

112TH CONGRESS
1ST SESSION

H. R. 1286

To provide for fiscal accountability for new direct funding under the Patient Protection and Affordable Care Act by converting its direct funding into authorizations of appropriations and by rescinding unobligated direct funding.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2011

Mrs. BACHMANN (for herself, Mr. KINGSTON, Mr. GOHMERT, Mr. HENSARLING, Mr. BROUN of Georgia, Mr. REHBERG, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. GRAVES of Missouri, Mr. TIPTON, Mr. SCALISE, Mr. STUTZMAN, Mr. RIBBLE, Mr. DESJARLAIS, Mr. MANZULLO, Mr. PEARCE, Mr. LAMBORN, Mr. FLEMING, Mr. BENISHEK, Mr. FLORES, Mr. FORTENBERRY, Mr. CANSECO, Mr. HUIZENGA of Michigan, Mr. WALBERG, Mr. PENCE, Mr. DUNCAN of South Carolina, Mr. SOUTHERLAND, Mr. HARRIS, Mrs. HARTZLER, and Mr. SCHWEIKERT) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means and Education and the Workforce, 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 provide for fiscal accountability for new direct funding under the Patient Protection and Affordable Care Act by converting its direct funding into authorizations of appropriations and by rescinding unobligated direct funding.

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 “Healthcare Fiscal Ac-
3 countability Act of 2011”.

4 **SEC. 2. CONVERTING PPACA DIRECT FUNDING TO AUTHOR-**
5 **IZATIONS OF APPROPRIATIONS AND RE-**
6 **SCINDING UNOBLIGATED PPACA DIRECT**
7 **FUNDING.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, for each provision described in column 1 in
10 the table specified in subsection (b), the following rules
11 shall apply:

12 (1) DIRECT APPROPRIATIONS.—

13 (A) CONVERSION TO AUTHORIZATIONS OF
14 APPROPRIATIONS.—For each such provision
15 that provides for a direct appropriation of funds
16 for fiscal year 2012 or a subsequent fiscal year
17 and for which special rule #1 or special rule
18 #2 does not apply under column 3 of such
19 table, such appropriation is deemed only to be
20 an authorization of appropriations and amounts
21 are available under such provision only pursu-
22 ant to appropriations made after the date of the
23 enactment of this Act.

24 (B) RESCISSION OF UNOBLIGATED APPRO-
25 PRIATIONS.—Of the funds available pursuant to
26 a direct appropriation under such provision for

1 which special rule #1 or special rule #2 does
2 not apply under column 3 of such table, the un-
3 obligated balance is rescinded.

4 (2) FUND TRANSFERS.—

5 (A) CONVERSION TO AUTHORIZATION OF
6 TRANSFER SUBJECT TO APPROPRIATIONS.—For
7 each such provision that provides for a transfer
8 of funds for fiscal year 2012 or a subsequent
9 fiscal year, such transfer is deemed only to be
10 an authorization of such transfer in such
11 amounts as are provided in advance in appro-
12 priations acts enacted after the date of the en-
13 actment of this Act.

14 (B) RESTORATION OF TRANSFERRED
15 FUNDS.—Amounts transferred under such pro-
16 vision which have not been obligated as of the
17 date of the enactment of this Act shall be re-
18 stored to the Trust Fund or other fund from
19 which they were transferred.

20 (3) SPECIAL RULES.—

21 (A) SPECIAL RULE #1 FOR CERTAIN EX-
22 TENSIONS OF APPROPRIATIONS BEGINNING
23 AFTER FISCAL YEAR 2011.—For each such pro-
24 vision for which column 3 of such table specifies
25 that special rule #1 applies, the amendment (or

1 amendments) made by the section in column 2
2 is repealed and such provision is restored as if
3 PPACA had not been enacted.

4 (B) SPECIAL RULE #2 FOR CERTAIN EX-
5 TENSIONS OF APPROPRIATIONS BEGINNING BE-
6 FORE FISCAL YEAR 2012.—For each such provi-
7 sion for which column 3 of such table specifies
8 that special rule #2 applies—

9 (i) the amendment (or amendments)
10 made by the section in column 2 is re-
11 pealed and such provision is restored as if
12 PPACA had not been enacted, except that
13 such repeal shall not apply to fiscal year
14 2010 or fiscal year 2011; and

15 (ii) of the funds available pursuant to
16 the operation of such amendment (or
17 amendments) for fiscal year 2010 or fiscal
18 year 2011, the unobligated balance is re-
19 scinded.

20 (b) TABLE.—The table specified in this subsection is
21 as follows (with provisions listed in the order in which
22 they, or the section amending such provision, appear in
23 PPACA, followed by provisions in HCERA):

Column 1: Provision containing direct appropriation or transfer	Column 2: Amendatory section (if any) in PPACA or other law	Column 3: Special rule (if any) that applies
Section 2793(e)(1) of PHSA	as added by 1002 of PPACA	
Section 2974(c)(2)(A) of PHSA	as added by 1003 of PPACA	
Section 1101(g)(1) of PPACA		
Section 1102(e) of PPACA		
Section 1311(a)(1) of PPACA		
Section 1322(g) of PPACA		
Section 1323(e)(1) of PPACA	as inserted by 1204(a) of HCERA	
Section 6071(h) of the Deficit Reduction Act of 2005 (Public Law 109-171)	as amended by section 2403(a)(1) of PPACA	
Section 2405 of PPACA		
Section 1139B(e) of SSA	as inserted by 2701 of PPACA	
Section 2707(e)(1)(A) of PPACA		
Section 1900(f)(3) of SSA	as added by section 2801(a)(5)(C) of PPACA	
Section 511(j)(1) of SSA	as added by section 2951 of PPACA	
Section 513(f) of SSA	as added by section 2953 of PPACA	
Section 510(d) of SSA	as amended by section 2954 of PPACA	special rule #2
Section 3014(e) of PPACA		
Section 1115A(f) of SSA	as inserted by section 3021(a) of PPACA	
Section 1866E(h) of SSA	as inserted by section 3024 of PPACA	
Section 3026(f) of PPACA		

Column 1: Provision containing direct appropriation or transfer	Column 2: Amendatory section (if any) in PPACA or other law	Column 3: Special rule (if any) that applies
Section 5007(f)(1) of the Deficit Reduction Act of 2005 (Public Law 109–171)	as amended by section 3027(b)(1) of PPACA	
Section 3113(e) of PPACA		
Section 119(a)(1)(B) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275)	as amended by section 3306(a) of PPACA	
Section 119(b)(1)(B) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275)	as amended by section 3306(b) of PPACA	
Section 119(c)(1)(B) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275)	as amended by section 3306(c) of PPACA	
Section 119(d)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275)	as amended by section 3306(d) of PPACA	
Section 1899A(m) of SSA	as added by section 3403 and amended by section 10320(a) of PPACA	
Section 4002(b) of PPACA		
Section 4101(a)(5) of PPACA		
Section 4108(f) of PPACA		
Section 4202(b)(4) of PPACA		
Section 4204(e)(3) of PPACA		
Section 1139A(e)(8) of SSA	as amended by section 4306 of PPACA	
Section 2008(c)(1) of SSA	as added by section 5507(a) of PPACA	

Column 1: Provision containing direct appropriation or transfer	Column 2: Amending section (if any) in PPACA or other law	Column 3: Special rule (if any) that applies
Section 501(e)(1)(A) of SSA	as amended by section 5507(b) of PPACA	special rule #2
Section 340H(g) of the PHS	as added by section 5508(e) of PPACA	
Section 5509(d)(1) of PPACA		
Section 6201(b)(2) of PPACA		
Section 1183(a) of SSA	as added by section 6301(d) of PPACA	
Section 9511(b)(1) of the Internal Revenue Code of 1986	as added by section 6301(e)(1)(A) of PPACA	
Section 1817(k)(7) of SSA	as added by section 6402(i) of PPACA	
Section 6021(d)(3) of the Deficit Reduction Act of 2005 (Public Law 107-171)	as amended by section 8002(d)(2) PPACA	special rule #2
Section 9023(e)(10) of PPACA		
Section of 2104(a) of SSA	as amended by section 10203(d)(1) of PPACA	special rule #1
Section 2104(n)(2)(A) of SSA	as amended by section 10203(d)(2)(B) of PPACA	special rule #1
Section 2113(g) of SSA	as amended by section 10203(d)(2)(E)(ii) of PPACA	special rule #1
Section 10214 of PPACA		
Section 1881A (b)(7) of SSA	as inserted by section 10323(a) of PPACA	
Section 2009(e)(1) of SSA	as added by section 10323(b) of PPACA	
Section 10502(a) of PPACA		
Section 10503(b) of PPACA		
Section 10503(c) of PPACA		
Section 1005(b) of HCERA		

Column 1: Provision containing direct appropriation or transfer	Column 2: Amendatory section (if any) in PPACA or other law	Column 3: Special rule (if any) that applies
Section 1817(k)(8) of SSA	as added by section 1303(a) of HCERA	

1 (c) DEFINITIONS.—In this section:

2 (1) The term “PPACA” means the Patient
3 Protection and Affordable Care Act (Public Law
4 111–148).

5 (2) The term “HCERA” means the Health
6 Care and Education Reconciliation Act of 2010
7 (Public Law 111–152).

8 (3) The term “SSA” means the Social Security
9 Act.

10 (4) The term “PHSA” means the Public
11 Health Service Act.

○