

110TH CONGRESS
2D SESSION

H. R. 6252

To amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2008

Mr. STARK (for himself, Mr. CAMP of Michigan, Mr. RANGEL, Mr. BOEHNER, Mr. DINGELL, Mr. PALLONE, Mr. ALLEN, Mr. ALTMIRE, Ms. BERKLEY, Mr. BLUMENAUER, Mrs. BOYDA of Kansas, Mr. ENGLISH of Pennsylvania, Mr. SAM JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KILDEE, Mr. KIND, Mr. KLEIN of Florida, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Mr. MCCOTTER, Mr. McNULTY, Mrs. MILLER of Michigan, Mr. PORTER, Mr. REYNOLDS, Mr. RYAN of Ohio, Ms. SCHWARTZ, Mr. THOMPSON of California, and Mr. WALBERG) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Medicare DMEPOS
3 Competitive Acquisition Reform Act of 2008”.

4 **SEC. 2. DELAY IN AND REFORM OF MEDICARE DMEPOS**
5 **COMPETITIVE ACQUISITION PROGRAM.**

6 (a) TEMPORARY DELAY AND REFORM.—

7 (1) IN GENERAL.—Section 1847(a)(1) of the
8 Social Security Act (42 U.S.C. 1395w–3(a)(1)) is
9 amended—

10 (A) in paragraph (1)—

11 (i) in subparagraph (B)(i), in the
12 matter before subclause (I), by inserting
13 “consistent with subparagraph (D)” after
14 “in a manner”;

15 (ii) in subparagraph (B)(i)(II), by
16 striking “80” and “in 2009” and inserting
17 “an additional 70” and “in 2011”, respec-
18 tively;

19 (iii) in subparagraph (B)(i)(III), by
20 striking “after 2009” and inserting “after
21 2011 (or, in the case of national mail order
22 for items and services, after 2010)”; and

23 (iv) by adding at the end the following
24 new subparagraphs:

25 “(D) CHANGES IN COMPETITIVE ACQUI-
26 TION PROGRAMS.—

1 “(i) ROUND 1 OF COMPETITIVE AC-
2 QUISITION PROGRAM.—Notwithstanding
3 subparagraph (B)(i)(I) and in imple-
4 menting the first round of the competitive
5 acquisition programs under this section—

6 “(I) the contracts awarded under
7 this section before the date of the en-
8 actment of this subparagraph are ter-
9 minated, no payment shall be made
10 under this title on or after the date of
11 the enactment of this subparagraph
12 based on such a contract, and, to the
13 extent that any damages may be ap-
14 plicable as a result of the termination
15 of such contracts, such damages shall
16 be payable from the Federal Supple-
17 mentary Medical Insurance Trust
18 Fund under section 1841;

19 “(II) the Secretary shall conduct
20 the competition for such round in a
21 manner so that it occurs in 2009 with
22 respect to the same items and services
23 and the same areas, except as pro-
24 vided in subclauses (III) and (IV);

1 “(III) the Secretary shall exclude
2 Puerto Rico so that such round of
3 competition covers 9, instead of 10, of
4 the largest metropolitan statistical
5 areas; and

6 “(IV) there shall be excluded
7 negative pressure wound therapy
8 items and services.

9 Nothing in subclause (I) shall be construed
10 to provide an independent cause of action
11 or right to administrative or judicial review
12 with regard to the termination provided
13 under such subclause.

14 “(ii) ROUND 2 OF COMPETITIVE AC-
15 QUISITION PROGRAM.—In implementing
16 the second round of the competitive acqui-
17 sition programs under this section de-
18 scribed in subparagraph (B)(i)(II)—

19 “(I) the metropolitan statistical
20 areas to be included shall be those
21 metropolitan statistical areas selected
22 by the Secretary for such round as of
23 June 1, 2008; and

24 “(II) the Secretary may sub-
25 divide metropolitan statistical areas

1 with populations (based upon the
2 most recent data from the Census Bu-
3 reau) of at least 8,000,000 into sepa-
4 rate areas for competitive acquisition
5 purposes.

6 “(iii) EXCLUSION OF CERTAIN AREAS
7 IN SUBSEQUENT ROUNDS OF COMPETITIVE
8 ACQUISITION PROGRAMS.—In imple-
9 menting subsequent rounds of the competi-
10 tive acquisition programs under this sec-
11 tion, including under subparagraph
12 (B)(i)(III), for competitions occurring be-
13 fore 2015, the Secretary shall exempt from
14 the competitive acquisition program (other
15 than national mail order) the following:

16 “(I) Rural areas.

17 “(II) Metropolitan statistical
18 areas not selected under round 1 or
19 round 2 with a population of less than
20 250,000.

21 “(III) Areas with a low popu-
22 lation density within a metropolitan
23 statistical area that is otherwise se-
24 lected, as determined for purposes of
25 paragraph (3)(A).

1 “(E) VERIFICATION BY OIG.—The Inspec-
2 tor General of the Department of Health and
3 Human Services shall, through post-award
4 audit, survey, or otherwise, assess the process
5 used by the Centers for Medicare & Medicaid
6 Services to conduct competitive bidding and
7 subsequent pricing determinations under this
8 section that are the basis for pivotal bid
9 amounts and single payment amounts for items
10 and services in competitive bidding areas under
11 rounds 1 and 2 of the competitive acquisition
12 programs under this section and may continue
13 to verify such calculations for subsequent
14 rounds of such programs.

15 “(F) SUPPLIER FEEDBACK ON MISSING FI-
16 NANCIAL DOCUMENTATION.—

17 “(i) IN GENERAL.—In the case of a
18 bid where one or more covered documents
19 in connection with such bid have been sub-
20 mitted not later than the covered document
21 review date specified in clause (ii), the Sec-
22 retary—

23 “(I) shall provide, by not later
24 than 45 days (in the case of the first
25 round of the competitive acquisition

1 programs as described in subpara-
2 graph (B)(i)(I)) or 90 days (in the
3 case of a subsequent round of such
4 programs) after the covered document
5 review date, for notice to the bidder of
6 all such documents that are missing
7 as of the covered document review
8 date; and

9 “(II) may not reject the bid on
10 the basis that any covered document
11 is missing or has not been submitted
12 on a timely basis, if all such missing
13 documents identified in the notice pro-
14 vided to the bidder under subclause
15 (I) are submitted to the Secretary not
16 later than 10 business days after the
17 date of such notice.

18 “(ii) COVERED DOCUMENT REVIEW
19 DATE.—The covered document review date
20 specified in this clause with respect to a
21 competitive acquisition program is the
22 later of—

23 “(I) the date that is 30 days be-
24 fore the final date specified by the

1 Secretary for submission of bids
2 under such program; or

3 “(II) the date that is 30 days
4 after the first date specified by the
5 Secretary for submission of bids
6 under such program.

7 “(iii) LIMITATIONS OF PROCESS.—
8 The process provided under this subpara-
9 graph—

10 “(I) applies only to the timely
11 submission of covered documents;

12 “(II) does not apply to any deter-
13 mination as to the accuracy or com-
14 pleteness of covered documents sub-
15 mitted or whether such documents
16 meet applicable requirements;

17 “(III) shall not prevent the Sec-
18 retary from rejecting a bid based on
19 any basis not described in clause
20 (i)(II); and

21 “(IV) shall not be construed as
22 permitting a bidder to change bidding
23 amounts or to make other changes in
24 a bid submission.

1 “(iv) COVERED DOCUMENT DE-
2 FINED.—In this subparagraph, the term
3 ‘covered document’ means a financial, tax,
4 or other document required to be sub-
5 mitted by a bidder as part of an original
6 bid submission under a competitive acqui-
7 sition program in order to meet required
8 financial standards. Such term does not in-
9 clude other documents, such as the bid
10 itself or accreditation documentation.”;
11 and

12 (B) in paragraph (2)(A), by inserting be-
13 fore the period at the end the following: “and
14 excluding certain complex rehabilitative power
15 wheelchairs recognized by the Secretary as clas-
16 sified within group 3 or higher (and related ac-
17 cessories when furnished in connection with
18 such wheelchairs)”.

19 (2) BUDGET NEUTRAL OFFSET.—

20 (A) IN GENERAL.—Section 1834(a)(14) of
21 such Act (42 U.S.C. 1395m(a)(14)) is amend-
22 ed—

23 (i) by striking “and” at the end of
24 subparagraphs (H) and (I);

1 (ii) by redesignating subparagraph (J)
2 as subparagraph (M); and

3 (iii) by inserting after subparagraph
4 (I) the following new subparagraphs:

5 “(J) for 2009—

6 (i) in the case of items and services
7 furnished in any geographic area, if such
8 items or services were selected for competi-
9 tive acquisition in any area under the com-
10 petitive acquisition program under section
11 1847(a)(1)(B)(i)(I) before July 1, 2008,
12 including diabetic supplies but only if fur-
13 nished through mail order, - 9.5 percent;
14 or

15 (ii) in the case of other items and
16 services, the percentage increase in the
17 consumer price index for all urban con-
18 sumers (U.S. urban average) for the 12-
19 month period ending with June 2008;

20 “(K) for 2010, 2011, 2012, and 2013, the
21 percentage increase in the consumer price index
22 for all urban consumers (U.S. urban average)
23 for the 12-month period ending with June of
24 the previous year;

25 “(L) for 2014—

1 “(i) in the case of items and services
2 described in subparagraph (J)(i) for which
3 a payment adjustment has not been made
4 under subsection (a)(1)(F)(ii) in any pre-
5 vious year, the percentage increase in the
6 consumer price index for all urban con-
7 sumers (U.S. urban average) for the 12-
8 month period ending with June 2013, plus
9 2.0 percentage points; or

10 “(ii) in the case of other items and
11 services, the percentage increase in the
12 consumer price index for all urban con-
13 sumers (U.S. urban average) for the 12-
14 month period ending with June 2013;
15 and”.

16 (B) CONFORMING TREATMENT FOR CER-
17 TAIN ITEMS AND SERVICES.—The second sen-
18 tence of section 1842(s)(1) of such Act (42
19 U.S.C. 1395u(s)(1)) is amended by striking
20 “except that” and all that follows and inserting
21 the following: “except that for items and serv-
22 ices described in paragraph (2)(D)—

23 “(A) for 2009 section 1834(a)(14)(J)(i) shall
24 apply under this paragraph instead of the percent-
25 age increase otherwise applicable; and

1 “(B) for 2014, if subparagraph (A) applied to
2 the items and services and there has not been a pay-
3 ment adjustment under subsection (h)(1)(H) for the
4 items and services for any previous year, the per-
5 centage increase computed under section
6 1834(a)(14)(L)(i) shall apply instead of the percent-
7 age increase otherwise applicable.”.

8 (3) CONFORMING DELAY.—Subsections
9 (a)(1)(F) and (h)(1)(H) of section 1834 of the So-
10 cial Security Act (42 U.S.C. 1395m) are each
11 amended by striking “January 1, 2009” and insert-
12 ing “January 1, 2011”.

13 (4) CONSIDERATIONS IN APPLICATION.—Sec-
14 tion 1834 of such Act (42 U.S.C. 1395m) is amend-
15 ed—

16 (A) in subsection (a)(1)—

17 (i) in subparagraph (F), by inserting
18 “subject to subparagraph (G),” before
19 “that are included”; and

20 (ii) by adding at the end the following
21 new subparagraph:

22 “(G) USE OF INFORMATION ON COMPETI-
23 TIVE BID RATES.—The Secretary shall specify
24 by regulation the methodology to be used in ap-
25 plying the provisions of subparagraph (F)(ii)

1 and subsection (h)(1)(H)(ii). In promulgating
2 such regulation, the Secretary shall consider the
3 costs of items and services in areas in which
4 such provisions would be applied compared to
5 the payment rates for such items and services
6 in competitive acquisition areas.”; and

7 (B) in subsection (h)(1)(H), by inserting
8 “subject to subsection (a)(1)(G),” before “that
9 are included”.

10 (b) QUALITY STANDARDS.—

11 (1) APPLICATION OF ACCREDITATION REQUIRE-
12 MENT.—

13 (A) IN GENERAL.—Section 1834(a)(20) of
14 the Social Security Act (42 U.S.C.
15 1395m(a)(20)) is amended—

16 (i) in subparagraph (E), by inserting
17 “including subparagraph (F),” after
18 “under this paragraph,”; and

19 (ii) by adding at the end the following
20 new subparagraph:

21 “(F) APPLICATION OF ACCREDITATION RE-
22 QUIREMENT.—In implementing quality stand-
23 ards under this paragraph—

24 “(i) subject to clause (ii), the Sec-
25 retary shall require suppliers furnishing

1 items and services described in subpara-
2 graph (D) on or after October 1, 2009, di-
3 rectly or as a subcontractor for another en-
4 tity, to have submitted to the Secretary
5 evidence of accreditation by an accredita-
6 tion organization designated under sub-
7 paragraph (B) as meeting applicable qual-
8 ity standards; and

9 “(ii) in applying such standards and
10 the accreditation requirement of clause (i)
11 with respect to eligible professionals (as
12 defined in section 1848(k)(3)(B)), and in-
13 cluding such other persons, such as
14 orthotists and prosthetists, as specified by
15 the Secretary, furnishing such items and
16 services—

17 “(I) such standards and accredi-
18 tation requirement shall not apply to
19 such professionals and persons unless
20 the Secretary determines that the
21 standards being applied are designed
22 specifically to be applied to such pro-
23 fessionals and persons; and

24 “(II) the Secretary may exempt
25 such professionals and persons from

1 such standards and requirement if the
2 Secretary determines that licensing,
3 accreditation, or other mandatory
4 quality requirements apply to such
5 professionals and persons with respect
6 to the furnishing of such items and
7 services.”.

8 (B) CONSTRUCTION.—Section
9 1834(a)(20)(F)(ii) of the Social Security Act,
10 as added by subparagraph (A), shall not be con-
11 strued as preventing the Secretary of Health
12 and Human Services from implementing the
13 first round of competition under section 1847
14 of such Act on a timely basis.

15 (2) DISCLOSURE OF SUBCONTRACTORS UNDER
16 COMPETITIVE ACQUISITION PROGRAM.—Section
17 1847(b)(3) of such Act (42 U.S.C. 1395w-3(b)(3))
18 is amended by adding at the end the following new
19 subparagraph:

20 “(C) DISCLOSURE OF SUBCONTRAC-
21 TORS.—

22 “(i) INITIAL DISCLOSURE.—Not later
23 than 10 days after the date a supplier en-
24 ters into a contract with the Secretary
25 under this section, such supplier shall dis-

1 close to the Secretary, in a form and man-
2 ner specified by the Secretary, the infor-
3 mation on—

4 “(I) each subcontracting relation-
5 ship that such supplier has in fur-
6 nishing items and services under the
7 contract; and

8 “(II) whether each such subcon-
9 tractor meets the requirement of sec-
10 tion 1834(a)(20)(F)(i), if applicable
11 to such subcontractor.

12 “(ii) SUBSEQUENT DISCLOSURE.—Not
13 later than 10 days after such a supplier
14 subsequently enters into a subcontracting
15 relationship described in clause (i)(II),
16 such supplier shall disclose to the Sec-
17 retary, in such form and manner, the in-
18 formation described in subclauses (I) and
19 (II) of clause (i).”.

20 (3) COMPETITIVE ACQUISITION OMBUDSMAN.—

21 Such section is further amended by adding at the
22 end the following new subsection:

23 “(f) COMPETITIVE ACQUISITION OMBUDSMAN.—The
24 Secretary shall provide for a competitive acquisition om-
25 budsman within the Centers for Medicare & Medicaid

1 Services in order to respond to complaints and inquiries
2 made by suppliers and individuals relating to the applica-
3 tion of the competitive acquisition program under this sec-
4 tion. The ombudsman may be within the office of the
5 Medicare Beneficiary Ombudsman appointed under sec-
6 tion 1808(c). The ombudsman shall submit to Congress
7 an annual report on the activities under this subsection,
8 which report shall be coordinated with the report provided
9 under section 1808(c)(2)(C).”.

10 (c) CHANGE IN REPORTS AND DEADLINES.—

11 (1) GAO REPORT.—Section 302(b)(3) of the
12 Medicare Prescription Drug, Improvement, and
13 Modernization Act of 2003 (Public Law 108–173) is
14 amended—

15 (A) in subparagraph (A)—

16 (i) by inserting “and as amended by
17 section 2 of the Medicare DMEPOS Com-
18 petitive Acquisition Reform Act of 2008”
19 after “as amended by paragraph (1)”;

20 (ii) by inserting before the period at
21 the end the following: “and the topics spec-
22 ified in subparagraph (C)”;

23 (B) in subparagraph (B), by striking “Not
24 later than January 1, 2009,” and inserting
25 “Not later than 1 year after the first date that

1 payments are made under section 1847 of the
2 Social Security Act,”; and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(C) TOPICS.—The topics specified in this
6 subparagraph, for the study under subpara-
7 graph (A) concerning the competitive acquisi-
8 tion program, are the following:

9 “(i) Beneficiary access to items and
10 services under the program, including the
11 impact on such access of awarding con-
12 tracts to bidders that—

13 “(I) did not have a physical pres-
14 ence in an area where they received a
15 contract; or

16 “(II) had no previous experience
17 providing the product category they
18 were contracted to provide.

19 “(ii) Beneficiary satisfaction with the
20 program and cost savings to beneficiaries
21 under the program.

22 “(iii) Costs to suppliers of partici-
23 pating in the program and recommenda-
24 tions about ways to reduce those costs

1 without compromising quality standards or
2 savings to the Medicare program.

3 “(iv) Impact of the program on small
4 business suppliers.

5 “(v) Analysis of the impact on utiliza-
6 tion of different items and services paid
7 within the same Healthcare Common Pro-
8 cedure Coding System (HCPCS) code.

9 “(vi) Costs to the Centers for Medi-
10 care & Medicaid Services, including pay-
11 ments made to contractors, for admin-
12 istering the program compared with ad-
13 ministration of a fee schedule, in compari-
14 son with the relative savings of the pro-
15 gram.

16 “(vii) Impact on access, Medicare
17 spending, and beneficiary spending of any
18 difference in treatment for diabetic testing
19 supplies depending on how such supplies
20 are furnished.

21 “(viii) Such other topics as the Comp-
22 troller General determines to be appro-
23 priate.”.

24 (2) DELAY IN OTHER DEADLINES.—

1 (A) PROGRAM ADVISORY AND OVERSIGHT
2 COMMITTEE.—Section 1847(c)(5) of the Social
3 Security Act (42 U.S.C. 1395w–3(c)(5)) is
4 amended by striking “December 31, 2009” and
5 inserting “December 31, 2011”.

6 (B) SECRETARIAL REPORT.—Section
7 1847(d) of such Act (42 U.S.C. 1395w–3(d)) is
8 amended by striking “July 1, 2009” and insert-
9 ing “July 1, 2011”.

10 (C) IG REPORT.—Section 302(e) of the
11 Medicare Prescription Drug, Improvement, and
12 Modernization Act of 2003 (Public Law 108–
13 173) is amended by striking “July 1, 2009”
14 and inserting “July 1, 2011”.

15 (3) EVALUATION OF CERTAIN CODE.—The Sec-
16 retary of Health and Human Services shall evaluate
17 the existing Healthcare Common Procedure Coding
18 System (HCPCS) code for negative pressure wound
19 therapy to ensure accurate reporting and billing for
20 items and services under such code. In carrying out
21 such evaluation, the Secretary shall use the existing
22 process for the consideration of coding changes and
23 consider all relevant studies and information fur-
24 nished pursuant to such process.

25 (d) OTHER PROVISIONS.—

1 (1) EXEMPTION FROM COMPETITIVE ACQUISITION FOR CERTAIN OFF-THE-SHELF ORTHOTICS.—
2 Section 1847(a) of the Social Security Act (42
3 U.S.C. 1395w-3(a)) is amended by adding at the
4 end the following new paragraph:
5

6 “(7) EXEMPTION FROM COMPETITIVE ACQUISITION.—The programs under this section shall not
7 apply to the following:
8

9 “(A) CERTAIN OFF-THE-SHELF
10 ORTHOTICS.—Items and services described in
11 paragraph (2)(C) if furnished—

12 “(i) by a physician or other practitioner (as defined by the Secretary) to the
13 physician’s or practitioner’s own patients
14 as part of the physician’s or practitioner’s
15 professional service; or
16

17 “(ii) by a hospital to the hospital’s
18 own patients during an admission or on
19 the date of discharge.

20 “(B) CERTAIN DURABLE MEDICAL EQUIPMENT.—Those items and services described in
21 paragraph (2)(A)—

22 “(i) that are furnished by a hospital
23 to the hospital’s own patients during an
24 admission or on the date of discharge; and
25

1 “(ii) to which such programs would
2 not apply, as specified by the Secretary, if
3 furnished by a physician to the physician’s
4 own patients as part of the physician’s
5 professional service.”.

6 (2) CORRECTION IN FACE-TO-FACE EXAMINA-
7 TION REQUIREMENT.—Section 1834(a)(1)(E)(ii) of
8 such Act (42 U.S.C. 1395m(a)(1)(E)(ii)) is amended
9 by striking “1861(r)(1)” and inserting “1861(r)”.

10 (3) SPECIAL RULE IN CASE OF NATIONAL MAIL-
11 ORDER COMPETITION FOR DIABETIC TESTING
12 STRIPS.—Section 1847(b) of such Act (42 U.S.C.
13 1395w–3(b)) is amended—

14 (A) by redesignating paragraph (10) as
15 paragraph (11); and

16 (B) by inserting after paragraph (9) the
17 following new paragraph:

18 “(10) SPECIAL RULE IN CASE OF COMPETITION
19 FOR DIABETIC TESTING STRIPS.—

20 “(A) IN GENERAL.—With respect to the
21 competitive acquisition program for diabetic
22 testing strips conducted after the first round of
23 the competitive acquisition programs, if an enti-
24 ty does not demonstrate to the Secretary that
25 its bid covers types of diabetic testing strip

1 products that, in the aggregate and taking into
2 account volume for the different products, cover
3 50 percent (or such higher percentage as the
4 Secretary may specify) of all such types of
5 products, the Secretary shall reject such bid.
6 The volume for such types of products may be
7 determined in accordance with such data (which
8 may be market based data) as the Secretary
9 recognizes.

10 “(B) STUDY OF TYPES OF TESTING STRIP
11 PRODUCTS.—Before 2011, the Inspector Gen-
12 eral of the Department of Health and Human
13 Services shall conduct a study to determine the
14 types of diabetic testing strip products by vol-
15 ume that could be used to make determinations
16 pursuant to subparagraph (A) for the first com-
17 petition under the competitive acquisition pro-
18 gram described in such subparagraph and sub-
19 mit to the Secretary a report on the results of
20 the study. The Inspector General shall also con-
21 duct such a study and submit such a report be-
22 fore the Secretary conducts a subsequent com-
23 petitive acquisition program described in sub-
24 paragraph (A).”.

1 (4) OTHER CONFORMING AMENDMENTS.—Sec-
2 tion 1847(b)(11) of such Act, as redesignated by
3 paragraph (3), is amended—

4 (A) in subparagraph (C), by inserting “and
5 the identification of areas under subsection
6 (a)(1)(D)(iii)” after “(a)(1)(A)”;

7 (B) in subparagraph (D), by inserting
8 “and implementation of subsection (a)(1)(D)”
9 after “(a)(1)(B)”;

10 (C) in subparagraph (E), by striking “or”
11 at the end;

12 (D) in subparagraph (F), by striking the
13 period at the end and inserting “; or”; and

14 (E) by adding at the end the following new
15 subparagraph:

16 “(G) the implementation of the special rule
17 described in paragraph (10).”.

18 (5) FUNDING FOR IMPLEMENTATION.—In addi-
19 tion to funds otherwise available, for purposes of im-
20 plementing the provisions of, and amendments made
21 by, this section, other than the amendment made by
22 subsection (c)(1) and other than section
23 1847(a)(1)(E) of the Social Security Act, the Sec-
24 retary of Health and Human Services shall provide
25 for the transfer from the Federal Supplementary

1 Medical Insurance Trust Fund established under
2 section 1841 of the Social Security Act (42 U.S.C.
3 1395t) to the Centers for Medicare & Medicaid Serv-
4 ices Program Management Account of \$20,000,000
5 for fiscal year 2008, and \$25,000,000 for each of
6 fiscal years 2009 through 2012. Amounts trans-
7 ferred under this paragraph for a fiscal year shall be
8 available until expended.

9 (e) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect as of June 30, 2008.

○