1 **SEC. 925. ELIMINATION OF PROGRAM TO PAY INSTITU-**
2 **TIONS OF HIGHER EDUCATION FOR ADMINIS-**
3 **TRATIVE EXPENSES RELATING TO STUDENT**
4 **AID PROGRAM.**

5 (a) REPEAL.—Section 489 of the Higher Education
6 Act of 1965 (20 U.S.C. 1096) is repealed.

7 (b) RECESSIION.—Notwithstanding any other provi-
8 sion of law, all unobligated balances held by the Secretary
9 of Education for payments to institutions of higher edu-
10 cation under section 489 of the Higher Education Act of
11 1965 (20 U.S.C. 1096), as in effect on the day before the
12 date of enactment of this Act, are rescinded and no funds
13 appropriated hereafter for such payments shall be ex-
14 pended, except as determined necessary or essential by
15 such Secretary, in consultation with the appropriate Fed-
16 eral agencies.

17 **SEC. 926. ELIMINATION OF GRANTS TO LARGE AND ME-**
18 **DIUM HUB AIRPORTS UNDER AIRPORT IM-**
19 **PROVEMENT PROGRAM.**

20 Notwithstanding any provision of subchapter I of
21 chapter 471 of title 49, United States Code, or any other
22 provision of law—

23 (1) no large hub airport or medium hub airport
24 (as those terms are defined in section 47102 of such
25 title) may receive a grant under the airport improve-
26 ment program under such subchapter;

1 (2) all amounts made available for grants to
2 large hub airports or medium hub airports under the
3 airport improvement program that remain unobli-
4 gated as of the date of the enactment of this Act are
5 rescinded; and

6 (3) no amounts made available after the date of
7 the enactment of this Act for grants to large hub
8 airports or medium hub airports under the airport
9 improvement program shall be obligated or ex-
10 pended, other than such amounts as are necessary
11 to cover costs incurred in terminating ongoing
12 projects and activities under that program, as deter-
13 mined by the Secretary of Transportation, in con-
14 sultation with other appropriate Federal agencies.

15 **SEC. 927. CONSOLIDATE ALL FEDERAL FIRE MANAGEMENT**
16 **PROGRAMS AND REDUCING FUNDING BY 10**
17 **PERCENT.**

18 (a) CONSOLIDATION.—Notwithstanding any other
19 provision of law, the Secretary of Homeland Security shall
20 consolidate all fire management programs carried out
21 under laws administered by the Secretary.

22 (b) RESCISSION.—Notwithstanding any other provi-
23 sion of law—

24 (1) of amounts made available for programs
25 consolidated under subsection (a), the lesser of 10

1 percent of such amounts, on the one hand, and the
2 amount of such amounts that remain unobligated as
3 of the date of enactment of this Act, on the other
4 hand, are rescinded; and

5 (2) no amounts made available after the date of
6 enactment of this Act for the programs referred to
7 in paragraph (1) shall be expended, other than such
8 amounts as are necessary to cover costs incurred in
9 terminating or reducing ongoing projects and activi-
10 ties under such programs, as determined by the Sec-
11 retary of Homeland Security, in consultation with
12 other appropriate Federal agencies.

13 **SEC. 928. HIGH-ENERGY COST GRANT PROGRAM.**

14 (a) REPEAL.—Section 19 of the Rural Electrification
15 Act of 1936 (7 U.S.C. 918a) is repealed.

16 (b) RESCISSION.—Notwithstanding any other provi-
17 sion of law—

18 (1) all amounts made available for the program
19 carried out under section 19 of the Rural Elec-
20 trification Act of 1936 (7 U.S.C. 918a) (as in exist-
21 ence on the day before the date of enactment of this
22 Act) that remain unobligated as of the date of enact-
23 ment of this Act are rescinded; and

24 (2) no amounts made available after the date of
25 enactment of this Act for the program referred to in

1 paragraph (1) shall be expended, other than such
2 amounts as are necessary to cover costs incurred in
3 terminating the program described in paragraph (1),
4 as determined by the Secretary of Agriculture, in
5 consultation with other appropriate Federal agen-
6 cies.

7 **SEC. 929. RESOURCE CONSERVATION AND DEVELOPMENT**
8 **PROGRAMS.**

9 (a) **TERMINATION OF AUTHORITY.**—The authority to
10 carry out the resource conservation and development pro-
11 gram of the Natural Resources Conservation Service of
12 the Department of Agriculture is terminated.

13 (b) **RESCISSION.**—Notwithstanding any other provi-
14 sion of law—

15 (1) all amounts made available for the resource
16 conservation and development program of the Nat-
17 ural Resources Conservation Service of the Depart-
18 ment of Agriculture (as in existence on the day be-
19 fore the date of enactment of this Act) that remain
20 unobligated as of the date of enactment of this Act
21 are rescinded; and

22 (2) no amounts made available after the date of
23 enactment of this Act for the program referred to in
24 paragraph (1) shall be expended, other than such
25 amounts as are necessary to cover costs incurred in

1 terminating ongoing projects and activities under
2 that program, as determined by the Secretary of Ag-
3 riculture, in consultation with other appropriate
4 Federal agencies.

5 **SEC. 930. REPEAL OF LEAP.**

6 (a) REPEAL OF LEAP.—Subpart 4 of part A of title
7 IV of the Higher Education Act of 1965 (20 U.S.C.
8 1070c) is repealed.

9 (b) RECESSION.—Notwithstanding any other provi-
10 sion of law, all unobligated balances held by the Secretary
11 of Education for the Leveraging Educational Assistance
12 Partnership Program under subpart 4 of part A of title
13 IV of the Higher Education Act of 1965 (20 U.S.C.
14 1070c), as in effect on the day before the date of enact-
15 ment of this Act, are rescinded and no funds appropriated
16 hereafter for such program shall be expended, except as
17 determined necessary or essential by such Secretary, in
18 consultation with the appropriate Federal agencies.

19 **SEC. 931. ELIMINATION OF THE B.J. STUPAK OLYMPIC**
20 **SCHOLARSHIPS PROGRAM.**

21 (a) REPEAL.—Section 1543 of the Higher Education
22 Amendments of 1992 (20 U.S.C. 1070 note) is repealed.

23 (b) ELIMINATION OF FUNDING.—Notwithstanding
24 any other provision of law, all unobligated balances held
25 by the Secretary of Education for the B.J. Stupak Olym-

1 pic Scholarships program under section 1543 of the High-
2 er Education Amendments of 1992 (20 U.S.C. 1070 note),
3 as in effect on the day before the date of enactment of
4 this Act, are rescinded and no funds appropriated here-
5 after for such activities shall be expended, except as deter-
6 mined necessary or essential by such Secretary, in con-
7 sultation with the appropriate Federal agencies.

8 **SEC. 932. REPEAL OF ROBERT C. BYRD HONORS SCHOLAR-**
9 **SHIP PROGRAM.**

10 (a) REPEAL OF LEAP.—Subpart 6 of part A of title
11 IV of the Higher Education Act of 1965 (20 U.S.C.
12 1070c) is repealed.

13 (b) RECESSION.—Notwithstanding any other provi-
14 sion of law, all unobligated balances held by the Secretary
15 of Education for the Robert C. Byrd Honors Scholarship
16 Program under subpart 6 of part A of title IV of the High-
17 er Education Act of 1965 (20 U.S.C. 1070c), as in effect
18 on the day before the date of enactment of this Act, are
19 rescinded and no funds appropriated hereafter for such
20 program shall be expended, except as determined nec-
21 essary or essential by such Secretary, in consultation with
22 the appropriate Federal agencies.

1 **SEC. 933. ELIMINATION OF THE HISTORIC WHALING AND**
2 **TRADING PARTNERS PROGRAM.**

3 (a) REPEAL.—Subpart 12 of part D of title V of the
4 Elementary and Secondary Education Act of 1965 (20
5 U.S.C. 7265 et seq.) is repealed.

6 (b) RESCISSION OF FUNDS.—Notwithstanding any
7 other provision of law, all unobligated balances held by
8 the Secretary of Education for the Educational, Cultural,
9 Apprenticeship, and Exchange Programs for Alaska Na-
10 tives, Native Hawaiians, and Their Historical Whaling
11 and Trading Partners in Massachusetts under subpart 12
12 of part D of title V of the Elementary and Secondary Edu-
13 cation Act of 1965 (20 U.S.C. 7265 et seq.), as in effect
14 on the day before the date of enactment of this Act, are
15 rescinded and no funds appropriated hereafter for such
16 activities shall be expended, except as determined nec-
17 essary or essential by such Secretary, in consultation with
18 the appropriate Federal agencies.

19 **SEC. 934. ELIMINATION OF THE UNDERGROUND RAILROAD**
20 **EDUCATIONAL AND CULTURAL PROGRAM.**

21 (a) REPEAL.—Section 841 of the Higher Education
22 Amendments of 1998 (20 U.S.C. 1153) is repealed.

23 (b) ELIMINATION OF FUNDING.—Notwithstanding
24 any other provision of law, all unobligated balances held
25 by the Secretary of Education for the Underground Rail-
26 road educational and cultural program under section 841

1 of the Higher Education Amendments of 1998 (20 U.S.C.
2 1153), as in effect on the day before the date of enactment
3 of this Act, are rescinded and no funds appropriated here-
4 after for such activities shall be expended, except as deter-
5 mined necessary or essential by such Secretary, in con-
6 sultation with the appropriate Federal agencies.

7 **SEC. 935. BROWNFIELDS ECONOMIC DEVELOPMENT INITIA-**
8 **TIVE.**

9 (a) IN GENERAL.—Notwithstanding section 108(q)
10 of the Housing and Community Development Act of 1974
11 (42 U.S.C. 5309(q)) or any other provision of law, the
12 Secretary of Housing and Urban Development may not
13 make any competitive economic development grants, as
14 otherwise authorized by section 108(q) of that Act, for
15 Brownfields redevelopment projects.

16 (b) RESCISSION.—Notwithstanding any other provi-
17 sion of law—

18 (1) all amounts made available for grants de-
19 scribed in subsection (a) that remain unobligated as
20 of the date of enactment of this Act are rescinded;
21 and

22 (2) no amounts made available after the date of
23 enactment of this Act for grants described in sub-
24 section (a) shall be expended, other than such
25 amounts as are necessary to cover costs incurred in

1 terminating ongoing projects and activities under
2 those grants, as determined by the Secretary of
3 Housing and Urban Development, in consultation
4 with other appropriate Federal agencies.

5 **SEC. 936. ELECTION REFORM GRANTS.**

6 (a) **TERMINATION OF AUTHORITY.**—The authority to
7 make requirements payments to States under part 1 of
8 subtitle D of title II of the Help America Vote Act of 2002
9 (42 U.S.C. 15401 et seq.) is terminated.

10 (b) **RESCISSION.**—Notwithstanding any other provi-
11 sion of law—

12 (1) all amounts made available for such require-
13 ments payments (as of the day before the date of en-
14 actment of this Act) that remain unobligated as of
15 the date of enactment of this Act are rescinded; and

16 (2) no amounts made available after the date of
17 enactment of this Act for such requirements pay-
18 ments shall be expended, other than such amounts
19 as are necessary to cover costs incurred in termi-
20 nating ongoing projects and activities using such re-
21 quirements payments, as determined by the Admin-
22 istrator of General Services, in consultation with
23 other appropriate Federal agencies.

1 **SEC. 937. ELECTION ASSISTANCE COMMISSION.**

2 (a) **TERMINATION OF AUTHORITY.**—The Election As-
3 sistance Commission established under section 201 of the
4 Help America Vote Act of 2002 (42 U.S.C. 15321) is ter-
5 minated.

6 (b) **RESCISSION.**—Notwithstanding any other provi-
7 sion of law—

8 (1) all amounts made available for the Election
9 Assistance Commission (as in existence on the day
10 before the date of enactment of this Act) that re-
11 main unobligated as of the date of enactment of this
12 Act are rescinded; and

13 (2) no amounts made available after the date of
14 enactment of this Act for the Commission described
15 in paragraph (1) shall be expended, other than such
16 amounts as are necessary to cover costs incurred in
17 terminating ongoing projects and activities of the
18 Commission, as determined by the Administrator of
19 General Services, in consultation with other appro-
20 priate Federal agencies.

21 **SEC. 938. EMERGENCY OPERATIONS CENTER GRANT PRO-**
22 **GRAM.**

23 (a) **TERMINATION.**—Section 614 of the Robert T.
24 Stafford Disaster Relief and Emergency Assistance Act
25 (42 U.S.C. 5196c) is repealed.

1 (b) RESCISSION.—Notwithstanding any other provi-
2 sion of law, all unobligated balances held by the Secretary
3 of Homeland Security for the emergency operations center
4 grant program under section 614 of the Robert T. Staf-
5 ford Disaster Relief and Emergency Assistance Act (42
6 U.S.C. 5196c), as in effect on the day before the date of
7 enactment of this Act, are rescinded and no funds appro-
8 priated hereafter for such activities shall be expended, ex-
9 cept as determined necessary or essential by the Secretary
10 of Homeland Security, in consultation with the appro-
11 priate Federal agencies.

12 **SEC. 939. ELIMINATION OF HEALTH CARE FACILITIES AND**
13 **CONSTRUCTION PROGRAM.**

14 Notwithstanding any other provision of law, all unob-
15 ligated balances held by the Secretary of Health and
16 Human Services for health care facilities and construction
17 are rescinded and no funds appropriated hereafter for
18 such activities shall be expended, except as determined
19 necessary or essential by such Secretary, in consultation
20 with the appropriate Federal agencies.

21 **SEC. 940. HIGH PRIORITY SURFACE TRANSPORTATION**
22 **PROJECTS.**

23 (a) IN GENERAL.—Section 1702 of the Safe, Ac-
24 countable, Flexible, Efficient Transportation Equity Act:

1 A Legacy for Users (Public Law 109–59; 119 Stat. 1256)
2 is repealed.

3 (b) RESCISSION.—Notwithstanding any other provi-
4 sion of law—

5 (1) all amounts made available for high priority
6 projects under section 1702 of the Safe, Account-
7 able, Flexible, Efficient Transportation Equity Act:
8 A Legacy for Users (Public Law 109–59; 119 Stat.
9 1256) (before the amendment made by subsection
10 (a)) that remain unobligated as of the date of enact-
11 ment of this Act are rescinded; and

12 (2) no amounts made available after the date of
13 enactment of this Act for high priority projects de-
14 scribed in paragraph (1) shall be expended, other
15 than such amounts as are necessary to cover costs
16 incurred in terminating ongoing projects and activi-
17 ties under those projects, as determined by the Sec-
18 retary of Transportation, in consultation with other
19 appropriate Federal agencies.

20 **SEC. 941. SAVE AMERICA’S TREASURES PROGRAM; PRE-**
21 **SERVE AMERICA PROGRAM.**

22 (a) REPEALS.—Sections 7302 and 7303 of the Omni-
23 bus Public Land Management Act of 2009 (16 U.S.C.
24 469n, 469o) are repealed.

1 (b) RESCISSION.—Notwithstanding any other provi-
2 sion of law—

3 (1) all amounts made available for the Save
4 America’s Treasures Program or Preserve America
5 Program that remain unobligated as of the date of
6 enactment of this Act are rescinded; and

7 (2) no amounts made available after the date of
8 enactment of this Act for the programs referred to
9 in paragraph (1) shall be expended, other than such
10 amounts as are necessary to cover costs incurred in
11 terminating ongoing projects and activities under
12 those programs, as determined by the Secretary of
13 the Interior in consultation with other appropriate
14 Federal agencies.

15 **SEC. 942. TARGETED WATER INFRASTRUCTURE GRANTS.**

16 (a) TERMINATION OF AUTHORITY.—The Targeted
17 Watershed Grants Program and the U.S.–Mexico Border
18 Water Infrastructure Program of the Environmental Pro-
19 tection Agency are terminated.

20 (b) RESCISSION.—Notwithstanding any other provi-
21 sion of law—

22 (1) all amounts made available for the Targeted
23 Watershed Grants Program and the U.S.–Mexico
24 Border Water Infrastructure Program of the Envi-
25 ronmental Protection Agency (as in existence on the

1 day before the date of enactment of this Act) that
2 remain unobligated as of the date of enactment of
3 this Act are rescinded; and

4 (2) no amounts made available after the date of
5 enactment of this Act for the programs referred to
6 in paragraph (1) (as so in existence) shall be ex-
7 pended, other than such amounts as are necessary
8 to cover costs incurred in terminating ongoing
9 projects and activities under those programs, as de-
10 termined by the Administrator of the Environmental
11 Protection Agency, in consultation with other appro-
12 priate Federal agencies.

13 **SEC. 943. NATIONAL PARK SERVICE CHALLENGE COST**
14 **SHARE PROGRAM.**

15 (a) **TERMINATION OF AUTHORITY.**—The authority to
16 provide Department of the Interior Challenge Cost Share
17 Program grants is terminated.

18 (b) **RESCISSION.**—Notwithstanding any other provi-
19 sion of law—

20 (1) all amounts made available for the Depart-
21 ment of the Interior Challenge Cost Share Program
22 (as in existence on the day before the date of enact-
23 ment of this Act) that remain unobligated as of the
24 date of enactment of this Act are rescinded; and

1 (2) no amounts made available after the date of
2 enactment of this Act for the Department of the In-
3 terior Challenge Cost Share Program shall be ex-
4 pended, other than such amounts as are necessary
5 to cover costs incurred in terminating ongoing
6 projects and activities under the program, as deter-
7 mined by the Secretary of the Interior in consulta-
8 tion with other appropriate Federal agencies.

9 **SEC. 944. TERMINATION OF THE CONSTELLATION PRO-**
10 **GRAM OF THE NATIONAL AERONAUTICS AND**
11 **SPACE ADMINISTRATION.**

12 (a) **TERMINATION REQUIRED.**—The Administrator of
13 the National Aeronautics and Space Administration shall
14 terminate the Constellation Program of the National Aero-
15 nautics and Space Administration.

16 (b) **DISPOSITION OF UNOBLIGATED FUNDS.**—

17 (1) **RESCISSION.**—Except as provided in para-
18 graph (2), any funds available for obligation by the
19 National Aeronautics and Space Administration as
20 of the date of the enactment of this Act for the Con-
21 stellation Program are hereby rescinded.

22 (2) **AVAILABILITY FOR WIND-UP OF PRO-**
23 **GRAM.**—Funds described in paragraph (1) may be
24 utilized by the National Aeronautics and Space Ad-

1 ministration solely for costs related to the winding-
2 up of the provision of the Constellation Program.

3 **SEC. 945. DELTA HEALTH INITIATIVE.**

4 Notwithstanding any other provision of law, all unob-
5 ligated balances held by the Secretary of Health and
6 Human Services to carry out the Delta Health Initiative
7 are rescinded and no funds appropriated hereafter for
8 such Initiative shall be expended, except as determined
9 necessary or essential by such Secretary, in consultation
10 with the appropriate Federal agencies.

11 **SEC. 946. DEPARTMENT OF AGRICULTURE HEALTH CARE**
12 **SERVICES GRANT PROGRAM.**

13 (a) **TERMINATION OF AUTHORITY.**—The authority to
14 carry out any health care services grant program of the
15 Department of Agriculture is terminated.

16 (b) **RESCISSION.**—Notwithstanding any other provi-
17 sion of law—

18 (1) all amounts made available for any health
19 care services grant program of the Department of
20 Agriculture (as in existence on the day before the
21 date of enactment of this Act) that remain unobli-
22 gated as of the date of enactment of this Act are re-
23 scinded; and

24 (2) no amounts made available after the date of
25 enactment of this Act for the program referred to in

1 paragraph (1) shall be expended, other than such
2 amounts as are necessary to cover costs incurred in
3 terminating ongoing projects and activities under
4 that program, as determined by the Secretary of Ag-
5 riculture, in consultation with other appropriate
6 Federal agencies.

7 **SEC. 947. ELIMINATION OF LOAN REPAYMENT FOR CIVIL**
8 **LEGAL ASSISTANCE ATTORNEYS.**

9 (a) REPEAL.—Section 428L of the Higher Education
10 Act of 1965 (20 U.S.C. 1078–12) is repealed.

11 (b) ELIMINATION OF FUNDING.—Notwithstanding
12 any other provision of law, all unobligated balances held
13 by the Secretary of Education for the Repayment for Civil
14 Legal Assistance Attorneys program under section 428L
15 of the Higher Education Act of 1965 (20 U.S.C. 1078–
16 12), as in effect on the day before the date of enactment
17 of this Act, are rescinded and no funds appropriated here-
18 after for such activities shall be expended, except as deter-
19 mined necessary or essential by such Secretary, in con-
20 sultation with the appropriate Federal agencies.

21 **SEC. 948. TARGETED AIR SHED GRANT PROGRAM.**

22 (a) TERMINATION OF AUTHORITY.—The Targeted
23 Air Shed Grant Program of the Environmental Protection
24 Agency is terminated.

1 (b) RESCISSION.—Notwithstanding any other provi-
2 sion of law—

3 (1) all amounts made available for the Targeted
4 Air Shed Grant Program of the Environmental Pro-
5 tection Agency (as in existence on the day before the
6 date of enactment of this Act) that remain unobli-
7 gated as of the date of enactment of this Act are re-
8 scinded; and

9 (2) no amounts made available after the date of
10 enactment of this Act for the program referred to in
11 paragraph (1) (as so in existence) shall be expended,
12 other than such amounts as are necessary to cover
13 costs incurred in terminating ongoing projects and
14 activities under that program, as determined by the
15 Administrator of the Environmental Protection
16 Agency, in consultation with other appropriate Fed-
17 eral agencies.

18 **SEC. 949. REQUIRING TRANSPARENCY AND ENSURING NO**
19 **SPECIAL TREATMENT FOR THE AARP OR**
20 **AMA.**

21 (a) REQUIREMENT.—Notwithstanding any other pro-
22 vision of law, no Federal grants or contracts may be made
23 available to the AARP or the American Medical Associa-
24 tion (commonly referred to as the “AMA”) for fiscal year

1 2011 or any fiscal year thereafter unless awarded by a
2 competitive bidding process.

3 (b) DISCLOSURE CONDITIONS.—Any physician trade
4 and lobbying organization partnering with the Federal
5 Government by participating in technical reviews, making
6 health care payment policy recommendations, representing
7 physician interests on advisory panels, or otherwise rep-
8 resenting physicians in matters being reviewed or exam-
9 ined by the Department of Health and Human Services
10 shall disclose the following:

11 (1) The number of dues paying physician-mem-
12 bers the organization currently represents.

13 (2) The professional status of such members,
14 whether said physicians are currently practicing
15 medicine, teaching, retired, or a medical student in
16 residency.

17 (c) MEMBERSHIP REQUIREMENT.—No physician
18 trade and lobbying organization shall be eligible to partici-
19 pate in activities listed in subsection (b) unless such orga-
20 nizations have a membership composed of at least 50 per-
21 cent of currently-practicing physicians in the same cal-
22 endar year. The requirement of the preceding sentence
23 shall apply to all physician trade organizations, regardless
24 of whether the organization is a State, regional, or na-

1 tional organization, and regardless of what specialty or
2 practice areas said organizations represent.

3 (d) REQUIREMENT FOR CERTAIN MEDIGAP SELLERS
4 OR ISSUERS.—Sellers or issuers of medicare supplemental
5 policies under section 1882 of the Social Security Act (42
6 U.S.C. 1395ss) that constitute more than 20 percent of
7 the market share of the previous fiscal year shall be re-
8 quired to spend at least 80 percent of their premium dol-
9 lars on medical claims to ensure value for seniors.

10 **Subtitle B—Fighting Fraud and** 11 **Abuse to Save Taxpayers’ Dollars**

12 **SEC. 960. FINDINGS.**

13 Congress makes the following findings:

14 (1) The Medicare program loses an estimated
15 \$60,000,000,000 annually to wasted and fraudulent
16 payments.

17 (2) The Medicaid program also suffers from
18 rampant fraud. As the Office of the Inspector Gen-
19 eral of the Department of Health and Human Serv-
20 ices noted in 2009, in an analysis of the only source
21 of nationwide Medicaid claims and beneficiary eligi-
22 bility information, the Medicaid Statistical Informa-
23 tion System, the Federal Government does not have
24 “timely, accurate, or comprehensive information for

1 fraud, waste, and abuse detection” in the Medicaid
2 program.

3 (3) Absent comprehensive estimates, the Med-
4 icaid program’s improper payment rate may be the
5 most objective measure of taxpayer dollars lost to
6 fraud. The national average improper payment rate
7 ranges between 8.7 percent and 10.5 percent, but
8 many States have much higher improper payment
9 rates.

10 (4) The new Federal health reform law substan-
11 tially expands the Medicaid program, significantly
12 changes the Medicare program, creates new man-
13 dates and regulations, and will send hundreds of bil-
14 lions of dollars to insurance companies.

15 (5) It is the duty of public officials and public
16 servants in Congress and the Administration to pro-
17 tect the American public’s taxpayer dollars. Con-
18 gress and the Administration must continue to ag-
19 gressively combat waste, fraud, and abuse in public
20 health care programs.

21 (6) The Inspector General of the Department of
22 Health and Human Services has stated that “swift
23 and effective detection of and response to waste,
24 fraud, and abuse remain an essential program integ-
25 rity strategy”. Furthermore, the Inspector General

1 noted that “effective use of Medicare and Medicaid
2 data is critical to the success of the Government’s
3 efforts to reduce waste, fraud, and abuse”.

4 (7) The loss of taxpayer dollars due to waste
5 and fraud under the Medicare and Medicaid pro-
6 grams not only threatens the financial viability of
7 those programs, it erodes the public trust. American
8 taxpayers should not be expected to tolerate ramp-
9 ant waste, fraud, and abuse in publicly funded
10 health care programs.

11 (8) Congress supports the commitment of the
12 Office of the Inspector General of the Department of
13 Health and Human Services to “enhancing existing
14 data analysis and mining capabilities and employing
15 advanced techniques such as predictive analytics and
16 social network analysis, to counter new and existing
17 fraud schemes”.

18 (9) Congress supports the use of predictive
19 modeling and other smart technologies that can
20 transform the current “pay and chase” payment cul-
21 tures under the Medicare and Medicaid programs
22 and prevent taxpayer dollars from being lost to
23 waste, fraud, and abuse.

1 **SEC. 961. TRACKING EXCLUDED PROVIDERS ACROSS STATE**
2 **LINES.**

3 (a) GREATER COORDINATION.—In order to ensure
4 that providers of services and suppliers that have operated
5 in one State and are excluded from participation in the
6 Medicare program are unable to begin operation and par-
7 ticipation in other Federal health care programs in an-
8 other State, the Secretary shall provide for increased co-
9 ordination between the following:

10 (1) The Administrator of the Centers for Medi-
11 care & Medicaid Services.

12 (2) Regional offices of the Centers for Medicare
13 & Medicaid Services.

14 (3) Medicare administrative contractors, fiscal
15 intermediaries, and carriers.

16 (4) State health agencies, State plans under
17 title XIX of the Social Security Act (42 U.S.C. 1396
18 et seq.), State plans under title XXI of such Act (42
19 U.S.C. 1397aa et seq.), and entities that contract
20 with such agencies and plans, as directed by the
21 Secretary.

22 (5) The Federation of State Medical Boards.

23 (b) IMPROVED INFORMATION SYSTEMS.—

24 (1) IN GENERAL.—The Secretary shall improve
25 information systems to allow greater integration be-

1 child health plans under title XXI of such
2 Act (42 U.S.C. 1397aa et seq.), and enti-
3 ties that contract with such agencies and
4 plans, as directed by the Secretary.

5 (2) SHARING OF INFORMATION IN ADDITION TO
6 HEAT EFFORTS.—The information shared under
7 paragraph (1) shall be in addition to, and shall not
8 replace, activities of the Health Care Fraud Preven-
9 tion and Enforcement Action Team (HEAT) estab-
10 lished by the Attorney General and the Department
11 of Health and Human Services.

12 (3) APPROPRIATE COORDINATION.—In imple-
13 menting this subsection, the Secretary shall provide
14 for the maximum appropriate coordination with the
15 process established under section 6401(b)(2) of the
16 Patient Protection and Affordable Care Act (Public
17 Law 111–148).

18 (c) “ONE PI” DATABASE FOR MEDICARE, MEDICAID,
19 AND CHIP.—

20 (1) IN GENERAL.—The Secretary shall—

21 (A) continue to upload Medicare claims,
22 provider, and beneficiary data into the Inte-
23 grated Data Repository under section
24 1128J(a)(1) of the Social Security Act, as
25 added by section 6402(a) of the Patient Protec-

1 tion and Affordable Care Act until such time as
2 the Secretary determines that the Integrated
3 Data Repository is completed; and

4 (B) fully implement the waste, fraud, and
5 abuse detection solution of the Centers for
6 Medicare & Medicaid Services, called the “One
7 PI project” (in this subsection referred to as
8 the “project”) by not later than January 1,
9 2013.

10 (2) ACCESS.—The Secretary, in consultation
11 with Inspector General of the Department of Health
12 and Human Services, may allow stakeholders who
13 combat, or could assist in combating, waste, fraud,
14 and abuse under Federal health care programs to
15 have access to the One PI system established under
16 the project. Such stakeholders may include the Di-
17 rector of the Federal Bureau of Investigation, the
18 Comptroller General of the United States, Medicare
19 administrative contractors, fiscal intermediaries, and
20 carriers.

21 (d) FEDERAL AND STATE AGENCY ACCESS TO NA-
22 TIONAL PRACTITIONER DATA BANK.—For purposes of
23 enhancing data sharing in order to identify programmatic
24 weaknesses and improving the timeliness of analysis and
25 actions to prevent waste, fraud, and abuse, relevant Fed-

1 eral and State agencies, including the Department of
2 Health and Human Services, the Department of Justice,
3 State departments of health, State Medicaid plans under
4 title XIX of the Social Security Act, State child health
5 plans under title XXI of such Act, and State medicaid
6 fraud control units (as described in section 1903(q) of the
7 Social Security Act (42 U.S.C. 1396b(q))), shall have real-
8 time access to the National Practitioner Data Bank, as
9 directed by the Secretary. The Secretary may, in consulta-
10 tion with the Inspector General of the Department of
11 Health and Human Services, give such real-time access
12 to State attorneys general and State and local law enforce-
13 ment agencies.

14 (e) ACCESS TO CLAIMS AND PAYMENT DATA-
15 BASES.—Section 1128J(a)(2) of the Social Security Act,
16 as added by section 6402(a) of the Patient Protection and
17 Affordable Care Act (Public Law 111–148) is amended—

18 (1) by striking “DATABASES.—For purposes”
19 and inserting “DATABASES.—

20 “(A) ACCESS FOR THE CONDUCT OF LAW
21 ENFORCEMENT AND OVERSIGHT ACTIVITIES.—

22 For purposes”;

23 (2) in subparagraph (A), as added by para-
24 graph (1), by inserting “, including the Integrated

1 Data Repository under paragraph (1)” before the
2 period at the end; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(B) ACCESS TO REDUCE WASTE, FRAUD,
6 AND ABUSE.—For purposes of reducing waste,
7 fraud, and abuse, and to the extent consistent
8 with applicable information, privacy, security,
9 and disclosure laws, including the regulations
10 promulgated under the Health Insurance Port-
11 ability and Accountability Act of 1996 and sec-
12 tion 552a of title 5, United States Code, and
13 subject to any information systems security re-
14 quirements under such laws or otherwise re-
15 quired by the Secretary, the Secretary, in con-
16 sultation with the Inspector General of the De-
17 partment of Health and Human Services, may
18 allow State Medicaid fraud control units and
19 State and local law enforcement officials to
20 have access to claims and payment data of the
21 Department of Health and Human Services and
22 its contractors related to titles XVIII, XIX, and
23 XXI, including the Integrated Data Repository
24 under paragraph (1).”.

1 (f) ENSURING DATA IS UPLOADED TO THE IDR ON
2 A DAILY BASIS.—Section 1128J(a)(1) of the Social Secu-
3 rity Act, as added by section 6402(a) of the Patient Pro-
4 tection and Affordable Care Act (Public Law 111–148)
5 is amended by adding at the end the following new sub-
6 paragraph:

7 “(C) UPLOADING OF MEDICARE CLAIMS
8 DATA ON A DAILY BASIS.—All Medicare claims
9 data shall be uploaded into the Integrated Data
10 Repository on a daily basis.”.

11 (g) REAL-TIME ACCESS TO DATA.—

12 (1) IN GENERAL.—The Secretary shall ensure
13 that any data provided to an entity or individual
14 under the provisions of or amendments made by this
15 section is provided to such entity or individual on a
16 real-time basis, in accordance with protocols estab-
17 lished by the Secretary under paragraph (2). The
18 Secretary shall consult with the Inspector General of
19 the Department of Health and Human Services
20 prior to implementing this subsection.

21 (2) PROTOCOLS.—

22 (A) IN GENERAL.—The Secretary shall es-
23 tablish protocols to ensure the secure transfer
24 and storage of any data provided to another en-

1 tity or individual under the provisions of or
2 amendments made by this section.

3 (B) CONSIDERATION OF HHS OIG REC-
4 COMMENDATIONS.—In establishing protocols
5 under subparagraph (A), the Secretary shall
6 take into account recommendations submitted
7 to the Secretary by the Inspector General of the
8 Department of Health and Human Services
9 with respect to the secure transfer and storage
10 of such data.

11 (h) GAO STUDY AND REPORT ON USE OF FEDERA-
12 TION OF STATE MEDICAL BOARDS TO STRENGTHEN EN-
13 ROLLMENT INTEGRITY PROCESSES.—

14 (1) STUDY.—The Comptroller General of the
15 United States shall, in consultation with the Federa-
16 tion of State Medical Boards, conduct a study on
17 whether and, if so, to what degree, such Federation
18 may be useful to the Secretary in further strength-
19 ening the integrity of processes for enrolling pro-
20 viders of services and suppliers under Federal health
21 care programs.

22 (2) REPORT.—Not later than 1 year after the
23 date of enactment of this Act, the Comptroller Gen-
24 eral of the United States shall submit to Congress
25 a report containing the results of the study con-

1 ducted under paragraph (1), together with rec-
2 ommendations for such legislation and administra-
3 tive action as the Comptroller General determines
4 appropriate.

5 (i) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Centers for
8 Medicare & Medicaid Services.

9 (2) CHIP.—The term “CHIP” means the
10 State Children’s Health Insurance Program under
11 title XXI of the Social Security Act (42 U.S.C.
12 1397aa et seq.).

13 (3) FEDERAL HEALTH CARE PROGRAM.—The
14 term “Federal health care program” has the mean-
15 ing given such term in section 1128B(f) of the So-
16 cial Security Act (42 U.S.C. 1320a–7b(f)).

17 (4) HHS OIG.—The term “HHS OIG” means
18 the Inspector General of the Department of Health
19 and Human Services.

20 (5) MEDICARE ADMINISTRATIVE CONTRACTORS,
21 FISCAL INTERMEDIARIES, AND CARRIERS.—The
22 term “Medicare administrative contractors, fiscal
23 intermediaries, and carriers” includes zone program
24 integrity contractors, program safeguard or integrity
25 contractors, recovery audit contractors under section

1 1893(h) of the Social Security Act (42 U.S.C.
2 1395ddd(h)), and special investigative units at Medi-
3 care contractors (as defined in section 1889(g) of
4 the Social Security Act (42 U.S.C. 1395zz(g))).

5 (6) **MEDICARE PROGRAM.**—The term “Medicare
6 program” means the program under title XVIII of
7 the Social Security Act (42 U.S.C. 1395 et seq.).

8 (7) **PROVIDER OF SERVICES.**—The term “pro-
9 vider of services” has the meaning given such term
10 in section 1861(u) of the Social Security Act (42
11 U.S.C. 1395x(u)).

12 (8) **SECRETARY.**—The term “Secretary” means
13 the Secretary of Health and Human Services.

14 (9) **STATE.**—The term “State” includes the
15 District of Columbia, the Commonwealth of Puerto
16 Rico, the Virgin Islands, Guam, and American
17 Samoa.

18 (10) **SUPPLIER.**—The term “supplier” has the
19 meaning given such term in section 1861(d) of the
20 Social Security Act (42 U.S.C. 1395x(d)).

21 **SEC. 962. ACCESS FOR PRIVATE SECTOR AND GOVERN-**
22 **MENTAL ENTITIES.**

23 (a) **IN GENERAL.**—Title XI of the Social Security Act
24 (42 U.S.C. 1301 et seq.), as amended by section 6402(a)
25 of the Patient Protection and Affordable Care Act (Public

1 Law 111–148), is amended by inserting after section
2 1128J the following new section:

3 “EXPANDED ACCESS TO THE NATIONAL PRACTITIONER
4 DATA BANK

5 “SEC. 1128K. (a) EXPANDED ACCESS.—

6 “(1) IN GENERAL.—The information in the Na-
7 tional Practitioner Data Bank established pursuant
8 to the Health Care Quality Improvement Act of
9 1986 (42 U.S.C. 11101 et seq.) may be available on
10 a real-time basis, in accordance with protocols estab-
11 lished by the Secretary under subsection (b), to—

12 “(A) Federal and State government agen-
13 cies and health plans, commercial health plans,
14 and any health care provider, supplier, or prac-
15 titioner entering an employment or contractual
16 relationship with an individual or entity who
17 has been subject to a final adverse action in the
18 past 10 years, where the contract involves the
19 furnishing of items or services reimbursed by 1
20 or more Federal health care programs (regard-
21 less of whether the individual or entity is paid
22 by the programs directly, or whether the items
23 or services are reimbursed directly or indirectly
24 through the claims of a direct provider); and

25 “(B) utilization and quality control peer
26 review organizations and accreditation entities

1 as defined by the Secretary, including but not
2 limited to organizations described in part B of
3 this title and in section 1154(a)(4)(C).

4 “(2) NO EFFECT ON ACCESS UNDER OTHER AP-
5 PPLICABLE LAW; APPROPRIATE COORDINATION.—
6 Nothing in this section shall affect the availability of
7 information in the National Practitioner Data Bank
8 under other applicable law, including the availability
9 of such information to entities or individuals under
10 part B of the Health Care Quality Improvement Act
11 of 1986 (42 U.S.C. 11131 et seq.). In implementing
12 this section, the Secretary shall provide for the max-
13 imum appropriate coordination with such part.

14 “(b) PROTOCOLS.—The Secretary shall establish pro-
15 tocols to ensure the secure transfer and storage of data
16 made available under this section. In establishing such
17 protocols the Secretary shall take into account rec-
18 ommendations submitted to the Secretary by the Inspector
19 General of the Department of Health and Human Services
20 and the National Association of Insurance Commissioners
21 with respect to the secure transfer and storage of such
22 data, the establishment or approval of a fee structure
23 under subsection (c), and the establishment of user access
24 protocols.

25 “(c) FEES FOR DISCLOSURE.—

1 “(1) IN GENERAL.—

2 “(A) FEES.—Subject to paragraph (2), the
3 Secretary may establish or approve reasonable
4 fees for the disclosure of information under this
5 section, including with respect to requests by
6 Federal agencies or other entities, such as fiscal
7 intermediaries and carriers, acting under con-
8 tract on behalf of such agencies.

9 “(B) ESTABLISHMENT OR APPROVAL OF
10 FEE AMOUNTS.—In establishing or approving
11 the amount of such fees, the Secretary shall en-
12 sure that the total amount of the fees to be col-
13 lected is equal to the total costs of processing
14 the requests for disclosure and of providing
15 such information. Such fees shall be available to
16 the Secretary to cover such costs.

17 “(C) FOR-PROFIT ENTITIES.—The Sec-
18 retary may allow for-profit entities to receive
19 data under this section for a fee that is com-
20 parable to the fee charged to a Federal agency
21 or other entity under subparagraph (A) with re-
22 spect to a similar request.

23 “(2) FREE ACCESS TO CERTAIN DATA.—

24 “(A) IN GENERAL.—Not later than 1 year
25 after the date of enactment of the Fighting

1 Fraud and Abuse to Save Taxpayers’ Dollars
2 Act, for purposes of identifying additional strat-
3 egies and tools to combat waste, fraud, and
4 abuse, the Secretary—

5 “(i) establish protocols to ensure the
6 secure transmission of data under this sec-
7 tion; and

8 “(ii) may ensure nonprofit academic,
9 policy, and research institutions have ac-
10 cess to data from the National Practitioner
11 Data Bank.

12 “(B) ACCESS FREE OF CHARGE.—Data
13 shall be provided under subparagraph (A)(ii)
14 free of charge to academic, policy, and research
15 institutions.

16 “(C) REQUIREMENT.—Any academic, pol-
17 icy, or research institution that is provided data
18 under subparagraph (A)(ii) shall, as a condition
19 of receiving such data, be required to share
20 with the Secretary any findings using such data
21 to combat waste, fraud, and abuse (in a form
22 and manner of the academic, policy, or research
23 institution’s choosing).

24 “(d) ESTABLISHMENT OF APPEALS PROCESS.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a transparent and responsive appeals process
3 under which a provider of services or supplier may
4 have their name removed from the National Practi-
5 tioner Data Bank. Under such process, appeals shall
6 be conducted in a timely manner (not more than 90
7 days after the earlier of the date of the listing in the
8 National Practitioner Data Bank or the issuance of
9 any penalty involved) in order to minimize the time
10 that providers of services or suppliers who success-
11 fully appeal are excluded from participation under
12 the programs under titles XVIII and XIX.

13 “(2) CONSULTATION.—The Secretary shall con-
14 sult with major colleges of medical practice in the
15 United States, commercial health plans, the Inspec-
16 tor General of the Department of Health and
17 Human Services, the National Association of Insur-
18 ance Commissioners, and the Federation of State
19 Medical Boards in establishing the appeals process
20 under paragraph (1).

21 “(e) DEFINITIONS.—In this section:

22 “(1) COMMERCIAL HEALTH PLAN.—The term
23 ‘commercial health plan’ means health insurance
24 coverage (as defined in section 2791 of the Public

1 Health Service Act and including group health
2 plans).

3 “(2) FINAL ADVERSE ACTION.—The term ‘final
4 adverse action’ means one or more of the following
5 actions:

6 “(A) A Medicare-imposed revocation of any
7 Medicare billing privileges.

8 “(B) Suspension or revocation of a license
9 to provide health care by any State licensing
10 authority.

11 “(C) A conviction of a Federal or State fel-
12 ony offense within the last 10 years preceding
13 enrollment, revalidation, or re-enrollment.

14 “(D) An exclusion or debarment from par-
15 ticipation in a Federal or State health care pro-
16 gram.”.

17 (b) CRIMINAL PENALTY FOR MISUSE OF INFORMA-
18 TION DISCLOSED.—Section 1128B(b) of the Social Secu-
19 rity Act (42 U.S.C. 1320a–7b(b)) is amended by adding
20 at the end the following:

21 “(4) Whoever knowingly uses information dis-
22 closed from the National Practitioner Data Bank
23 under section 1128K for a purpose other than those
24 authorized under that section shall be imprisoned for

1 not more than 3 years or fined under title 18,
2 United States Code, or both.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date of enactment of
5 this Act.

6 **SEC. 963. LIABILITY OF MEDICARE ADMINISTRATIVE CON-**
7 **TRACTORS FOR CLAIMS SUBMITTED BY EX-**
8 **CLUDED PROVIDERS.**

9 (a) REIMBURSEMENT TO THE SECRETARY FOR
10 AMOUNTS PAID TO EXCLUDED PROVIDERS.—Section
11 1874A(b) of the Social Security Act (42 U.S.C.
12 1395kk(b)) is amended by adding at the end the following
13 new paragraph:

14 “(6) REIMBURSEMENTS TO SECRETARY FOR
15 AMOUNTS PAID TO EXCLUDED PROVIDERS.—

16 “(A) LIMITATION.—

17 “(i) IN GENERAL.—Except as pro-
18 vided in clause (ii), the Secretary shall not
19 enter into a contract with a Medicare ad-
20 ministrative contractor under this section
21 unless the contractor agrees to reimburse
22 the Secretary for any amounts paid by the
23 contractor for with respect to any item or
24 service (other than an emergency item or
25 service, not including items or services fur-

1 nished in an emergency room of a hospital)
2 which is furnished—

3 “(I) by an individual or entity
4 during the period when such indi-
5 vidual or entity is excluded pursuant
6 to section 1128, 1128A, 1156 or
7 1842(j)(2) from participation in the
8 program under this title; or

9 “(II) at the medical direction or
10 on the prescription of a physician dur-
11 ing the period when he is excluded
12 pursuant to section 1128, 1128A,
13 1156 or 1842(j)(2) from participation
14 in the program under this title and
15 when the person furnishing such item
16 or service knew or had reason to know
17 of the exclusion (after a reasonable
18 time period after reasonable notice
19 has been furnished to the person).

20 “(ii) EXCEPTION.—Where a Medicare
21 administrative contractor pays a claim for
22 payment for items or services furnished by
23 an individual or entity excluded from par-
24 ticipation in the programs under this title,
25 pursuant to section 1128, 1128A, 1156, or

1 1866, and such Medicare administrative
2 contractor did not know or have reason to
3 know that such individual or entity was so
4 excluded, then, to the extent permitted by
5 this title, and notwithstanding such exclu-
6 sion, the contractor shall not be required
7 to reimburse the Secretary under clause (i)
8 for any amounts paid with respect to such
9 items or services. In each such case the
10 Secretary shall notify the contractor of the
11 exclusion of the individual or entity fur-
12 nishing the items or services. A Medicare
13 administrative contractor shall not make
14 payment for items or services furnished by
15 an excluded individual or entity to a bene-
16 ficiary after a reasonable time (as deter-
17 mined by the Secretary in regulations)
18 after the Secretary has notified the con-
19 tractor of the exclusion of that individual
20 or entity.

21 “(B) REQUIREMENT TO REVIEW CLAIMS.—

22 A Medicare administrative contractor shall re-
23 view claims submitted to the contractor for pay-
24 ment for services under this title in order to en-
25 sure that such services were not furnished by

1 an individual or entity during any period for
2 which the individual or entity is excluded from
3 such participation (as described in subpara-
4 graph (A)).”.

5 (b) REPORT ON EFFECTIVENESS AND DEVELOP-
6 MENT OF SCORECARD AND MEASURABLE PERFORMANCE
7 METRICS FOR MEDICARE CONTRACTORS.—

8 (1) REPORT.—

9 (A) IN GENERAL.—Not later than 12
10 months after the date of enactment of this Act,
11 the Secretary of Health and Human Services
12 shall submit to Congress a report on the overall
13 effectiveness and potential of Medicare contrac-
14 tors.

15 (B) CONTENTS OF REPORT.—The report
16 submitted under subparagraph (A) shall include
17 the Secretary’s recommendations for the devel-
18 opment of measurable performance metrics and
19 a scorecard for Medicare contractors (or, in the
20 case of Medicare administrative contractors, up-
21 dated and revised measurable performance
22 metrics and a revised scorecard), together with
23 recommendations for such legislation and ad-
24 ministrative action as the Secretary determines
25 appropriate

1 (2) CONSULTATION.—The Secretary shall con-
2 sult with Medicare contractors, the Inspector Gen-
3 eral of the Department of Health and Human Serv-
4 ices, private sector waste, fraud, and abuse experts,
5 and entities with experience combating and pre-
6 venting waste, fraud, and abuse, including through
7 the review of Medicare claims, in preparing the re-
8 port submitted under paragraph (1).

9 (3) MEDICARE CONTRACTORS DEFINED.—In
10 this subsection, the term “Medicare contractor”
11 means any of the following:

12 (A) A Medicare administrative contractor
13 under section 1874A of the Social Security Act.

14 (B) A Medicare Program Safeguard Con-
15 tractor.

16 (C) A Zone Program Integrity Contractor.

17 (D) A Medicare Drug Integrity Contractor.

18 (c) EFFECTIVE DATE.—

19 (1) IN GENERAL.—The amendments made by
20 subsection (a) shall apply to claims for reimburse-
21 ment submitted on or after the date of enactment of
22 this Act.

23 (2) CONTRACT MODIFICATION.—The Secretary
24 of Health and Human Services shall take such steps
25 as may be necessary to modify contracts entered

1 into, renewed, or extended prior to the date of enact-
2 ment of this Act to conform such contracts to the
3 provisions of and amendments made by this section.

4 **SEC. 964. LIMITING THE DISCHARGE OF DEBTS IN BANK-**
5 **RUPTCY PROCEEDINGS IN CASES WHERE A**
6 **HEALTH CARE PROVIDER OR A SUPPLIER EN-**
7 **GAGES IN FRAUDULENT ACTIVITY.**

8 (a) IN GENERAL.—

9 (1) CIVIL MONETARY PENALTIES.—Section
10 1128A(a) of the Social Security Act (42 U.S.C.
11 1320a–7a(a)) is amended by adding at the end the
12 following: “Notwithstanding any other provision of
13 law, amounts made payable under this section are
14 not dischargeable under section 727, 944, 1141,
15 1228, or 1328 of title 11, United States Code, or
16 any other provision of such title.”.

17 (2) RECOVERY OF OVERPAYMENT TO PRO-
18 VIDERS OF SERVICES UNDER PART A.—Section
19 1815(d) of the Social Security Act (42 U.S.C.
20 1395g(d)) is amended—

21 (A) by inserting “(1)” after “(d)”; and

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

23 “(2) Notwithstanding any other provision of
24 law, amounts due to the Secretary under this section
25 are not dischargeable under section 727, 944, 1141,

1 1228, or 1328 of title 11, United States Code, or
2 any other provision of such title if the overpayment
3 was the result of fraudulent activity, as may be de-
4 fined by the Secretary.”.

5 (3) RECOVERY OF OVERPAYMENT OF BENEFITS
6 UNDER PART B.—Section 1833(j) of the Social Secu-
7 rity Act (42 U.S.C. 1395l(j)) is amended—

8 (A) by inserting “(1)” after “(j)”; and

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

10 “(2) Notwithstanding any other provision of
11 law, amounts due to the Secretary under this section
12 are not dischargeable under section 727, 944, 1141,
13 1228, or 1328 of title 11, United States Code, or
14 any other provision of such title if the overpayment
15 was the result of fraudulent activity, as may be de-
16 fined by the Secretary.”.

17 (4) COLLECTION OF PAST-DUE OBLIGATIONS
18 ARISING FROM BREACH OF SCHOLARSHIP AND LOAN
19 CONTRACT.—Section 1892(a) of the Social Security
20 Act (42 U.S.C. 1395ccc(a)) is amended by adding at
21 the end the following:

22 “(5) Notwithstanding any other provision of
23 law, amounts due to the Secretary under this section
24 are not dischargeable under section 727, 944, 1141,

1 plan unless the claim for payment for such item or
2 service contains—

3 “(A) a valid beneficiary identification num-
4 ber that, for purposes of the individual who re-
5 ceived such item or service, has been deter-
6 mined by the State agency to correspond to an
7 individual who is eligible to receive benefits
8 under the State plan or waiver; and

9 “(B) a valid National Provider Identifier
10 that, for purposes of the provider that fur-
11 nished such item or service, has been deter-
12 mined by the State agency to correspond to a
13 participating provider that is eligible to receive
14 payment for furnishing such item or service
15 under the State plan or waiver.”.

16 (2) CHIP.—Section 2107(e)(1)(I) of the Social
17 Security Act (42 U.S.C. 1397gg(e)(1)(I)) is amend-
18 ed by striking “and (17)” and inserting “(17), and
19 (27)”.

20 (b) SCREENING REQUIREMENTS FOR MANAGED
21 CARE ENTITIES.—

22 (1) IN GENERAL.—Section 1902 of the Social
23 Security Act (42 U.S.C. 1396a) is amended—

24 (A) by redesignating the second subsection
25 (ii), as added by section 6401(b)(1)(B) of the

1 Patient Protection and Affordable Care Act, as
2 subsection (kk) of such section; and

3 (B) in subsection (kk), as so redesignated—
4

5 (i) by redesignating paragraph (8) as
6 paragraph (9); and

7 (ii) by inserting after paragraph (7)
8 the following new paragraph:

9 “(8) MANAGED CARE ENTITIES.—The State es-
10 tablishes procedures to ensure that any managed
11 care entity (as defined in section 1932(a)(1)(B))
12 under contract with the State complies with all ap-
13 plicable requirements under this subsection.”.

14 (2) MEDICAID MANAGED CARE ORGANIZA-
15 TIONS.—Section 1903(m)(2)(A) of the Social Secu-
16 rity Act (42 U.S.C. 1396b(m)(2)(A)) is amended—

17 (A) in clause (xii), by striking “and” at
18 the end;

19 (B) in clause (xiii), by striking the period
20 and inserting “; and”; and

21 (C) by adding at the end the following new
22 clause:

23 “(xiv) such contract requires that the
24 entity comply with any applicable screen-

1 tem (as described in section
2 1903(r)(1)(F)); and

3 “**(BB)** any relevant
4 medical databases that are
5 maintained by the State
6 agencies, as determined by
7 the Secretary in consultation
8 with the directors of the
9 State agencies; and

10 “(bb) coordination of ex-
11 cluded provider lists between the
12 Secretary and the State agency,
13 including exchanges of data re-
14 garding excluding providers be-
15 tween Federal and State data-
16 bases; and”.

17 (d) **TECHNICAL CORRECTIONS.**—Section 1902 of the
18 Social Security Act (42 U.S.C. 1396a), as amended by
19 subsection (b)(1), is further amended—

20 (1) in subsection (a)—

21 (A) in paragraph (23), by striking “sub-
22 section (ii)(4)” and inserting “subsection
23 (kk)(4)”; and

1 (B) in paragraph (77), by striking “sub-
2 section (ii)” and inserting “subsection (kk)”;
3 and

4 (2) in subsection (kk), by striking “section
5 1886” each place it appears and inserting “section
6 1866”.

7 **SEC. 966. ILLEGAL DISTRIBUTION OF A MEDICARE, MED-**
8 **ICAID, OR CHIP BENEFICIARY IDENTIFICA-**
9 **TION OR BILLING PRIVILEGES.**

10 Section 1128B(b) of the Social Security Act (42
11 U.S.C. 1320a–7b(b)), as amended by section 962(b), is
12 amended by adding at the end the following:

13 “(5) Whoever knowingly, intentionally, and with
14 the intent to defraud purchases, sells or distributes,
15 or arranges for the purchase, sale, or distribution of
16 a Medicare, Medicaid, or CHIP beneficiary identi-
17 fication number or billing privileges under title
18 XVIII, title XIX, or title XXI shall be imprisoned
19 for not more than 10 years or fined not more than
20 \$500,000 (\$1,000,000 in the case of a corporation),
21 or both.”.

1 **SEC. 967. PILOT PROGRAM FOR THE USE OF UNIVERSAL**
2 **PRODUCT NUMBERS ON CLAIM FORMS FOR**
3 **REIMBURSEMENT UNDER THE MEDICARE**
4 **PROGRAM.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—Not later than January 1,
7 2013, the Secretary shall establish a pilot program
8 under which claims for reimbursement under the
9 Medicare program for UPN covered items contain
10 the universal product number of the UPN covered
11 item.

12 (2) DURATION.—The pilot program under this
13 section shall be conducted for a 2-year period.

14 (3) CONSIDERATION OF GAO RECOMMENDA-
15 TIONS.—The Secretary shall take into account the
16 recommendations of the Comptroller General of the
17 United States in establishing the pilot program
18 under this section.

19 (b) DEVELOPMENT AND IMPLEMENTATION OF PRO-
20 CEDURES.—

21 (1) INFORMATION INCLUDED IN UPN.—The
22 Secretary, in consultation with manufacturers and
23 entities with appropriate expertise, shall determine
24 the relevant descriptive information appropriate for
25 inclusion in a universal product number for a UPN
26 covered item under the pilot program.

1 (2) REVIEW OF PROCEDURE.—The Secretary,
2 in consultation with interested parties (which shall,
3 at a minimum, include the Inspector General of the
4 Department of Health and Human Services and pri-
5 vate sector and health industry experts), shall use
6 information obtained under the pilot program
7 through the use of universal product numbers on
8 claims for reimbursement under the Medicare pro-
9 gram to periodically review the UPN covered items
10 billed under the Health Care Financing Administra-
11 tion Common Procedure Coding System and adjust
12 such coding system to ensure that functionally
13 equivalent UPN covered items are billed and reim-
14 bursed under the same codes.

15 (c) GAO REPORTS TO CONGRESS ON EFFECTIVE-
16 NESS OF IMPLEMENTATION OF PILOT PROGRAM.—

17 (1) INITIAL REPORT.—Not later than 6 months
18 after the implementation of the pilot program under
19 this section, the Comptroller General of the United
20 States shall submit to Congress a report on the ef-
21 fectiveness of such implementation.

22 (2) FINAL REPORT.—Not later than 18 months
23 after the completion of the pilot program under this
24 section, the Comptroller General of the United
25 States shall submit to Congress a report on the ef-

1 fectiveness of the pilot program, together with rec-
2 ommendations regarding the use of universal prod-
3 uct numbers and the use of data obtained from the
4 use of such numbers, and recommendations for such
5 legislation and administrative action as the Comp-
6 troller General determines appropriate.

7 (d) USE OF AVAILABLE FUNDING.—The Secretary
8 shall use amounts available in the Centers for Medicare
9 & Medicaid Services Program Management Account or in
10 the Health Care Fraud and Abuse Control Account under
11 section 1817(k) of the Social Security Act (42 U.S.C.
12 1395i(k)) to carry out the pilot program under this sec-
13 tion.

14 (e) DEFINITIONS.—In this section:

15 (1) MEDICARE PROGRAM.—The term “Medicare
16 program” means the program under title XVIII of
17 the Social Security Act (42 U.S.C. 1395 et seq.).

18 (2) SECRETARY.—The term “Secretary” means
19 the Secretary of Health and Human Services.

20 (3) UNIVERSAL PRODUCT NUMBER.—The term
21 “universal product number” means a number that
22 is—

23 (A) affixed by the manufacturer to each in-
24 dividual UPN covered item that uniquely identi-
25 fies the item at each packaging level; and

1 (B) based on commercially acceptable iden-
2 tification standards such as, but not limited to,
3 standards established by the Uniform Code
4 Council—International Article Numbering Sys-
5 tem or the Health Industry Business Commu-
6 nication Council.

7 (4) UPN COVERED ITEM.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), the term “UPN covered
10 item” means—

11 (i) a covered item as that term is de-
12 fined in section 1834(a)(13) of the Social
13 Security Act (42 U.S.C. 1395m(a)(13));

14 (ii) an item described in paragraph
15 (8) or (9) of section 1861(s) of such Act
16 (42 U.S.C. 1395x);

17 (iii) an item described in paragraph
18 (5) of such section 1861(s); and

19 (iv) any other item for which payment
20 is made under this title that the Secretary
21 determines to be appropriate.

22 (B) EXCLUSION.—The term “UPN cov-
23 ered item” does not include a customized item
24 for which payment is made under this title.

1 **SEC. 968. PROHIBITION OF INCLUSION OF SOCIAL SECU-**
2 **RITY ACCOUNT NUMBERS ON MEDICARE**
3 **CARDS.**

4 (a) IN GENERAL.—Section 205(c)(2)(C) of the Social
5 Security Act (42 U.S.C. 405(c)(2)(C)), as amended by
6 section 1414(a)(2) of the Patient Protection and Afford-
7 able Care Act (Public Law 111–148), is amended by add-
8 ing at the end the following new clause:

9 “(xi) The Secretary of Health and Human Services,
10 in consultation with the Commissioner of Social Security,
11 shall establish cost-effective procedures to ensure that a
12 social security account number (or any derivative thereof)
13 is not displayed, coded, or embedded on the Medicare card
14 issued to an individual who is entitled to benefits under
15 part A of title XVIII or enrolled under part B of title
16 XVIII and that any other identifier displayed on such card
17 is easily identifiable as not being the social security ac-
18 count number (or a derivative thereof).”.

19 (b) EFFECTIVE DATE.—

20 (1) IN GENERAL.—The amendment made by
21 subsection (a) shall apply with respect to Medicare
22 cards issued on and after an effective date specified
23 by the Secretary of Health and Human Services, but
24 in no case shall such effective date be later than the
25 date that is 24 months after the date adequate fund-
26 ing is provided pursuant to subsection (d)(2).

1 (2) REISSUANCE.—Subject to subsection (d)(2),
2 in the case of individuals who have been issued such
3 cards before such date, the Secretary of Health and
4 Human Services—

5 (A) shall provide for the reissuance for
6 such individuals of such a card that complies
7 with such amendment not later than 3 years
8 after the effective date specified under para-
9 graph (1); and

10 (B) may permit such individuals to apply
11 for the reissuance of such a card that complies
12 with such amendment before the date of
13 reissuance otherwise provided under subpara-
14 graph (A) in such exceptional circumstances as
15 the Secretary may specify.

16 (c) OUTREACH PROGRAM.—Subject to subsection
17 (d)(2), the Secretary of Health and Human Services, in
18 consultation with the Commissioner of Social Security,
19 shall conduct an outreach program to Medicare bene-
20 ficiaries and providers about the new Medicare card pro-
21 vided under this section.

22 (d) REPORT TO CONGRESS AND LIMITATIONS ON EF-
23 FECTIVE DATE.—

24 (1) REPORT.—Not later than 90 days after the
25 date of the enactment of this Act, the Secretary of

1 Health and Human Services, acting through the Ad-
2 ministrator of the Centers for Medicare & Medicaid
3 Services and in consultation with the Commissioner
4 of Social Security, shall submit to Congress a report
5 that includes detailed options regarding the imple-
6 mentation of this section, including line-item esti-
7 mates of and justifications for the costs associated
8 with such options and estimates of timeframes for
9 each stage of implementation. In recommending
10 such options, the Secretary shall take into consider-
11 ation, among other factors, cost-effectiveness and
12 beneficiary outreach and education.

13 (2) LIMITATION; MODIFICATION OF DEAD-
14 LINES.—With respect to the amendment made by
15 subsection (a), and the requirements of subsections
16 (b) and (c)—

17 (A) such amendment and requirements
18 shall not apply until adequate funding is trans-
19 ferred pursuant to section 11(b) to implement
20 the provisions of this section, as determined by
21 Congress; and

22 (B) any deadlines otherwise established
23 under this section for such amendment and re-
24 quirements are contingent upon the receipt of

1 adequate funding (as determined in subpara-
2 graph (A)) for such implementation.

3 The previous sentence shall not affect the timely
4 submission of the report required under paragraph
5 (1).

6 **SEC. 969. IMPLEMENTATION.**

7 (a) EMPOWERING THE HHS OIG AND GAO.—EX-
8 cept as otherwise provided, to the extent practicable, the
9 Secretary of Health and Human Services (in this section
10 referred to as the “Secretary”) shall—

11 (1) carry out the provisions of and amendments
12 made by this subtitle in consultation with the In-
13 spector General of the Department of Health and
14 Human Services; and

15 (2) take into consideration the findings and rec-
16 ommendations of the Comptroller General of the
17 United States in carrying out such provisions and
18 amendments.

19 (b) FUNDING.—The Secretary shall provide for the
20 transfer, from the Health Care Fraud and Abuse Control
21 Account under section 1817(k) of the Social Security Act
22 (42 U.S.C. 1395i(k)), to the Centers for Medicare & Med-
23 icaid Services Program Management Account, of such
24 sums, provided such sums are fully offset, as the Secretary
25 determines are for necessary administrative expenses asso-

1 ciated with carrying out the provisions of and amendments
2 made by this subtitle (other than section 967). Amounts
3 transferred under the preceding sentence shall remain
4 available until expended.

5 (c) SAVINGS.—Any reduction in outlays under the
6 Medicare program under title XVIII of the Social Security
7 Act under the provisions of, and amendments made by,
8 this subtitle may only be utilized to offset outlays under
9 part A of title XVIII of the Social Security Act.