

112TH CONGRESS
1ST SESSION

H. R. 2694

To firewall the Medicare Trusts Funds by restoring to those Trust Funds funds transferred by the Patient Protection and Affordable Care Act.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2011

Mr. CULBERSON (for himself, Mr. POE of Texas, Mrs. BLACKBURN, Mr. MCKINLEY, Mr. McCAUL, Mr. PAUL, and Mr. SAM JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce and Rules, 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 firewall the Medicare Trusts Funds by restoring to those Trust Funds funds transferred by the Patient Protection and Affordable Care Act.

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

3 **SECTION 1. SHORT TITLE; REFERENCES TO PPACA.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Medicare Firewall Act of 2011”.

6 (b) REFERENCES.—In this Act, the term “PPACA”
7 means the Patient Protection and Affordable Care Act

1 (Public Law 111–148), as amended by the Health Care
2 and Education Reconciliation Act of 2010 (Public Law
3 111–152).

4 **SEC. 2. DEFUNDING OF CERTAIN PPACA PROVISIONS TO**
5 **RESTORE FUNDING TO MEDICARE TRUST**
6 **FUNDS.**

7 (a) DEFUNDING NEW DUTIES FOR CONSENSUS-
8 BASED ENTITIES AND MULTI-STAKEHOLDER GROUP
9 INPUT (SECTION 3014(c)).—

10 (1) IN GENERAL.—Section 3014(c) of PPACA
11 is amended—

12 (A) by striking “through 2014” and insert-
13 ing “through 2011”; and

14 (B) by striking “shall remain available
15 until expended” and inserting “shall remain
16 available through the date of the enactment of
17 the Medicare Firewall Act of 2011”.

18 (2) RESTORATION TO MEDICARE TRUST FUNDS
19 OF UNOBLIGATED AMOUNTS THAT WERE TRANS-
20 FERRED.—Of the funds transferred under such sec-
21 tion on or before the date of the enactment of this
22 Act, the unobligated balance shall be transferred
23 back into the Medicare Trust Fund or Funds from
24 which it was transferred.

1 (b) DEFUNDING OF INDEPENDENCE AT HOME DEM-
2 ONSTRATION PROGRAM (SECTION 3024).—

3 (1) IN GENERAL.—Subsection (h) of section
4 1866E of the Social Security Act (42 U.S.C.
5 1395cc–5), as inserted by section 3024 of PPACA,
6 is amended—

7 (A) by striking “2015” and inserting
8 “2011”; and

9 (B) by striking “shall be available until ex-
10 pended” and inserting “shall be available
11 through the date of the enactment of the Medi-
12 care Firewall Act of 2011”.

13 (2) RESTORATION TO MEDICARE TRUST FUNDS
14 OF UNOBLIGATED AMOUNTS THAT WERE TRANS-
15 FERRED.—Of the funds transferred under such sec-
16 tion 1866D(h) on or before the date of the enact-
17 ment of this Act, the unobligated balance shall be
18 transferred back into the Medicare Trust Fund or
19 Funds from which it was transferred.

20 (c) DEFUNDING COMMUNITY-BASED CARE TRANSI-
21 TIONS PROGRAM (SECTION 3026).—

22 (1) IN GENERAL.—Section 3026(f) of PPACA
23 is amended—

1 (A) by striking “the period of fiscal years
2 2011 through 2015’” and inserting “fiscal year
3 2011”; and

4 (B) by striking “shall remain available
5 until expended” and inserting “shall remain
6 available through the date of the enactment of
7 the Medicare Firewall Act of 2011”.

8 (2) RESCISSION OF UNOBLIGATED BALANCE.—

9 Of the funds transferred under such section on or
10 before the date of the enactment of this Act, the un-
11 obligated balance shall be transferred back into the
12 Medicare Trust Fund or Funds from which it was
13 transferred.

14 (d) DEFUNDING DEMONSTRATION PROJECT ON SEP-
15 ARATE PAYMENTS FOR COMPLEX DIAGNOSTIC LABORA-
16 TORY TESTS (SECTION 3113).—

17 (1) IN GENERAL.—Section 3113(b) of PPACA
18 is amended by inserting after “July 1, 2011” the
19 following: “, except that the Secretary shall termi-
20 nate such project as soon as possible after the date
21 of the enactment of the Medicare Firewall Act of
22 2011.”.

23 (2) RESCISSION OF UNOBLIGATED BALANCE.—

24 Of the payments made under such section on or be-
25 fore the date of the enactment of this Act, the unob-

1 ligated balance shall be transferred back into the
2 Medicare Trust Fund or Funds from which it was
3 transferred.

4 (e) DEFUNDING OUTREACH AND ASSISTANCE FOR
5 LOW-INCOME PROGRAMS (SECTION 3306).—

6 (1) IN GENERAL.—Subsections (a)(1)(B),
7 (b)(1)(B), (c)(1)(B), and (d)(1)(B) of section 119 of
8 the Medicare Improvements for Patients and Pro-
9 viders Act of 2008 (42 U.S.C. 1395b–3 note), as
10 amended by section 3306 of PPACA, are each
11 amended—

12 (A) in clause (ii), by striking “through
13 2012” and inserting “and 2011”; and

14 (B) by striking “shall remain available
15 until expended” and inserting “shall remain
16 available through the date of the enactment of
17 the Medicare Firewall Act of 2011”.

18 (2) RESCISSION OF UNOBLIGATED BALANCE.—
19 Of the amounts transferred under such subsections
20 on or before the date of the enactment of this Act,
21 the unobligated balances shall be transferred back
22 into the Medicare Trust Fund or Funds from which
23 it was transferred.

24 (f) DEFUNDING INDEPENDENT PAYMENT ADVISORY
25 BOARD (IPAB) (SECTION 3403).—

1 (1) IN GENERAL.—Section 1899A of the Social
2 Security Act (42 U.S.C. 1395kkk), as added by sec-
3 tion 3403(a)(1) of PPACA, is repealed.

4 (2) CONFORMING AMENDMENTS.—

5 (A) Section 1805(b) of such Act (42
6 U.S.C. 1395b–6(b)) is amended by striking
7 paragraph (4).

8 (B) Section 207(c) of title 18, United
9 States Code, is amended by striking paragraph
10 (3).

11 (C) Section 10320 of PPACA is amended
12 by striking subsection (c).

13 (g) DEFUNDING PREVENTION AND WELLNESS EVAL-
14 UATION (SECTION 4202(b)).—

15 (1) IN GENERAL.—Section 4202(b)(4) of
16 PPACA (42 U.S.C. 300u–14) is amended by strik-
17 ing “shall remain available until expended” and in-
18 serting “shall remain available through the date of
19 the enactment of the Medicare Firewall Act of
20 2011”.

21 (2) RESCISSION OF UNOBLIGATED BALANCE.—

22 Of the amounts transferred under such section on or
23 before the date of the enactment of this Act, the un-
24 obligated balance shall be transferred back into the

1 Medicare Trust Fund or Funds from which it was
2 transferred.

3 (h) DEFUNDING PILOT PROGRAM FOR INDIVIDUALS
4 RESIDING IN EMERGENCY DECLARATION AREAS (SEC-
5 TION 10323(b)).—

6 (1) IN GENERAL.—Section 1881A(b)(7) of the
7 Social Security Act (42 U.S.C. 1395rr-1(b)(7)), as
8 inserted by section 10323(b) of PPACA, is amended
9 by adding at the end the following: “No such trans-
10 fer shall be made after the date of the enactment of
11 the Medicare Firewall Act of 2011.”.

12 (2) RESTORATION OF UNOBLIGATED BAL-
13 ANCE.—Of the amounts transferred under such sec-
14 tion on or before the date of the enactment of this
15 Act, the unobligated balance shall be transferred
16 back into the Medicare Trust Fund or Funds from
17 which it was transferred.

18 **SEC. 3. ACCOUNTABILITY FOR TRUST FUND DEMONSTRATION PROJECT EXPENDITURES.**

19
20 (a) IN GENERAL.—Not later than 1 year after the
21 date of the enactment of this Act, the Secretary of Health
22 and Human Services shall submit to the Congress a report
23 that describes covered demonstration projects and identi-
24 fies those projects for which initial period of the project
25 has—

1 (1) not demonstrated that the project has met
2 the objectives specified for the project; or

3 (2) resulted in net expenditures from the Medi-
4 care Trust Funds.

5 (b) PLAN FOR TERMINATION OR MODIFICATION.—

6 For those covered demonstration projects identified under
7 subsection (a), the Secretary shall include the report
8 under such subsection a plan for the termination or modi-
9 fication of each such project.

10 (c) COVERED DEMONSTRATION PROJECT.—In this
11 section, the term “covered demonstration project” means
12 a demonstration, pilot, or similar project undertaken with
13 some or all funding from any of the Medicare Trust
14 Funds.

○