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 Baldridge 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.

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.

(a) RESCISSIONS.—

(1) IN GENERAL.—There is rescinded an amount equal to 15 percent of the budget authority provided for any discretionary account in appropriations to the Legislative Branch for fiscal year 2011.
(2) PROPORTIONATE APPLICATION.—Any re-
scission made by paragraph (1) shall be applied pro-
portionately—

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

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

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

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

(A) the percentage rescissions under para-
graph (1) shall apply to the total amount of all
funds appropriated under that heading; and
(B) the rescissions may be applied without regard to paragraph (2).

(b) Appropriations to the Executive Office of the President.—Notwithstanding any other provision of law, the total amount of funds appropriated to the appropriations account under the heading under the heading “EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT” for each of fiscal years 2012 and 2013 may not exceed the total amount of funds appropriated to that account for fiscal year 2011 after application of the rescission under subsection (a).

c) Appropriations to Congress.—Notwithstanding any other provision of law, the total amount of funds appropriated under the headings “SENATE” and “HOUSE OF REPRESENTATIVES” for each of fiscal years 2012 and 2013 may not exceed the total amount of funds appropriated under those headings for fiscal year 2011 after application of the rescission under subsection (a).

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

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating

SEC. 903. FREEZE ON COST OF FEDERAL EMPLOYEES (INCLUDING CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE) SALARIES.

Notwithstanding any other provision of law, the total amount of funds expended on salaries for civilian employees of the Federal Government, including civilian employees of the Department of Defense, for fiscal year 2011, fiscal year 2012, and fiscal year 2013 shall not exceed the total costs for such salaries in fiscal year 2010: Provided, That the amounts spent on salaries of members of the armed forces are exempt from the provisions of this subsection: Provided further, That nothing in this subsection prohibits an employee from receiving an increase in salary or other compensation so long as such an increase does not increase an agency's net expenditures for employee salaries.

SEC. 904. REDUCTION IN THE NUMBER OF FEDERAL EMPLOYEES.

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

(b) Determination of Number of Employees.—Not later than 60 days after the date of enactment of this
Act, the Director of the Office of Management and Budget shall determine the number of full-time employees employed in each agency. The head of each agency shall cooperate with the Director of the Office of Management and Budget in making the determinations.

(c) REDUCTIONS.—Notwithstanding any other provision of law, the head of each agency shall take such actions as necessary, including a reduction in force under sections 3502 and 3595 of title 5, United States Code, to reduce the number of full-time employees employed in that agency as determined under subsection (b) by 10 percent not later than October 1, 2020.

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

SEC. 905. LIMITATION ON GOVERNMENT PRINTING COSTS.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(a) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government
printing costs over the 10-year period beginning with fiscal
year 2011, except that the Director shall ensure that es-
sential printed documents prepared for social security re-
cipients, medicare beneficiaries, and other populations in
areas with limited internet access or use continue to re-
main available;
(b) establish government-wide Federal guidelines on
employee printing;
(e) issue on the Office of Management and Budget’s
public website the results of a cost-benefit analysis on im-
plementing a digital signature system and on establishing
employee printing identification systems, such as the use
of individual employee cards or codes, to monitor the
amount of printing done by Federal employees; except that
the Director of the Office of Management and Budget
shall ensure that Federal employee printing costs unre-
lated to national defense, homeland security, border secu-
ritv, national disasters, and other emergencies do not ex-
ceed $860,000,000 annually; and
(d) issue guidelines requiring every department,
agency, commission or office to list at a prominent place
near the beginning of each publication distributed to the
public and issued or paid for by the Federal Govern-
ment—
(1) the name of the issuing agency, department, commission or office;

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

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

(4) the name of the firm publishing the document.

SEC. 906. LIMITATION OF GOVERNMENT TRAVEL COSTS.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the heads of the Federal departments and agencies, shall establish a definition of “nonessential travel” and criteria to determine if travel-related expenses and requests by Federal employees meet the definition of “nonessential travel”. No travel expenses paid for, in whole or in part, with Federal funds shall be paid by the Federal Government unless a request is made prior to the travel and the requested travel meets the criteria established by this section. Any travel request that does not meet the definition and criteria shall be disallowed, including reimbursement for air flights, automobile rentals, train tickets, lodging, per diem, and other travel-related costs. The definition established by the Director of the Office of Management and Budget may
include exemptions in the definition, including travel related to national defense, homeland security, border security, national disasters, and other emergencies. The Director of the Office of Management and Budget shall ensure that all travel costs paid for in part or whole by the Federal Government not related to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $5,000,000,000 annually.

(b) RESCISSIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term “agency”—

(i) means an executive agency as defined under section 105 of title 5, United States Code; and

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

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

(2) IN GENERAL.—There is rescinded a travel expense amount from appropriations made for fiscal year 2011 in each agency appropriations account providing for travel expenses.
(3) FREEZE.—Notwithstanding any other provision of law, the total amount of funds appropriated to the appropriations account providing for travel expenses for each agency for each of fiscal years 2012 and 2013 may not exceed the total amount of funds appropriated to that account for fiscal year 2011 after application of the rescission under paragraph (2).

SEC. 907. REDUCTION IN FEDERAL VEHICLE COSTS.

Notwithstanding any other provision of law—

(a) of the amounts made available to the General Services Administration for the acquisition of new vehicles for the Federal fleet for fiscal year 2011 and remaining unobligated as of the date of enactment of this Act, an amount equal to 20 percent of all such amounts is rescinded;

(b) for fiscal year 2012 and each fiscal year thereafter—

(1) the amount made available to the General Services Administration for the acquisition of new vehicles for the Federal fleet shall not exceed an amount equal to 80 percent of the amount made available for the acquisition of those vehicles for fiscal year 2011 (before application of subsection (a)); and
(2) the number of new vehicles acquired by the General Services Administration for the Federal fleet shall not exceed a number equal to 50 percent of the vehicles so acquired for fiscal year 2011; and (c) any amounts made available under Public Law 111–5 for the acquisition of new vehicles for the Federal fleet shall be disregarded by for purposes of determining the baseline.

SEC. 908. SALE OF EXCESS FEDERAL PROPERTY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

```
"SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

§ 621. Definitions

"In this subchapter:

"(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

"(2) LANDHOLDING AGENCY.—The term ‘landholding agency’ means a landholding agency (as defined in section 501(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i))).

"(3) REAL PROPERTY.—
```
“(A) IN GENERAL.—The term ‘real property’ means—

“(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

“(I) excess;

“(II) surplus;

“(III) underperforming; or

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

“(ii) a building or other structure located on real property described in clause (i).

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

§ 622. Disposal program

“(a) IN GENERAL.—Except as provided in subsection (e), the Director shall, by sale or auction, dispose of a quantity of real property with an aggregate value of not
less than $15,000,000,000 that, as determined by the Di-
rector, is not being used, and will not be used, to meet
the needs of the Federal Government for the period of fis-
cal years 2010 through 2015.

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

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

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

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

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

“(1) be updated routinely; and

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

“(e) TRANSFER OF PROPERTY.—The Director may
transfer real property selected for disposal under this sec-
tion to the Department of Housing and Urban Develop-
ment if the Secretary of Housing and Urban Development determines that the real property is suitable for use in assisting the homeless.”.

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

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

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

SEC. 910. MANDATORY ELIMINATION OF DUPLICATIVE
GOVERNMENT PROGRAMS.

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

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

(c) FAILURE TO ACT.—If Congress takes no action
to address the recommendations submitted in subsection
(b) within 60 days, Secretary of each Federal Government
agency and the head of each independent agency shall carry out the recommendations as submitted to Congress.

**SEC. 911. COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT.**

(a) In General.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

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

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

“(a) Definitions.—For purposes of this section—

“(1) the term ‘seriously delinquent tax debt’ means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

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

“(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b),
or (f) of section 6015 of such Code, is requested or pending; and

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

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

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

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding 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 Government.”.

SEC. 912. TEN PERCENT REDUCTION IN VOLUNTARY CONTRIBUTIONS TO THE UNITED NATIONS.

Notwithstanding any other provision of law, of the funds appropriated or otherwise made available for fiscal year 2011, voluntary contributions to the United Nations
paid by the United States shall not exceed an amount that is 10 percent less than the amount provided in fiscal year 2010.

SEC. 913. LOW-PRIORITY CONSTRUCTION PROJECTS OF CORPS OF ENGINEERS.

(a) Termination of Authority.—The authority to carry out low-priority construction projects of the Corps of Engineers is terminated.

(b) Rescission.—Notwithstanding any other provision of law—

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

(2) no amounts made available after the date of enactment of this Act for the projects referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects described in paragraph (1), as determined by the Secretary of the Army, in consultation with other appropriate Federal agencies.
SEC. 914. TEN PERCENT REDUCTION IN INTERNATIONAL DEVELOPMENT AND HUMANITARIAN ASSISTANCE FUNDING.

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

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

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

(b) RESCISSION OF FUNDS.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the Safe and Drug-Free Schools and Communities Program under part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.
SEC. 916. RESCISSION OF AMOUNTS FOR ECONOMIC DEVELOPMENT ADMINISTRATION.

Notwithstanding any other provision of law—

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

(2) no amounts made available after the date of enactment of this Act for the programs, activities, and grants referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating such programs, activities, and grants, as determined by the Secretary of Commerce, in consultation with other appropriate Federal agencies.

SEC. 917. DEPARTMENT OF JUSTICE WASTEFUL ACTIVITIES.

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

SEC. 918. RESCISSION OF AMOUNTS FOR HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM AND BALDRIDGE PERFORMANCE EXCELLENCE PROGRAM.

Notwithstanding any other provision of law—
(1) all amounts made available for the Hollings Manufacturing Partnership Program and the Baldridge Performance Excellence Program that remain unobligated as of the date of enactment of this Act are rescinded; and

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

SEC. 919. FOSSIL FUEL APPLIED RESEARCH.

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

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for fossil fuel applied research described in subsection (a) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for research referred to in
paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing research described in paragraph (1), as determined by the Secretary of Energy, in consultation with other appropriate Federal agencies.

SEC. 920. CORPORATION FOR PUBLIC BROADCASTING.

Notwithstanding any other provision of law, the portion of all unobligated balances held by the Corporation for Public Broadcasting that consists of Federal funds are rescinded and no Federal funds appropriated hereafter for the Corporation for Public Broadcasting shall be obligated or expended by such Corporation.

SEC. 921. FIFTEEN PERCENT REDUCTION IN FISCAL YEAR 2011 FUNDING FOR THE DEPARTMENT OF DEFENSE FOR PROCUREMENT.

Notwithstanding any other provision of law, the amount available to the Department of Defense for fiscal year 2011 for procurement is the amount equal to the aggregate amount otherwise authorized to be appropriated to the Department for that fiscal year for procurement minus an amount equal to 15 percent of such aggregate amount.
SEC. 922. TEN PERCENT REDUCTION IN FISCAL YEAR 2011 FUNDING FOR THE DEPARTMENT OF DEFENSE FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

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

SEC. 923. REDUCTION IN DEPARTMENT OF DEFENSE SPENDING IN SUPPORT OF MILITARY INSTALLATIONS.

The Secretary of Defense shall reduce the amount obligated or expended in support of military installations through the reduction or elimination of waste, fraud, and abuse attributable to programs and activities related to such support.

SEC. 924. RESCISSION OF DIPLOMATIC AND CONSULAR PROGRAMS FUNDING.

Ten percent of the funds appropriated or otherwise made available to the Secretary of State for diplomatic and consular programs and available for obligation as of the date of the enactment of this Act is hereby rescinded.
SEC. 925. ELIMINATION OF PROGRAM TO PAY INSTITUTIONS OF HIGHER EDUCATION FOR ADMINISTRATIVE EXPENSES RELATING TO STUDENT AID PROGRAM.

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

(b) Recession.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for payments to institutions of higher education under section 489 of the Higher Education Act of 1965 (20 U.S.C. 1096), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such payments shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

SEC. 926. ELIMINATION OF GRANTS TO LARGE AND MEDIUM HUB AIRPORTS UNDER AIRPORT IMPROVEMENT PROGRAM.

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

(1) no large hub airport or medium hub airport (as those terms are defined in section 47102 of such title) may receive a grant under the airport improvement program under such subchapter;
(2) all amounts made available for grants to large hub airports or medium hub airports under the airport improvement program that remain unobligated as of the date of the enactment of this Act are rescinded; and

(3) no amounts made available after the date of the enactment of this Act for grants to large hub airports or medium hub airports under the airport improvement program shall be obligated or expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under that program, as determined by the Secretary of Transportation, in consultation with other appropriate Federal agencies.

SEC. 927. CONSOLIDATE ALL FEDERAL FIRE MANAGEMENT PROGRAMS AND REDUCING FUNDING BY 10 PERCENT.

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

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) of amounts made available for programs consolidated under subsection (a), the lesser of 10
percent of such amounts, on the one hand, and the amount of such amounts that remain unobligated as of the date of enactment of this Act, on the other hand, are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the programs referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating or reducing ongoing projects and activities under such programs, as determined by the Secretary of Homeland Security, in consultation with other appropriate Federal agencies.

SEC. 928. HIGH-ENERGY COST GRANT PROGRAM.

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

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the program carried out under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the program referred to in
paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating the program described in paragraph (1), as determined by the Secretary of Agriculture, in consultation with other appropriate Federal agencies.

SEC. 929. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAMS.

(a) TERMINATION OF AUTHORITY.—The authority to carry out the resource conservation and development program of the Natural Resources Conservation Service of the Department of Agriculture is terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the resource conservation and development program of the Natural Resources Conservation Service of the Department of Agriculture (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the program referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in
terminating ongoing projects and activities under that program, as determined by the Secretary of Agriculture, in consultation with other appropriate Federal agencies.

SEC. 930. REPEAL OF LEAP.

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

(b) Recession.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the Leveraging Educational Assistance Partnership Program under subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such program shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

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

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

(b) Elimination of Funding.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the B.J. Stupak Olymp-
pic Scholarships program under section 1543 of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

SEC. 932. REPEAL OF ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

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

(b) Recession.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the Robert C. Byrd Honors Scholarship Program under subpart 6 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such program shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.
SEC. 933. ELIMINATION OF THE HISTORIC WHALING AND TRADING PARTNERS PROGRAM.

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

(b) RECISSION OF FUNDS.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and Their Historical Whaling and Trading Partners in Massachusetts under subpart 12 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7265 et seq.), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

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

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

(b) ELIMINATION OF FUNDING.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the Underground Railroad educational and cultural program under section 841
if of the Higher Education Amendments of 1998 (20 U.S.C. 1153), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

SEC. 935. BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE.

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

(b) Rescission.—Notwithstanding any other provision of law—

(1) all amounts made available for grants described in subsection (a) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for grants described in subsection (a) shall be expended, other than such amounts as are necessary to cover costs incurred in
terminating ongoing projects and activities under those grants, as determined by the Secretary of Housing and Urban Development, in consultation with other appropriate Federal agencies.

SEC. 936. ELECTION REFORM GRANTS.

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

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for such requirements payments (as of the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for such requirements payments shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities using such requirements payments, as determined by the Administrator of General Services, in consultation with other appropriate Federal agencies.
SEC. 937. ELECTION ASSISTANCE COMMISSION.

(a) Termination of Authority.—The Election Assistance Commission established under section 201 of the Help America Vote Act of 2002 (42 U.S.C. 15321) is terminated.

(b) Rescission.—Notwithstanding any other provision of law—

(1) all amounts made available for the Election Assistance Commission (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

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

SEC. 938. EMERGENCY OPERATIONS CENTER GRANT PROGRAM.

(a) Termination.—Section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196e) is repealed.
(b) **RESCISSION.**—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Homeland Security for the emergency operations center grant program under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by the Secretary of Homeland Security, in consultation with the appropriate Federal agencies.

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

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

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

(a) **IN GENERAL.**—Section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act:
A Legacy for Users (Public Law 109–59; 119 Stat. 1256) is repealed.

(b) Rescission.—Notwithstanding any other provision of law—

(1) all amounts made available for high priority projects under section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1256) (before the amendment made by subsection (a)) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for high priority projects described in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under those projects, as determined by the Secretary of Transportation, in consultation with other appropriate Federal agencies.

SEC. 941. SAVE AMERICA’S TREASURES PROGRAM; PRESERVE AMERICA PROGRAM.

(a) Repeals.—Sections 7302 and 7303 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 469n, 469o) are repealed.
(b) RESCISSION.—Notwithstanding any other provision of law—

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

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

SEC. 942. TARGETED WATER INFRASTRUCTURE GRANTS.

(a) TERMINATION OF AUTHORITY.—The Targeted Watershed Grants Program and the U.S.–Mexico Border Water Infrastructure Program of the Environmental Protection Agency are terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the Targeted Watershed Grants Program and the U.S.–Mexico Border Water Infrastructure Program of the Environmental Protection Agency (as in existence on the
day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the programs referred to in paragraph (1) (as so in existence) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under those programs, as determined by the Administrator of the Environmental Protection Agency, in consultation with other appropriate Federal agencies.

SEC. 943. NATIONAL PARK SERVICE CHALLENGE COST SHARE PROGRAM.

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

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the Department of the Interior Challenge Cost Share Program (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and
(2) no amounts made available after the date of enactment of this Act for the Department of the Interior Challenge Cost Share Program shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under the program, as determined by the Secretary of the Interior in consultation with other appropriate Federal agencies.

SEC. 944. TERMINATION OF THE CONSTELLATION PROGRAM OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) Termination Required.—The Administrator of the National Aeronautics and Space Administration shall terminate the Constellation Program of the National Aeronautics and Space Administration.

(b) Disposition of Unobligated Funds.—

(1) Rescission.—Except as provided in paragraph (2), any funds available for obligation by the National Aeronautics and Space Administration as of the date of the enactment of this Act for the Constellation Program are hereby rescinded.

(2) Availability for Wind-up of Program.—Funds described in paragraph (1) may be utilized by the National Aeronautics and Space Ad-
ministration solely for costs related to the winding-up of the provision of the Constellation Program.

SEC. 945. DELTA HEALTH INITIATIVE.

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

SEC. 946. DEPARTMENT OF AGRICULTURE HEALTH CARE SERVICES GRANT PROGRAM.

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

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for any health care services grant program of the Department of Agriculture (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the program referred to in
paragraph (1) shall be expended, other than such
amounts as are necessary to cover costs incurred in
terminating ongoing projects and activities under
that program, as determined by the Secretary of Ag-
iculture, in consultation with other appropriate
Federal agencies.

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

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

(b) ELIMINATION OF FUNDING.—Notwithstanding
any other provision of law, all unobligated balances held
by the Secretary of Education for the Repayment for Civil
Legal Assistance Attorneys program under section 428L
12), as in effect on the day before the date of enactment
of this Act, are rescinded and no funds appropriated here-
after for such activities shall be expended, except as deter-
minal necessary or essential by such Secretary, in con-
sultation with the appropriate Federal agencies.

SEC. 948. TARGETED AIR SHED GRANT PROGRAM.

(a) TERMINATION OF AUTHORITY.—The Targeted
Air Shed Grant Program of the Environmental Protection
Agency is terminated.
(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the Targeted Air Shed Grant Program of the Environmental Protection Agency (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

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

SEC. 949. REQUIRING TRANSPARENCY AND ENSURING NO SPECIAL TREATMENT FOR THE AARP OR AMA.

(a) REQUIREMENT.—Notwithstanding any other provision of law, no Federal grants or contracts may be made available to the AARP or the American Medical Association (commonly referred to as the “AMA”) for fiscal year
(b) DISCLOSURE CONDITIONS.—Any physician trade and lobbying organization partnering with the Federal Government by participating in technical reviews, making health care payment policy recommendations, representing physician interests on advisory panels, or otherwise representing physicians in matters being reviewed or examined by the Department of Health and Human Services shall disclose the following:

(1) The number of dues paying physician-members the organization currently represents.

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

(c) MEMBERSHIP REQUIREMENT.—No physician trade and lobbying organization shall be eligible to participate in activities listed in subsection (b) unless such organizations have a membership composed of at least 50 percent of currently-practicing physicians in the same calendar year. The requirement of the preceding sentence shall apply to all physician trade organizations, regardless of whether the organization is a State, regional, or na-
SIONAL ORGANIZATION, AND REGARDLESS OF WHAT SPECIALTY OR PRACTICE AREAS SAID ORGANIZATIONS REPRESENT.

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

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

SEC. 960. FINDINGS.

Congress makes the following findings:

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

(2) The Medicaid program also suffers from rampant fraud. As the Office of the Inspector General of the Department of Health and Human Services noted in 2009, in an analysis of the only source of nationwide Medicaid claims and beneficiary eligibility information, the Medicaid Statistical Information System, the Federal Government does not have “timely, accurate, or comprehensive information for
fraud, waste, and abuse detection” in the Medicaid program.

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

(4) The new Federal health reform law substantially expands the Medicaid program, significantly changes the Medicare program, creates new mandates and regulations, and will send hundreds of billions of dollars to insurance companies.

(5) It is the duty of public officials and public servants in Congress and the Administration to protect the American public’s taxpayer dollars. Congress and the Administration must continue to aggressively combat waste, fraud, and abuse in public health care programs.

(6) The Inspector General of the Department of Health and Human Services has stated that “swift and effective detection of and response to waste, fraud, and abuse remain an essential program integrity strategy”. Furthermore, the Inspector General
noted that “effective use of Medicare and Medicaid data is critical to the success of the Government’s efforts to reduce waste, fraud, and abuse”.

(7) The loss of taxpayer dollars due to waste and fraud under the Medicare and Medicaid programs not only threatens the financial viability of those programs, it erodes the public trust. American taxpayers should not be expected to tolerate rampant waste, fraud, and abuse in publicly funded health care programs.

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

(9) Congress supports the use of predictive modeling and other smart technologies that can transform the current “pay and chase” payment cultures under the Medicare and Medicaid programs and prevent taxpayer dollars from being lost to waste, fraud, and abuse.
SEC. 961. TRACKING EXCLUDED PROVIDERS ACROSS STATE LINES.

(a) GREATER COORDINATION.—In order to ensure that providers of services and suppliers that have operated in one State and are excluded from participation in the Medicare program are unable to begin operation and participation in other Federal health care programs in another State, the Secretary shall provide for increased coordination between the following:

(1) The Administrator of the Centers for Medicare & Medicaid Services.

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

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

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

(5) The Federation of State Medical Boards.

(b) IMPROVED INFORMATION SYSTEMS.—

(1) IN GENERAL.—The Secretary shall improve information systems to allow greater integration be-
between databases under the Medicare program so that—

(A) Medicare administrative contractors, fiscal intermediaries, and carriers have immediate access to information identifying providers and suppliers excluded from participation in the Medicare program, the Medicaid program under title XIX of the Social Security Act, the State Children’s Health Insurance Program under title XXI of such Act, and other Federal health care programs; and

(B) such information can be shared on a real-time basis, in accordance with protocols established under subsection (g)(2)—

(i) across Federal health care programs and agencies, including between the Department of Health and Human Services, the Social Security Administration, the Department of Veterans Affairs, the Department of Defense, the Department of Justice, and the Office of Personnel Management; and

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

(2) Sharing of information in addition to HEAT efforts.—The information shared under paragraph (1) shall be in addition to, and shall not replace, activities of the Health Care Fraud Prevention and Enforcement Action Team (HEAT) established by the Attorney General and the Department of Health and Human Services.

(3) Appropriate coordination.—In implementing this subsection, the Secretary shall provide for the maximum appropriate coordination with the process established under section 6401(b)(2) of the Patient Protection and Affordable Care Act (Public Law 111–148).

(c) “One PI” database for Medicare, Medicaid, and CHIP.—

(1) In general.—The Secretary shall—

(A) continue to upload Medicare claims, provider, and beneficiary data into the Integrated Data Repository under section 1128J(a)(1) of the Social Security Act, as added by section 6402(a) of the Patient Protec-
tion and Affordable Care Act until such time as the Secretary determines that the Integrated Data Repository is completed; and

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

(2) Access.—The Secretary, in consultation with Inspector General of the Department of Health and Human Services, may allow stakeholders who combat, or could assist in combating, waste, fraud, and abuse under Federal health care programs to have access to the One PI system established under the project. Such stakeholders may include the Director of the Federal Bureau of Investigation, the Comptroller General of the United States, Medicare administrative contractors, fiscal intermediaries, and carriers.

(d) Federal and State Agency Access to National Practitioner Data Bank.—For purposes of enhancing data sharing in order to identify programmatic weaknesses and improving the timeliness of analysis and actions to prevent waste, fraud, and abuse, relevant Fed-
eral and State agencies, including the Department of Health and Human Services, the Department of Justice, State departments of health, State Medicaid plans under title XIX of the Social Security Act, State child health plans under title XXI of such Act, and State medicaid fraud control units (as described in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q))), shall have real-time access to the National Practitioner Data Bank, as directed by the Secretary. The Secretary may, in consultation with the Inspector General of the Department of Health and Human Services, give such real-time access to State attorneys general and State and local law enforcement agencies.

(e) Access to Claims and Payment Databases.—Section 1128J(a)(2) of the Social Security Act, as added by section 6402(a) of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended—

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

“(A) Access for the conduct of law enforcement and oversight activities.—

For purposes”;

(2) in subparagraph (A), as added by paragraph (1), by inserting “, including the Integrated
Data Repository under paragraph (1)” before the period at the end; and

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

“(B) ACCESS TO REDUCE WASTE, FRAUD,
AND ABUSE.—For purposes of reducing waste,
frad, and abuse, and to the extent consistent
with applicable information, privacy, security,
and disclosure laws, including the regulations
promulgated under the Health Insurance Port-
ability and Accountability Act of 1996 and sec-
tion 552a of title 5, United States Code, and
subject to any information systems security re-
quirements under such laws or otherwise re-
quired by the Secretary, the Secretary, in con-
sultation with the Inspector General of the De-
partment of Health and Human Services, may
allow State Medicaid fraud control units and
State and local law enforcement officials to
have access to claims and payment data of the
Department of Health and Human Services and
its contractors related to titles XVIII, XIX, and
XXI, including the Integrated Data Repository
under paragraph (1).”.
(f) Ensuring Data Is Uploaded to the IDR on a Daily Basis.—Section 1128J(a)(1) of the Social Security Act, as added by section 6402(a) of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended by adding at the end the following new subparagraph:

“(C) Uploading of Medicare Claims Data on a Daily Basis.—All Medicare claims data shall be uploaded into the Integrated Data Repository on a daily basis.”.

(g) Real-Time Access to Data.—

(1) In General.—The Secretary shall ensure that any data provided to an entity or individual under the provisions of or amendments made by this section is provided to such entity or individual on a real-time basis, in accordance with protocols established by the Secretary under paragraph (2). The Secretary shall consult with the Inspector General of the Department of Health and Human Services prior to implementing this subsection.

(2) Protocols.—

(A) In General.—The Secretary shall establish protocols to ensure the secure transfer and storage of any data provided to another en-
tity or individual under the provisions of or amendments made by this section.

(B) CONSIDERATION OF HHS OIG RECOMMENDATIONS.—In establishing protocols under subparagraph (A), the Secretary shall take into account recommendations submitted to the Secretary by the Inspector General of the Department of Health and Human Services with respect to the secure transfer and storage of such data.

(h) GAO STUDY AND REPORT ON USE OF FEDERATION OF STATE MEDICAL BOARDS TO STRENGTHEN ENROLLMENT INTEGRITY PROCESSES.—

(1) STUDY.—The Comptroller General of the United States shall, in consultation with the Federation of State Medical Boards, conduct a study on whether and, if so, to what degree, such Federation may be useful to the Secretary in further strengthening the integrity of processes for enrolling providers of services and suppliers under Federal health care programs.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing the results of the study con-
ducted under paragraph (1), together with rec-
ommendations for such legislation and administra-
tive action as the Comptroller General determines
appropriate.

(i) DEFINITIONS.—In this section:

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

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

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

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

(5) MEDICARE ADMINISTRATIVE CONTRACTORS,
FISCAL INTERMEDIARIES, AND CARRIERS.—The
term “Medicare administrative contractors, fiscal
intermediaries, and carriers” includes zone program
integrity contractors, program safeguard or integrity
contractors, recovery audit contractors under section
1893(h) of the Social Security Act (42 U.S.C. 1395ddd(h)), and special investigative units at Medicare contractors (as defined in section 1889(g) of the Social Security Act (42 U.S.C. 1395zz(g))).

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

(7) PROVIDER OF SERVICES.—The term “provider of services” has the meaning given such term in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u)).

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

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

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

SEC. 962. ACCESS FOR PRIVATE SECTOR AND GOVERNMENTAL ENTITIES.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 6402(a) of the Patient Protection and Affordable Care Act (Public
57

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

“EXPANDED ACCESS TO THE NATIONAL PRACTITIONER DATA BANK

“Sec. 1128K. (a) Expanded Access.—

“(1) In general.—The information in the National Practitioner Data Bank established pursuant to the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.) may be available on a real-time basis, in accordance with protocols established by the Secretary under subsection (b), to—

“(A) Federal and State government agencies and health plans, commercial health plans, and any health care provider, supplier, or practitioner entering an employment or contractual relationship with an individual or entity who has been subject to a final adverse action in the past 10 years, where the contract involves the furnishing of items or services reimbursed by 1 or more Federal health care programs (regardless of whether the individual or entity is paid by the programs directly, or whether the items or services are reimbursed directly or indirectly through the claims of a direct provider); and

“(B) utilization and quality control peer review organizations and accreditation entities
as defined by the Secretary, including but not limited to organizations described in part B of this title and in section 1154(a)(4)(C).

“(2) NO EFFECT ON ACCESS UNDER OTHER APPLICABLE LAW; APPROPRIATE COORDINATION.—Nothing in this section shall affect the availability of information in the National Practitioner Data Bank under other applicable law, including the availability of such information to entities or individuals under part B of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11131 et seq.). In implementing this section, the Secretary shall provide for the maximum appropriate coordination with such part.

“(b) PROTOCOLS.—The Secretary shall establish protocols to ensure the secure transfer and storage of data made available under this section. In establishing such protocols the Secretary shall take into account recommendations submitted to the Secretary by the Inspector General of the Department of Health and Human Services and the National Association of Insurance Commissioners with respect to the secure transfer and storage of such data, the establishment or approval of a fee structure under subsection (e), and the establishment of user access protocols.

“(c) FEES FOR DISCLOSURE.—
“(1) IN GENERAL.—

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

“(B) ESTABLISHMENT OR APPROVAL OF FEE AMOUNTS.—In establishing or approving the amount of such fees, the Secretary shall ensure that the total amount of the fees to be collected is equal to the total costs of processing the requests for disclosure and of providing such information. Such fees shall be available to the Secretary to cover such costs.

“(C) FOR-PROFIT ENTITIES.—The Secretary may allow for-profit entities to receive data under this section for a fee that is comparable to the fee charged to a Federal agency or other entity under subparagraph (A) with respect to a similar request.

“(2) FREE ACCESS TO CERTAIN DATA.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Fighting
Fraud and Abuse to Save Taxpayers’ Dollars Act, for purposes of identifying additional strategies and tools to combat waste, fraud, and abuse, the Secretary—

“(i) establish protocols to ensure the secure transmission of data under this section; and

“(ii) may ensure nonprofit academic, policy, and research institutions have access to data from the National Practitioner Data Bank.

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

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

“(d) ESTABLISHMENT OF APPEALS PROCESS.—
“(1) IN GENERAL.—The Secretary shall establish a transparent and responsive appeals process under which a provider of services or supplier may have their name removed from the National Practitioner Data Bank. Under such process, appeals shall be conducted in a timely manner (not more than 90 days after the earlier of the date of the listing in the National Practitioner Data Bank or the issuance of any penalty involved) in order to minimize the time that providers of services or suppliers who successfully appeal are excluded from participation under the programs under titles XVIII and XIX.

“(2) CONSULTATION.—The Secretary shall consult with major colleges of medical practice in the United States, commercial health plans, the Inspector General of the Department of Health and Human Services, the National Association of Insurance Commissioners, and the Federation of State Medical Boards in establishing the appeals process under paragraph (1).

“(e) DEFINITIONS.—In this section:

“(1) COMMERCIAL HEALTH PLAN.—The term ‘commercial health plan’ means health insurance coverage (as defined in section 2791 of the Public...
Health Service Act and including group health plans).

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

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

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

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

“(D) An exclusion or debarment from participation in a Federal or State health care program.”.

(b) CRIMINAL PENALTY FOR MISUSE OF INFORMATION DISCLOSED.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended by adding at the end the following:

“(4) Whoever knowingly uses information disclosed from the National Practitioner Data Bank under section 1128K for a purpose other than those authorized under that section shall be imprisoned for
not more than 3 years or fined under title 18, United States Code, or both.”.

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 963. LIABILITY OF MEDICARE ADMINISTRATIVE CONTRACTORS FOR CLAIMS SUBMITTED BY EXCLUDED PROVIDERS.

(a) Reimbursement to the Secretary for Amounts Paid to Excluded Providers.—Section 1874A(b) of the Social Security Act (42 U.S.C. 1395kk(b)) is amended by adding at the end the following new paragraph:

“(6) Reimbursements to Secretary for Amounts Paid to Excluded Providers.—

“(A) Limitation.—

“(i) In general.—Except as provided in clause (ii), the Secretary shall not enter into a contract with a Medicare administrative contractor under this section unless the contractor agrees to reimburse the Secretary for any amounts paid by the contractor for with respect to any item or service (other than an emergency item or service, not including items or services fur-
nished in an emergency room of a hospital) which is furnished—

“(I) by an individual or entity during the period when such individual or entity is excluded pursuant to section 1128, 1128A, 1156 or 1842(j)(2) from participation in the program under this title; or

“(II) at the medical direction or on the prescription of a physician during the period when he is excluded pursuant to section 1128, 1128A, 1156 or 1842(j)(2) from participation in the program under this title and when the person furnishing such item or service knew or had reason to know of the exclusion (after a reasonable time period after reasonable notice has been furnished to the person).

“(ii) EXCEPTION.—Where a Medicare administrative contractor pays a claim for payment for items or services furnished by an individual or entity excluded from participation in the programs under this title, pursuant to section 1128, 1128A, 1156, or
l866, and such Medicare administrative contractor did not know or have reason to know that such individual or entity was so excluded, then, to the extent permitted by this title, and notwithstanding such exclusion, the contractor shall not be required to reimburse the Secretary under clause (i) for any amounts paid with respect to such items or services. In each such case the Secretary shall notify the contractor of the exclusion of the individual or entity furnishing the items or services. A Medicare administrative contractor shall not make payment for items or services furnished by an excluded individual or entity to a beneficiary after a reasonable time (as determined by the Secretary in regulations) after the Secretary has notified the contractor of the exclusion of that individual or entity.

“(B) REQUIREMENT TO REVIEW CLAIMS.—
A Medicare administrative contractor shall re-
view claims submitted to the contractor for pay-
ment for services under this title in order to en-
sure that such services were not furnished by
an individual or entity during any period for which the individual or entity is excluded from such participation (as described in subparagraph (A)).”.

(b) Report on Effectiveness and Development of Scorecard and Measurable Performance Metrics for Medicare Contractors.—

(1) Report.—

(A) In general.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the overall effectiveness and potential of Medicare contractors.

(B) Contents of Report.—The report submitted under subparagraph (A) shall include the Secretary’s recommendations for the development of measurable performance metrics and a scorecard for Medicare contractors (or, in the case of Medicare administrative contractors, updated and revised measurable performance metrics and a revised scorecard), together with recommendations for such legislation and administrative action as the Secretary determines appropriate
(2) CONSULTATION.—The Secretary shall consult with Medicare contractors, the Inspector General of the Department of Health and Human Services, private sector waste, fraud, and abuse experts, and entities with experience combating and preventing waste, fraud, and abuse, including through the review of Medicare claims, in preparing the report submitted under paragraph (1).

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

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

(B) A Medicare Program Safeguard Contractor.

(C) A Zone Program Integrity Contractor.

(D) A Medicare Drug Integrity Contractor.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to claims for reimbursement submitted on or after the date of enactment of this Act.

(2) CONTRACT MODIFICATION.—The Secretary of Health and Human Services shall take such steps as may be necessary to modify contracts entered
into, renewed, or extended prior to the date of enactment of this Act to conform such contracts to the provisions of and amendments made by this section.

**SEC. 964. LIMITING THE DISCHARGE OF DEBTS IN BANKRUPTCY PROCEEDINGS IN CASES WHERE A HEALTH CARE PROVIDER OR A SUPPLIER ENGAGES IN FRAUDULENT ACTIVITY.**

(a) IN GENERAL.—

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

(2) **RECOVERY OF OVERPAYMENT TO PROVIDERS OF SERVICES UNDER PART A.**—Section 1815(d) of the Social Security Act (42 U.S.C. 1395g(d)) is amended—

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

(B) by adding at the end the following:

“(2) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 944, 1141,
(3) Recovery of Overpayment of Benefits Under Part B.—Section 1833(j) of the Social Security Act (42 U.S.C. 1395l(j)) is amended—

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

(B) by adding at the end the following:

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

(4) Collection of Past-Due Obligations Arising from Breach of Scholarship and Loan Contract.—Section 1892(a) of the Social Security Act (42 U.S.C. 1395ccc(a)) is amended by adding at the end the following:

“(5) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 944, 1141,
1 1228, or 1328 of title 11, United States Code, or any other provision of such title.”.

(b) Effective Date.—The amendments made by subsection (a) shall apply to bankruptcy petitions filed after the date of enactment of this Act.

SEC. 965. PREVENTION OF WASTE, FRAUD, AND ABUSE IN THE MEDICAID AND CHIP PROGRAMS.

(a) Detection of Fraudulent Identification Numbers Within the Medicaid and CHIP Programs.—

(1) Medicaid.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)), as amended by section 2001(a)(2)(B) of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended—

(A) in paragraph (25), by striking “or” at the end;

(B) in paragraph (26), by striking the period and inserting “; or”; and

(C) by adding at the end the following new paragraph:

“(27) with respect to amounts expended for an item or service for which medical assistance is provided under the State plan or under a waiver of such
plan unless the claim for payment for such item or
service contains—

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

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

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

(b) SCREENING REQUIREMENTS FOR MANAGED
CARE ENTITIES.—

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

(A) by redesignating the second subsection
(ii), as added by section 6401(b)(1)(B) of the
Patient Protection and Affordable Care Act, as subsection (kk) of such section; and

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

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

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

“(8) MANAGED CARE ENTITIES.—The State establishes procedures to ensure that any managed care entity (as defined in section 1932(a)(1)(B)) under contract with the State complies with all applicable requirements under this subsection.”.

(2) MEDICAID MANAGED CARE ORGANIZATIONS.—Section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) is amended—

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

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

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

“(xiv) such contract requires that the entity comply with any applicable screen-
ing, oversight, and reporting requirements under section 1902(kk).”.

(3) MANAGED CARE ENTITIES.—Section 1932(d) of the Social Security Act (42 U.S.C. 1396u–2(d)) is amended by adding at the end the following new paragraph:

“(5) COMPLIANCE WITH SCREENING, OVERSIGHT, AND REPORTING REQUIREMENTS.—A managed care entity shall comply with any applicable screening, oversight, and reporting requirements under section 1902(kk).”.

(c) REQUIRED DATABASE CHECKS.—Clause (i) of section 1866(j)(2)(B) of the Social Security Act (42 U.S.C. 1395ce(j)(2)(B)) is amended to read as follows:

“(i) shall include—

“(I) a licensure check, which may include such checks across States; and

“(II) for purposes of the Medicaid program under title XIX—

“(aa) database checks (including such checks across States), which shall include—

“(AA) the Medicaid Statistical Information Sys-
tem (as described in section 1903(r)(1)(F)); and

“(BB) any relevant medical databases that are maintained by the State agencies, as determined by the Secretary in consultation with the directors of the State agencies; and

“(bb) coordination of excluded provider lists between the Secretary and the State agency, including exchanges of data regarding excluding providers between Federal and State databases; and”.

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

(1) in subsection (a)—

(A) in paragraph (23), by striking “subsection (ii)(4)” and inserting “subsection (kk)(4)”;}
(B) in paragraph (77), by striking “subsection (ii)” and inserting “subsection (kk)”; and

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

SEC. 966. ILLEGAL DISTRIBUTION OF A MEDICARE, MEDICAID, OR CHIP BENEFICIARY IDENTIFICATION OR BILLING PRIVILEGES.

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

“(5) Whoever knowingly, intentionally, and with the intent to defraud purchases, sells or distributes, or arranges for the purchase, sale, or distribution of a Medicare, Medicaid, or CHIP beneficiary identification number or billing privileges under title XVIII, title XIX, or title XXI shall be imprisoned for not more than 10 years or fined not more than $500,000 ($1,000,000 in the case of a corporation), or both.”.
SEC. 967. PILOT PROGRAM FOR THE USE OF UNIVERSAL PRODUCT NUMBERS ON CLAIM FORMS FOR REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) Establishment.—

(1) In general.—Not later than January 1, 2013, the Secretary shall establish a pilot program under which claims for reimbursement under the Medicare program for UPN covered items contain the universal product number of the UPN covered item.

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

(3) Consideration of GAO recommendations.—The Secretary shall take into account the recommendations of the Comptroller General of the United States in establishing the pilot program under this section.

(b) Development and Implementation of Procedures.—

(1) Information included in UPN.—The Secretary, in consultation with manufacturers and entities with appropriate expertise, shall determine the relevant descriptive information appropriate for inclusion in a universal product number for a UPN covered item under the pilot program.
(2) **Review of Procedure.**—The Secretary, in consultation with interested parties (which shall, at a minimum, include the Inspector General of the Department of Health and Human Services and private sector and health industry experts), shall use information obtained under the pilot program through the use of universal product numbers on claims for reimbursement under the Medicare program to periodically review the UPN covered items billed under the Health Care Financing Administration Common Procedure Coding System and adjust such coding system to ensure that functionally equivalent UPN covered items are billed and reimbursed under the same codes.

(c) **GAO Reports to Congress on Effectiveness of Implementation of Pilot Program.**—

(1) **Initial Report.**—Not later than 6 months after the implementation of the pilot program under this section, the Comptroller General of the United States shall submit to Congress a report on the effectiveness of such implementation.

(2) **Final Report.**—Not later than 18 months after the completion of the pilot program under this section, the Comptroller General of the United States shall submit to Congress a report on the ef-
fectiveness of the pilot program, together with rec-
ommendations regarding the use of universal prod-
uct numbers and the use of data obtained from the
use of such numbers, and recommendations for such
legislation and administrative action as the Compt-
troller General determines appropriate.

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

(e) DEFINITIONS.—In this section:

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

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

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

(A) affixed by the manufacturer to each in-
dividual UPN covered item that uniquely identi-
ifies the item at each packaging level; and
(B) based on commercially acceptable identification standards such as, but not limited to, standards established by the Uniform Code Council—International Article Numbering System or the Health Industry Business Communication Council.

(4) UPN COVERED ITEM.—

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

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

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

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

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

(B) EXCLUSION.—The term “UPN covered item” does not include a customized item for which payment is made under this title.
SEC. 968. PROHIBITION OF INCLUSION OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE CARDS.

(a) In General.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as amended by section 1414(a)(2) of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by adding at the end the following new clause:

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

(b) Effective Date.—

(1) In General.—The amendment made by subsection (a) shall apply with respect to Medicare cards issued on and after an effective date specified by the Secretary of Health and Human Services, but in no case shall such effective date be later than the date that is 24 months after the date adequate funding is provided pursuant to subsection (d)(2).
(2) REISSUANCE.—Subject to subsection (d)(2),
in the case of individuals who have been issued such
cards before such date, the Secretary of Health and
Human Services—

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

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

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

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

(1) REPORT.—Not later than 90 days after the
date of the enactment of this Act, the Secretary of
Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services and in consultation with the Commissioner of Social Security, shall submit to Congress a report that includes detailed options regarding the implementation of this section, including line-item estimates of and justifications for the costs associated with such options and estimates of timeframes for each stage of implementation. In recommending such options, the Secretary shall take into consideration, among other factors, cost-effectiveness and beneficiary outreach and education.

(2) LIMITATION; MODIFICATION OF DEADLINES.—With respect to the amendment made by subsection (a), and the requirements of subsections (b) and (c)—

(A) such amendment and requirements shall not apply until adequate funding is transferred pursuant to section 11(b) to implement the provisions of this section, as determined by Congress; and

(B) any deadlines otherwise established under this section for such amendment and requirements are contingent upon the receipt of
adequate funding (as determined in subparagraph (A)) for such implementation.

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

SEC. 969. IMPLEMENTATION.

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

(1) carry out the provisions of and amendments made by this subtitle in consultation with the Inspector General of the Department of Health and Human Services; and

(2) take into consideration the findings and recommendations of the Comptroller General of the United States in carrying out such provisions and amendments.

(b) FUNDING.—The Secretary shall provide for the transfer, from the Health Care Fraud and Abuse Control Account under section 1817(k) of the Social Security Act (42 U.S.C. 1395i(k)), to the Centers for Medicare & Medicaid Services Program Management Account, of such sums, provided such sums are fully offset, as the Secretary 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  
6  (c) SAVINGS.—Any reduction in outlays under the
7  Medicare program under title XVIII of the Social Security
8  Act under the provisions of, and amendments made by,
9  this subtitle may only be utilized to offset outlays under
10  part A of title XVIII of the Social Security Act.