

***In the Senate of the United States,***

*January 1 (legislative day, December 30, 2012), 2013.*

*Resolved*, That the bill from the House of Representatives (H.R. 8) entitled “An Act to extend certain tax relief provisions enacted in 2001 and 2003, and to provide for expedited consideration of a bill providing for comprehensive tax reform, and for other purposes.”, do pass with the following

**AMENDMENTS:**

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE, ETC.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*  
3 *“American Taxpayer Relief Act of 2012”.*

4 (b) *AMENDMENT OF 1986 CODE.*—*Except as otherwise*  
5 *expressly provided, whenever in this Act an amendment or*  
6 *repeal is expressed in terms of an amendment to, or repeal*  
7 *of, a section or other provision, the reference shall be consid-*  
8 *ered to be made to a section or other provision of the Inter-*  
9 *nal Revenue Code of 1986.*

1       (c) *TABLE OF CONTENTS.*—*The table of contents for*  
 2 *this Act is as follows:*

*Sec. 1. Short title, etc.*

*TITLE I—GENERAL EXTENSIONS*

*Sec. 101. Permanent extension and modification of 2001 tax relief.*

*Sec. 102. Permanent extension and modification of 2003 tax relief.*

*Sec. 103. Extension of 2009 tax relief.*

*Sec. 104. Permanent alternative minimum tax relief.*

*TITLE II—INDIVIDUAL TAX EXTENDERS*

*Sec. 201. Extension of deduction for certain expenses of elementary and secondary school teachers.*

*Sec. 202. Extension of exclusion from gross income of discharge of qualified principal residence indebtedness.*

*Sec. 203. Extension of parity for exclusion from income for employer-provided mass transit and parking benefits.*

*Sec. 204. Extension of mortgage insurance premiums treated as qualified residence interest.*

*Sec. 205. Extension of deduction of State and local general sales taxes.*

*Sec. 206. Extension of special rule for contributions of capital gain real property made for conservation purposes.*

*Sec. 207. Extension of above-the-line deduction for qualified tuition and related expenses.*

*Sec. 208. Extension of tax-free distributions from individual retirement plans for charitable purposes.*

*Sec. 209. Improve and make permanent the provision authorizing the Internal Revenue Service to disclose certain return and return information to certain prison officials.*

*TITLE III—BUSINESS TAX EXTENDERS*

*Sec. 301. Extension and modification of research credit.*

*Sec. 302. Extension of temporary minimum low-income tax credit rate for non-federally subsidized new buildings.*

*Sec. 303. Extension of housing allowance exclusion for determining area median gross income for qualified residential rental project exempt facility bonds.*

*Sec. 304. Extension of Indian employment tax credit.*

*Sec. 305. Extension of new markets tax credit.*

*Sec. 306. Extension of railroad track maintenance credit.*

*Sec. 307. Extension of mine rescue team training credit.*

*Sec. 308. Extension of employer wage credit for employees who are active duty members of the uniformed services.*

*Sec. 309. Extension of work opportunity tax credit.*

*Sec. 310. Extension of qualified zone academy bonds.*

*Sec. 311. Extension of 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.*

*Sec. 312. Extension of 7-year recovery period for motorsports entertainment complexes.*

- Sec. 313. Extension of accelerated depreciation for business property on an Indian reservation.*
- Sec. 314. Extension of enhanced charitable deduction for contributions of food inventory.*
- Sec. 315. Extension of increased expensing limitations and treatment of certain real property as section 179 property.*
- Sec. 316. Extension of election to expense mine safety equipment.*
- Sec. 317. Extension of special expensing rules for certain film and television productions.*
- Sec. 318. Extension of deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.*
- Sec. 319. Extension of modification of tax treatment of certain payments to controlling exempt organizations.*
- Sec. 320. Extension of treatment of certain dividends of regulated investment companies.*
- Sec. 321. Extension of RIC qualified investment entity treatment under FIRPTA.*
- Sec. 322. Extension of subpart F exception for active financing income.*
- Sec. 323. Extension of look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.*
- Sec. 324. Extension of temporary exclusion of 100 percent of gain on certain small business stock.*
- Sec. 325. Extension of basis adjustment to stock of S corporations making charitable contributions of property.*
- Sec. 326. Extension of reduction in S-corporation recognition period for built-in gains tax.*
- Sec. 327. Extension of empowerment zone tax incentives.*
- Sec. 328. Extension of tax-exempt financing for New York Liberty Zone.*
- Sec. 329. Extension of temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.*
- Sec. 330. Modification and extension of American Samoa economic development credit.*
- Sec. 331. Extension and modification of bonus depreciation.*

#### TITLE IV—ENERGY TAX EXTENDERS

- Sec. 401. Extension of credit for energy-efficient existing homes.*
- Sec. 402. Extension of credit for alternative fuel vehicle refueling property.*
- Sec. 403. Extension of credit for 2- or 3-wheeled plug-in electric vehicles.*
- Sec. 404. Extension and modification of cellulosic biofuel producer credit.*
- Sec. 405. Extension of incentives for biodiesel and renewable diesel.*
- Sec. 406. Extension of production credit for Indian coal facilities placed in service before 2009.*
- Sec. 407. Extension and modification of credits with respect to facilities producing energy from certain renewable resources.*
- Sec. 408. Extension of credit for energy-efficient new homes.*
- Sec. 409. Extension of credit for energy-efficient appliances.*
- Sec. 410. Extension and modification of special allowance for cellulosic biofuel plant property.*
- Sec. 411. Extension of special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.*
- Sec. 412. Extension of alternative fuels excise tax credits.*

## TITLE V—UNEMPLOYMENT

- Sec. 501. Extension of emergency unemployment compensation program.*  
*Sec. 502. Temporary extension of extended benefit provisions.*  
*Sec. 503. Extension of funding for reemployment services and reemployment and eligibility assessment activities.*  
*Sec. 504. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.*

## TITLE VI—MEDICARE AND OTHER HEALTH EXTENSIONS

## Subtitle A—Medicare Extensions

- Sec. 601. Medicare physician payment update.*  
*Sec. 602. Work geographic adjustment.*  
*Sec. 603. Payment for outpatient therapy services.*  
*Sec. 604. Ambulance add-on payments.*  
*Sec. 605. Extension of Medicare inpatient hospital payment adjustment for low-volume hospitals.*  
*Sec. 606. Extension of the Medicare-dependent hospital (MDH) program.*  
*Sec. 607. Extension for specialized Medicare Advantage plans for special needs individuals.*  
*Sec. 608. Extension of Medicare reasonable cost contracts.*  
*Sec. 609. Performance improvement.*  
*Sec. 610. Extension of funding outreach and assistance for low-income programs.*

## Subtitle B—Other Health Extensions

- Sec. 621. Extension of the qualifying individual (QI) program.*  
*Sec. 622. Extension of Transitional Medical Assistance (TMA).*  
*Sec. 623. Extension of Medicaid and CHIP Express Lane option.*  
*Sec. 624. Extension of family-to-family health information centers.*  
*Sec. 625. Extension of Special Diabetes Program for Type I diabetes and for Indians.*

## Subtitle C—Other Health Provisions

- Sec. 631. IPPS documentation and coding adjustment for implementation of MS-DRGs.*  
*Sec. 632. Revisions to the Medicare ESRD bundled payment system to reflect findings in the GAO report.*  
*Sec. 633. Treatment of multiple service payment policies for therapy services.*  
*Sec. 634. Payment for certain radiology services furnished under the Medicare hospital outpatient department prospective payment system.*  
*Sec. 635. Adjustment of equipment utilization rate for advanced imaging services.*  
*Sec. 636. Medicare payment of competitive prices for diabetic supplies and elimination of overpayment for diabetic supplies.*  
*Sec. 637. Medicare payment adjustment for non-emergency ambulance transports for ESRD beneficiaries.*  
*Sec. 638. Removing obstacles to collection of overpayments.*  
*Sec. 639. Medicare advantage coding intensity adjustment.*  
*Sec. 640. Elimination of all funding for the Medicare Improvement Fund.*  
*Sec. 641. Rebasement of State DSH allotments.*  
*Sec. 642. Repeal of CLASS program.*  
*Sec. 643. Commission on Long-Term Care.*  
*Sec. 644. Consumer Operated and Oriented Plan program contingency fund.*

*TITLE VII—EXTENSION OF AGRICULTURAL PROGRAMS*

*Sec. 701. 1-year extension of agricultural programs.*

*Sec. 702. Supplemental agricultural disaster assistance.*

*TITLE VIII—MISCELLANEOUS PROVISIONS*

*Sec. 801. Strategic delivery systems.*

*Sec. 802. No cost of living adjustment in pay of members of congress.*

*TITLE IX—BUDGET PROVISIONS*

*Subtitle A—Modifications of Sequestration*

*Sec. 901. Treatment of sequester.*

*Sec. 902. Amounts in applicable retirement plans may be transferred to designated Roth accounts without distribution.*

*Subtitle B—Budgetary Effects*

*Sec. 911. Budgetary effects.*

1 ***TITLE I—GENERAL EXTENSIONS***

2 ***SEC. 101. PERMANENT EXTENSION AND MODIFICATION OF***

3 ***2001 TAX RELIEF.***

4 *(a) PERMANENT EXTENSION.—*

5 *(1) IN GENERAL.—The Economic Growth and*  
6 *Tax Relief Reconciliation Act of 2001 is amended by*  
7 *striking title IX.*

8 *(2) CONFORMING AMENDMENT.—The Tax Relief,*  
9 *Unemployment Insurance Reauthorization, and Job*  
10 *Creation Act of 2010 is amended by striking section*  
11 *304.*

12 *(3) EFFECTIVE DATE.—The amendments made*  
13 *by this subsection shall apply to taxable, plan, or lim-*  
14 *itation years beginning after December 31, 2012, and*  
15 *estates of decedents dying, gifts made, or generation*  
16 *skipping transfers after December 31, 2012.*

1       **(b) APPLICATION OF INCOME TAX TO CERTAIN HIGH-**  
2 **INCOME TAXPAYERS.—**

3           **(1) INCOME TAX RATES.—**

4               **(A) TREATMENT OF 25-, 28-, AND 33-PER-**  
5 **CENT RATE BRACKETS.—***Paragraph (2) of sec-*  
6 *tion 1(i) is amended to read as follows:*

7               “*(2) 25-, 28-, AND 33-PERCENT RATE BRACK-*  
8 *ETS.—The tables under subsections (a), (b), (c), (d),*  
9 *and (e) shall be applied—*

10               “*(A) by substituting ‘25%’ for ‘28%’ each*  
11 *place it appears (before the application of sub-*  
12 *paragraph (B)),*

13               “*(B) by substituting ‘28%’ for ‘31%’ each*  
14 *place it appears, and*

15               “*(C) by substituting ‘33%’ for ‘36%’ each*  
16 *place it appears.”.*

17               **(B) 35-PERCENT RATE BRACKET.—***Sub-*  
18 *section (i) of section 1 is amended by redesign-*  
19 *ating paragraph (3) as paragraph (4) and by*  
20 *inserting after paragraph (2) the following new*  
21 *paragraph:*

22               “**(3) MODIFICATIONS TO INCOME TAX BRACKETS**  
23 **FOR HIGH-INCOME TAXPAYERS.—**

1           “(A) *35-PERCENT RATE BRACKET.*—*In the*  
2           *case of taxable years beginning after December*  
3           *31, 2012—*

4                   “(i) *the rate of tax under subsections*  
5                   *(a), (b), (c), and (d) on a taxpayer’s taxable*  
6                   *income in the highest rate bracket shall be*  
7                   *35 percent to the extent such income does*  
8                   *not exceed an amount equal to the excess*  
9                   *of—*

10                           “(I) *the applicable threshold, over*

11                                   “(II) *the dollar amount at which*  
12                                   *such bracket begins, and*

13                   “(ii) *the 39.6 percent rate of tax under*  
14                   *such subsections shall apply only to the tax-*  
15                   *payer’s taxable income in such bracket in*  
16                   *excess of the amount to which clause (i) ap-*  
17                   *plies.*

18           “(B) *APPLICABLE THRESHOLD.*—*For pur-*  
19           *poses of this paragraph, the term ‘applicable*  
20           *threshold’ means—*

21                   “(i) *\$450,000 in the case of subsection*

22                   *(a),*

23                   “(ii) *\$425,000 in the case of subsection*

24                   *(b),*

1           “(iii) \$400,000 in the case of sub-  
2           section (c), and

3           “(iv)  $\frac{1}{2}$  the amount applicable under  
4           clause (i) (after adjustment, if any, under  
5           subparagraph (C)) in the case of subsection  
6           (d).

7           “(C) INFLATION ADJUSTMENT.—For pur-  
8           poses of this paragraph, with respect to taxable  
9           years beginning in calendar years after 2013,  
10          each of the dollar amounts under clauses (i), (ii),  
11          and (iii) of subparagraph (B) shall be adjusted  
12          in the same manner as under paragraph  
13          (1)(C)(i), except that subsection (f)(3)(B) shall be  
14          applied by substituting ‘2012’ for ‘1992’.”.

15          (2) PHASEOUT OF PERSONAL EXEMPTIONS AND  
16          ITEMIZED DEDUCTIONS.—

17                  (A) OVERALL LIMITATION ON ITEMIZED DE-  
18                  DUCTIONS.—Section 68 is amended—

19                          (i) by striking subsection (b) and in-  
20                          serting the following:

21                          “(b) APPLICABLE AMOUNT.—

22                                  “(1) IN GENERAL.—For purposes of this section,  
23                                  the term ‘applicable amount’ means—



1           “(A) \$300,000 in the case of a joint return  
2           or a surviving spouse (as defined in section  
3           2(a)),

4           “(B) \$275,000 in the case of a head of  
5           household (as defined in section 2(b)),

6           “(C) \$250,000 in the case of an individual  
7           who is not married and who is not a surviving  
8           spouse or head of household, and

9           “(D)  $\frac{1}{2}$  the amount applicable under sub-  
10          paragraph (A) (after adjustment, if any, under  
11          paragraph (2)) in the case of a married indi-  
12          vidual filing a separate return.

13          For purposes of this paragraph, marital status shall  
14          be determined under section 7703.

15          “(2) *INFLATION ADJUSTMENT.*—In the case of  
16          any taxable year beginning in calendar years after  
17          2013, each of the dollar amounts under subpara-  
18          graphs (A), (B), and (C) of paragraph (1) shall be  
19          shall be increased by an amount equal to—

20                 “(A) such dollar amount, multiplied by

21                 “(B) the cost-of-living adjustment deter-  
22                 mined under section 1(f)(3) for the calendar year  
23                 in which the taxable year begins, except that sec-  
24                 tion 1(f)(3)(B) shall be applied by substituting  
25                 ‘2012’ for ‘1992’.

1 *If any amount after adjustment under the preceding*  
 2 *sentence is not a multiple of \$50, such amount shall*  
 3 *be rounded to the next lowest multiple of \$50.”, and*

4 *(ii) by striking subsections (f) and (g).*

5 *(B) PHASEOUT OF DEDUCTIONS FOR PER-*  
 6 *SONAL EXEMPTIONS.—*

7 *(i) IN GENERAL.—Paragraph (3) of*  
 8 *section 151(d) is amended—*

9 *(I) by striking “the threshold*  
 10 *amount” in subparagraphs (A) and*  
 11 *(B) and inserting “the applicable*  
 12 *amount in effect under section 68(b)”,*

13 *(II) by striking subparagraph (C)*  
 14 *and redesignating subparagraph (D)*  
 15 *as subparagraph (C), and*

16 *(III) by striking subparagraphs*  
 17 *(E) and (F).*

18 *(ii) CONFORMING AMENDMENTS.—*  
 19 *Paragraph (4) of section 151(d) is amend-*  
 20 *ed—*

21 *(I) by striking subparagraph (B),*

22 *(II) by redesignating clauses (i)*  
 23 *and (ii) of subparagraph (A) as sub-*  
 24 *paragraphs (A) and (B), respectively,*

1                   and by indenting such subparagraphs  
 2                   (as so redesignated) accordingly, and  
 3                   (III) by striking all that precedes  
 4                   “in a calendar year after 1989,” and  
 5                   inserting the following:

6                   “(4) *INFLATION ADJUSTMENT.*—In the case of  
 7                   any taxable year beginning”.

8                   (3) *EFFECTIVE DATE.*—The amendments made  
 9                   by this subsection shall apply to taxable years begin-  
 10                  ning after December 31, 2012.

11                  (c) *MODIFICATIONS OF ESTATE TAX.*—

12                  (1) *MAXIMUM ESTATE TAX RATE EQUAL TO 40*  
 13                  *PERCENT.*—The table contained in subsection (c) of  
 14                  section 2001, as amended by section 302(a)(2) of the  
 15                  Tax Relief, Unemployment Insurance Reauthoriza-  
 16                  tion, and Job Creation Act of 2010, is amended by  
 17                  striking “Over \$500,000” and all that follows and in-  
 18                  serting the following:

“Over \$500,000 but not over \$750,000 ..	\$155,800, plus 37 percent of the excess of such amount over \$500,000.
Over \$750,000 but not over \$1,000,000	\$248,300, plus 39 percent of the excess of such amount over \$750,000.
Over \$1,000,000 .....	\$345,800, plus 40 percent of the excess of such amount over \$1,000,000.”.

19                  (2) *TECHNICAL CORRECTION.*—Clause (i) of sec-  
 20                  tion 2010(c)(4)(B) is amended by striking “basic ex-  
 21                  clusion amount” and inserting “applicable exclusion  
 22                  amount”.

1           (3) *EFFECTIVE DATES.*—

2                   (A) *IN GENERAL.*—*Except as otherwise pro-*  
3 *vided by in this paragraph, the amendments*  
4 *made by this subsection shall apply to estates of*  
5 *decedents dying, generation-skipping transfers,*  
6 *and gifts made, after December 31, 2012.*

7                   (B) *TECHNICAL CORRECTION.*—*The amend-*  
8 *ment made by paragraph (2) shall take effect as*  
9 *if included in the amendments made by section*  
10 *303 of the Tax Relief, Unemployment Insurance*  
11 *Reauthorization, and Job Creation Act of 2010.*

12 **SEC. 102. PERMANENT EXTENSION AND MODIFICATION OF**  
13 **2003 TAX RELIEF.**

14           (a) *PERMANENT EXTENSION.*—*The Jobs and Growth*  
15 *Tax Relief Reconciliation Act of 2003 is amended by strik-*  
16 *ing section 303.*

17           (b) *20-PERCENT CAPITAL GAINS RATE FOR CERTAIN*  
18 *HIGH INCOME INDIVIDUALS.*—

19                   (1) *IN GENERAL.*—*Paragraph (1) of section 1(h)*  
20 *is amended by striking subparagraph (C), by redesign-*  
21 *ating subparagraphs (D) and (E) as subparagraphs*  
22 *(E) and (F) and by inserting after subparagraph (B)*  
23 *the following new subparagraphs:*

24                           “(C) 15 percent of the lesser of—

1           “(i) so much of the adjusted net capital  
2           gain (or, if less, taxable income) as exceeds  
3           the amount on which a tax is determined  
4           under subparagraph (B), or

5           “(ii) the excess of—

6                   “(I) the amount of taxable income  
7                   which would (without regard to this  
8                   paragraph) be taxed at a rate below  
9                   39.6 percent, over

10                   “(II) the sum of the amounts on  
11                   which a tax is determined under sub-  
12                   paragraphs (A) and (B),

13           “(D) 20 percent of the adjusted net capital  
14           gain (or, if less, taxable income) in excess of the  
15           sum of the amounts on which tax is determined  
16           under subparagraphs (B) and (C),”.

17           (2) *MINIMUM TAX.*—Paragraph (3) of section  
18           55(b) is amended by striking subparagraph (C), by  
19           redesignating subparagraph (D) as subparagraph  
20           (E), and by inserting after subparagraph (B) the fol-  
21           lowing new subparagraphs:

22                   “(C) 15 percent of the lesser of—

23                   “(i) so much of the adjusted net capital  
24                   gain (or, if less, taxable excess) as exceeds

1           *the amount on which tax is determined*  
2           *under subparagraph (B), or*

3                     *“(ii) the excess described in section*  
4                     *1(h)(1)(C)(ii), plus*

5                     *“(D) 20 percent of the adjusted net capital*  
6                     *gain (or, if less, taxable excess) in excess of the*  
7                     *sum of the amounts on which tax is determined*  
8                     *under subparagraphs (B) and (C), plus”.*

9       (c) *CONFORMING AMENDMENTS.—*

10           (1) *The following provisions are each amended*  
11 *by striking “15 percent” and inserting “20 percent”:*

12                     (A) *Section 531.*

13                     (B) *Section 541.*

14                     (C) *Section 1445(e)(1).*

15                     (D) *The second sentence of section*  
16 *7518(g)(6)(A).*

17                     (E) *Section 53511(f)(2) of title 46, United*  
18 *States Code.*

19           (2) *Sections 1(h)(1)(B) and 55(b)(3)(B) are each*  
20 *amended by striking “5 percent (0 percent in the case*  
21 *of taxable years beginning after 2007)” and inserting*  
22 *“0 percent”.*

23           (3) *Section 1445(e)(6) is amended by striking*  
24 *“15 percent (20 percent in the case of taxable years*

1 *beginning after December 31, 2010)” and inserting*  
2 *“20 percent”.*

3 *(d) EFFECTIVE DATES.—*

4 *(1) IN GENERAL.—Except as otherwise provided,*  
5 *the amendments made by subsections (b) and (c) shall*  
6 *apply to taxable years beginning after December 31,*  
7 *2012.*

8 *(2) WITHHOLDING.—The amendments made by*  
9 *paragraphs (1)(C) and (3) of subsection (c) shall*  
10 *apply to amounts paid on or after January 1, 2013.*

11 **SEC. 103. EXTENSION OF 2009 TAX RELIEF.**

12 *(a) 5-YEAR EXTENSION OF AMERICAN OPPORTUNITY*  
13 *TAX CREDIT.—*

14 *(1) IN GENERAL.—Section 25A(i) is amended by*  
15 *striking “in 2009, 2010, 2011, or 2012” and inserting*  
16 *“after 2008 and before 2018”.*

17 *(2) TREATMENT OF POSSESSIONS.—Section*  
18 *1004(c)(1) of division B of the American Recovery*  
19 *and Reinvestment Tax Act of 2009 is amended by*  
20 *striking “in 2009, 2010, 2011, and 2012” each place*  
21 *it appears and inserting “after 2008 and before*  
22 *2018”.*

23 *(b) 5-YEAR EXTENSION OF CHILD TAX CREDIT.—Sec-*  
24 *tion 24(d)(4) is amended—*





1 *under any Federal program or under any State or local*  
2 *program financed in whole or in part with Federal funds.”.*

3 *(e) EFFECTIVE DATES.—*

4 *(1) IN GENERAL.—Except as provided in para-*  
5 *graph (2), the amendments made by this section shall*  
6 *apply to taxable years beginning after December 31,*  
7 *2012.*

8 *(2) RULE REGARDING DISREGARD OF RE-*  
9 *FUNDS.—The amendment made by subsection (d)*  
10 *shall apply to amounts received after December 31,*  
11 *2012.*

12 **SEC. 104. PERMANENT ALTERNATIVE MINIMUM TAX RELIEF.**

13 *(a) 2012 EXEMPTION AMOUNTS MADE PERMANENT.—*

14 *(1) IN GENERAL.—Paragraph (1) of section*  
15 *55(d) is amended—*

16 *(A) by striking “\$45,000” and all that fol-*  
17 *lows through “2011)” in subparagraph (A) and*  
18 *inserting “\$78,750”,*

19 *(B) by striking “\$33,750” and all that fol-*  
20 *lows through “2011)” in subparagraph (B) and*  
21 *inserting “\$50,600”, and*

22 *(C) by striking “paragraph (1)(A)” in sub-*  
23 *paragraph (C) and inserting “subparagraph*  
24 *(A)”.*

25 *(b) EXEMPTION AMOUNTS INDEXED FOR INFLATION.—*

1           (1) *IN GENERAL.*—Subsection (d) of section 55 is  
2           amended by adding at the end the following new  
3           paragraph:

4           “(4) *INFLATION ADJUSTMENT.*—

5           “(A) *IN GENERAL.*—In the case of any tax-  
6           able year beginning in a calendar year after  
7           2012, the amounts described in subparagraph  
8           (B) shall each be increased by an amount equal  
9           to—

10           “(i) such dollar amount, multiplied by

11           “(ii) the cost-of-living adjustment de-  
12           termined under section 1(f)(3) for the cal-  
13           endar year in which the taxable year be-  
14           gins, determined by substituting ‘calendar  
15           year 2011’ for ‘calendar year 1992’ in sub-  
16           paragraph (B) thereof.

17           “(B) *AMOUNTS DESCRIBED.*—The amounts  
18           described in this subparagraph are—

19           “(i) each of the dollar amounts con-  
20           tained in subsection (b)(1)(A)(i),

21           “(ii) each of the dollar amounts con-  
22           tained in paragraph (1), and

23           “(iii) each of the dollar amounts in  
24           subparagraphs (A) and (B) of paragraph  
25           (3).

1           “(C) *ROUNDING.*—Any increase determined  
2           under subparagraph (A) shall be rounded to the  
3           nearest multiple of \$100.”.

4           (2) *CONFORMING AMENDMENTS.*—

5           (A) Clause (iii) of section 55(b)(1)(A) is  
6           amended by striking “by substituting” and all  
7           that follows through “appears.” and inserting  
8           “by substituting 50 percent of the dollar amount  
9           otherwise applicable under subclause (I) and  
10          subclause (II) thereof.”.

11          (B) Paragraph (3) of section 55(d) is  
12          amended—

13               (i) by striking “or (2)” in subpara-  
14               graph (A),

15               (ii) by striking “and” at the end of  
16               subparagraph (B), and

17               (iii) by striking subparagraph (C) and  
18               inserting the following new subparagraphs:

19               “(C) 50 percent of the dollar amount appli-  
20               cable under subparagraph (A) in the case of a  
21               taxpayer described in subparagraph (C) or (D)  
22               of paragraph (1), and

23               “(D) \$150,000 in the case of a taxpayer de-  
24               scribed in paragraph (2).”.

1       (c) *ALTERNATIVE MINIMUM TAX RELIEF FOR NON-*  
2 *REFUNDABLE CREDITS.*—

3           (1) *IN GENERAL.*—*Subsection (a) of section 26 is*  
4 *amended to read as follows:*

5       “(a) *LIMITATION BASED ON AMOUNT OF TAX.*—*The*  
6 *aggregate amount of credits allowed by this subpart for the*  
7 *taxable year shall not exceed the sum of—*

8           “(1) *the taxpayer’s regular tax liability for the*  
9 *taxable year reduced by the foreign tax credit allow-*  
10 *able under section 27(a), and*

11           “(2) *the tax imposed by section 55(a) for the tax-*  
12 *able year.*”.

13       (2) *CONFORMING AMENDMENTS.*—

14           (A) *ADOPTION CREDIT.*—

15           (i) *Section 23(b) is amended by strik-*  
16 *ing paragraph (4).*

17           (ii) *Section 23(c) is amended by strik-*  
18 *ing paragraphs (1) and (2) and inserting*  
19 *the following:*

20           “(1) *IN GENERAL.*—*If the credit allowable under*  
21 *subsection (a) for any taxable year exceeds the limita-*  
22 *tion imposed by section 26(a) for such taxable year*  
23 *reduced by the sum of the credits allowable under this*  
24 *subpart (other than this section and sections 25D and*  
25 *1400C), such excess shall be carried to the succeeding*

1 *taxable year and added to the credit allowable under*  
2 *subsection (a) for such taxable year.”.*

3 *(iii) Section 23(c) is amended by re-*  
4 *designating paragraph (3) as paragraph*  
5 *(2).*

6 *(B) CHILD TAX CREDIT.—*

7 *(i) Section 24(b) is amended by strik-*  
8 *ing paragraph (3).*

9 *(ii) Section 24(d)(1) is amended—*

10 *(I) by striking “section 26(a)(2)*  
11 *or subsection (b)(3), as the case may*  
12 *be,” each place it appears in subpara-*  
13 *graphs (A) and (B) and inserting “sec-*  
14 *tion 26(a)”*, and

15 *(II) by striking “section 26(a)(2)*  
16 *or subsection (b)(3), as the case may*  
17 *be” in the second last sentence and in-*  
18 *serting “section 26(a)”*.

19 *(C) CREDIT FOR INTEREST ON CERTAIN*  
20 *HOME MORTGAGES.—Section 25(e)(1)(C) is*  
21 *amended to read as follows:*

22 *“(C) APPLICABLE TAX LIMIT.—For pur-*  
23 *poses of this paragraph, the term ‘applicable tax*  
24 *limit’ means the limitation imposed by section*  
25 *26(a) for the taxable year reduced by the sum of*

1           *the credits allowable under this subpart (other*  
2           *than this section and sections 23, 25D, and*  
3           *1400C).”.*

4                   (D) *HOPE AND LIFETIME LEARNING CRED-*  
5           *ITS.—Section 25A(i) is amended—*

6                           (i) *by striking paragraph (5) and by*  
7                           *redesignating paragraphs (6) and (7) as*  
8                           *paragraphs (5) and (6), respectively, and*

9                           (ii) *by striking “section 26(a)(2) or*  
10                           *paragraph (5), as the case may be” in*  
11                           *paragraph (5), as redesignated by clause*  
12                           *(i), and inserting “section 26(a)”.*

13                   (E) *SAVERS’ CREDIT.—Section 25B is*  
14           *amended by striking subsection (g).*

15                   (F) *RESIDENTIAL ENERGY EFFICIENT PROP-*  
16           *ERTY.—Section 25D(c) is amended to read as*  
17           *follows:*

18           “(c) *CARRYFORWARD OF UNUSED CREDIT.—If the*  
19           *credit allowable under subsection (a) exceeds the limitation*  
20           *imposed by section 26(a) for such taxable year reduced by*  
21           *the sum of the credits allowable under this subpart (other*  
22           *than this section), such excess shall be carried to the suc-*  
23           *ceeding taxable year and added to the credit allowable*  
24           *under subsection (a) for such succeeding taxable year.”.*

1           (G) CERTAIN PLUG-IN ELECTRIC VEHI-  
2           CLES.—Section 30(c)(2) is amended to read as  
3           follows:

4           “(2) PERSONAL CREDIT.—For purposes of this  
5           title, the credit allowed under subsection (a) for any  
6           taxable year (determined after application of para-  
7           graph (1)) shall be treated as a credit allowable under  
8           subpart A for such taxable year.”.

9           (H) ALTERNATIVE MOTOR VEHICLE CRED-  
10          IT.—Section 30B(g)(2) is amended to read as  
11          follows:

12          “(2) PERSONAL CREDIT.—For purposes of this  
13          title, the credit allowed under subsection (a) for any  
14          taxable year (determined after application of para-  
15          graph (1)) shall be treated as a credit allowable under  
16          subpart A for such taxable year.”.

17          (I) NEW QUALIFIED PLUG-IN ELECTRIC VE-  
18          HICLE CREDIT.—Section 30D(c)(2) is amended  
19          to read as follows:

20          “(2) PERSONAL CREDIT.—For purposes of this  
21          title, the credit allowed under subsection (a) for any  
22          taxable year (determined after application of para-  
23          graph (1)) shall be treated as a credit allowable under  
24          subpart A for such taxable year.”.

1           (J) *CROSS REFERENCES.*—Section 55(c)(3)  
2           is amended by striking “26(a), 30C(d)(2),” and  
3           inserting “30C(d)(2)”.

4           (K) *FOREIGN TAX CREDIT.*—Section 904 is  
5           amended by striking subsection (i) and by redesi-  
6           gnating subsections (j) , (k), and (l) as sub-  
7           sections (i), (j), and (k), respectively.

8           (L) *FIRST-TIME HOME BUYER CREDIT FOR*  
9           *THE DISTRICT OF COLUMBIA.*—Section 1400C(d)  
10          is amended to read as follows:

11          “(d) *CARRYFORWARD OF UNUSED CREDIT.*—If the  
12          credit allowable under subsection (a) exceeds the limitation  
13          imposed by section 26(a) for such taxable year reduced by  
14          the sum of the credits allowable under subpart A of part  
15          IV of subchapter A (other than this section and section  
16          25D), such excess shall be carried to the succeeding taxable  
17          year and added to the credit allowable under subsection (a)  
18          for such taxable year.”.

19          (d) *EFFECTIVE DATE.*—The amendments made by this  
20          section shall apply to taxable years beginning after Decem-  
21          ber 31, 2011.



1           **TITLE II—INDIVIDUAL TAX**  
2                           **EXTENDERS**

3 **SEC. 201. EXTENSION OF DEDUCTION FOR CERTAIN EX-**  
4                           **PENSES OF ELEMENTARY AND SECONDARY**  
5                           **SCHOOL TEACHERS.**

6           (a) *IN GENERAL.*—Subparagraph (D) of section  
7 62(a)(2) is amended by striking “or 2011” and inserting  
8 “2011, 2012, or 2013”.

9           (b) *EFFECTIVE DATE.*—The amendment made by this  
10 section shall apply to taxable years beginning after Decem-  
11 ber 31, 2011.

12 **SEC. 202. EXTENSION OF EXCLUSION FROM GROSS INCOME**  
13                           **OF DISCHARGE OF QUALIFIED PRINCIPAL**  
14                           **RESIDENCE INDEBTEDNESS.**

15           (a) *IN GENERAL.*—Subparagraph (E) of section  
16 108(a)(1) is amended by striking “January 1, 2013” and  
17 inserting “January 1, 2014”.

18           (b) *EFFECTIVE DATE.*—The amendment made by this  
19 section shall apply to indebtedness discharged after Decem-  
20 ber 31, 2012.

1 **SEC. 203. EXTENSION OF PARITY FOR EXCLUSION FROM IN-**  
2 **COME FOR EMPLOYER-PROVIDED MASS TRAN-**  
3 **SIT AND PARKING BENEFITS.**

4 (a) *IN GENERAL.*—Paragraph (2) of section 132(f) is  
5 amended by striking “January 1, 2012” and inserting  
6 “January 1, 2014”.

7 (b) *EFFECTIVE DATE.*—The amendment made by this  
8 section shall apply to months after December 31, 2011.

9 **SEC. 204. EXTENSION OF MORTGAGE INSURANCE PRE-**  
10 **MIUMS TREATED AS QUALIFIED RESIDENCE**  
11 **INTEREST.**

12 (a) *IN GENERAL.*—Subclause (I) of section  
13 163(h)(3)(E)(iv) is amended by striking “December 31,  
14 2011” and inserting “December 31, 2013”.

15 (b) *TECHNICAL AMENDMENTS.*—Clause (i) of section  
16 163(h)(4)(E) is amended—

17 (1) by striking “Veterans Administration” and  
18 inserting “Department of Veterans Affairs”, and

19 (2) by striking “Rural Housing Administration”  
20 and inserting “Rural Housing Service”.

21 (c) *EFFECTIVE DATE.*—The amendments made by this  
22 section shall apply to amounts paid or accrued after Decem-  
23 ber 31, 2011.

1 **SEC. 205. EXTENSION OF DEDUCTION OF STATE AND LOCAL**  
2 **GENERAL SALES TAXES.**

3 (a) *IN GENERAL.*—Subparagraph (I) of section  
4 164(b)(5) is amended by striking “January 1, 2012” and  
5 inserting “January 1, 2014”.

6 (b) *EFFECTIVE DATE.*—The amendment made by this  
7 section shall apply to taxable years beginning after Decem-  
8 ber 31, 2011.

9 **SEC. 206. EXTENSION OF SPECIAL RULE FOR CONTRIBU-**  
10 **TIONS OF CAPITAL GAIN REAL PROPERTY**  
11 **MADE FOR CONSERVATION PURPOSES.**

12 (a) *IN GENERAL.*—Clause (vi) of section 170(b)(1)(E)  
13 is amended by striking “December 31, 2011” and inserting  
14 “December 31, 2013”.

15 (b) *CONTRIBUTIONS BY CERTAIN CORPORATE FARM-*  
16 *ERS AND RANCHERS.*—Clause (iii) of section 170(b)(2)(B)  
17 is amended by striking “December 31, 2011” and inserting  
18 “December 31, 2013”.

19 (c) *EFFECTIVE DATE.*—The amendments made by this  
20 section shall apply to contributions made in taxable years  
21 beginning after December 31, 2011.

1 **SEC. 207. EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR**  
2 **QUALIFIED TUITION AND RELATED EX-**  
3 **PENSES.**

4 (a) *IN GENERAL.*—Subsection (e) of section 222 is  
5 amended by striking “December 31, 2011” and inserting  
6 “December 31, 2013”.

7 (b) *EFFECTIVE DATE.*—The amendment made by this  
8 section shall apply to taxable years beginning after Decem-  
9 ber 31, 2011.

10 **SEC. 208. EXTENSION OF TAX-FREE DISTRIBUTIONS FROM**  
11 **INDIVIDUAL RETIREMENT PLANS FOR CHARI-**  
12 **TABLE PURPOSES.**

13 (a) *IN GENERAL.*—Subparagraph (F) of section  
14 408(d)(8) is amended by striking “December 31, 2011” and  
15 inserting “December 31, 2013”.

16 (b) *EFFECTIVE DATE; SPECIAL RULE.*—

17 (1) *EFFECTIVE DATE.*—The amendment made by  
18 this section shall apply to distributions made in tax-  
19 able years beginning after December 31, 2011.

20 (2) *SPECIAL RULES.*—For purposes of sub-  
21 sections (a)(6), (b)(3), and (d)(8) of section 408 of the  
22 Internal Revenue Code of 1986, at the election of the  
23 taxpayer (at such time and in such manner as pre-  
24 scribed by the Secretary of the Treasury)—

25 (A) any qualified charitable distribution  
26 made after December 31, 2012, and before Feb-

1            *ruary 1, 2013, shall be deemed to have been*  
2            *made on December 31, 2012, and*

3            *(B) any portion of a distribution from an*  
4            *individual retirement account to the taxpayer*  
5            *after November 30, 2012, and before January 1,*  
6            *2013, may be treated as a qualified charitable*  
7            *distribution to the extent that—*

8            *(i) such portion is transferred in cash*  
9            *after the distribution to an organization de-*  
10           *scribed in section 408(d)(8)(B)(i) before*  
11           *February 1, 2013, and*

12           *(ii) such portion is part of a distribu-*  
13           *tion that would meet the requirements of*  
14           *section 408(d)(8) but for the fact that the*  
15           *distribution was not transferred directly to*  
16           *an organization described in section*  
17           *408(d)(8)(B)(i).*

18 **SEC. 209. IMPROVE AND MAKE PERMANENT THE PROVISION**  
19 **AUTHORIZING THE INTERNAL REVENUE**  
20 **SERVICE TO DISCLOSE CERTAIN RETURN**  
21 **AND RETURN INFORMATION TO CERTAIN**  
22 **PRISON OFFICIALS.**

23           *(a) IN GENERAL.—Paragraph (10) of section 6103(k)*  
24 *is amended to read as follows:*

1           “(10) *DISCLOSURE OF CERTAIN RETURNS AND*  
2           *RETURN INFORMATION TO CERTAIN PRISON OFFI-*  
3           *CIALS.—*

4           “(A) *IN GENERAL.—Under such procedures*  
5           *as the Secretary may prescribe, the Secretary*  
6           *may disclose to officers and employees of the*  
7           *Federal Bureau of Prisons and of any State*  
8           *agency charged with the responsibility for ad-*  
9           *ministration of prisons any returns or return in-*  
10           *formation with respect to individuals incarcerated*  
11           *in Federal or State prison systems whom*  
12           *the Secretary has determined may have filed or*  
13           *facilitated the filing of a false or fraudulent re-*  
14           *turn to the extent that the Secretary determines*  
15           *that such disclosure is necessary to permit effec-*  
16           *tive Federal tax administration.*

17           “(B) *DISCLOSURE TO CONTRACTOR-RUN*  
18           *PRISONS.—Under such procedures as the Sec-*  
19           *retary may prescribe, the disclosures authorized*  
20           *by subparagraph (A) may be made to contractors*  
21           *responsible for the operation of a Federal or*  
22           *State prison on behalf of such Bureau or agency.*

23           “(C) *RESTRICTIONS ON USE OF DISCLOSED*  
24           *INFORMATION.—Any return or return informa-*  
25           *tion received under this paragraph shall be used*

1           *only for the purposes of and to the extent nec-*  
2           *essary in taking administrative action to prevent*  
3           *the filing of false and fraudulent returns, includ-*  
4           *ing administrative actions to address possible*  
5           *violations of administrative rules and regula-*  
6           *tions of the prison facility and in administrative*  
7           *and judicial proceedings arising from such ad-*  
8           *ministrative actions.*

9           “(D) *RESTRICTIONS ON REDISCLOSURE AND*  
10          *DISCLOSURE TO LEGAL REPRESENTATIVES.—*  
11          *Notwithstanding subsection (h)—*

12                 “(i) *RESTRICTIONS ON REDISCLO-*  
13                 *SURE.—Except as provided in clause (ii),*  
14                 *any officer, employee, or contractor of the*  
15                 *Federal Bureau of Prisons or of any State*  
16                 *agency charged with the responsibility for*  
17                 *administration of prisons shall not disclose*  
18                 *any information obtained under this para-*  
19                 *graph to any person other than an officer or*  
20                 *employee or contractor of such Bureau or*  
21                 *agency personally and directly engaged in*  
22                 *the administration of prison facilities on*  
23                 *behalf of such Bureau or agency.*

24                 “(ii) *DISCLOSURE TO LEGAL REP-*  
25                 *RESENTATIVES.—The returns and return*

1            *information disclosed under this paragraph*  
2            *may be disclosed to the duly authorized*  
3            *legal representative of the Federal Bureau of*  
4            *Prisons, State agency, or contractor charged*  
5            *with the responsibility for administration of*  
6            *prisons, or of the incarcerated individual*  
7            *accused of filing the false or fraudulent re-*  
8            *turn who is a party to an action or pro-*  
9            *ceeding described in subparagraph (C), sole-*  
10           *ly in preparation for, or for use in, such ac-*  
11           *tion or proceeding.”.*

12        *(b) CONFORMING AMENDMENTS.—*

13            *(1) Paragraph (3) of section 6103(a) is amended*  
14            *by inserting “subsection (k)(10),” after “subsection*  
15            *(e)(1)(D)(iii),”.*

16            *(2) Paragraph (4) of section 6103(p) is amend-*  
17            *ed—*

18            *(A) by inserting “subsection (k)(10),” before*  
19            *“subsection (l)(10),” in the matter preceding sub-*  
20            *paragraph (A),*

21            *(B) in subparagraph (F)(i)—*

22            *(i) by inserting “(k)(10),” before “or*  
23            *(l)(6),” and*

24            *(ii) by inserting “subsection (k)(10)*  
25            *or” before “subsection (l)(10),” and*



1                   (C) by inserting “subsection (k)(10) or” be-  
 2                   fore “subsection (l)(10),” both places it appears  
 3                   in the matter following subparagraph (F)(iii).

4                   (3) Paragraph (2) of section 7213(a) is amended  
 5                   by inserting “(k)(10),” before “(l)(6),”.

6                   (c) *EFFECTIVE DATE.*—The amendments made by this  
 7                   section shall take effect on the date of the enactment of this  
 8                   Act.

9                   **TITLE III—BUSINESS TAX**  
 10                   **EXTENDERS**

11 **SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH**

12                   **CREDIT.**

13                   (a) *EXTENSION.*—

14                   (1) *IN GENERAL.*—Subparagraph (B) of section  
 15                   41(h)(1) is amended by striking “December 31, 2011”  
 16                   and inserting “December 31, 2013”.

17                   (2) *CONFORMING AMENDMENT.*—Subparagraph  
 18                   (D) of section 45C(b)(1) is amended by striking “De-  
 19                   cember 31, 2011” and inserting “December 31, 2013”.

20                   (b) *INCLUSION OF QUALIFIED RESEARCH EXPENSES*  
 21 *AND GROSS RECEIPTS OF AN ACQUIRED PERSON.*—

22                   (1) *PARTIAL INCLUSION OF PRE-ACQUISITION*  
 23 *QUALIFIED RESEARCH EXPENSES AND GROSS RE-*  
 24 *CEIPTS.*—Subparagraph (A) of section 41(f)(3) is  
 25                   amended to read as follows:

1           “(A) ACQUISITIONS.—

2                   “(i) *IN GENERAL.*—*If a person ac-*  
3                   *quires the major portion of either a trade or*  
4                   *business or a separate unit of a trade or*  
5                   *business (hereinafter in this paragraph re-*  
6                   *ferred to as the ‘acquired business’) of an-*  
7                   *other person (hereinafter in this paragraph*  
8                   *referred to as the ‘predecessor’), then the*  
9                   *amount of qualified research expenses paid*  
10                   *or incurred by the acquiring person during*  
11                   *the measurement period shall be increased*  
12                   *by the amount determined under clause (ii),*  
13                   *and the gross receipts of the acquiring per-*  
14                   *son for such period shall be increased by the*  
15                   *amount determined under clause (iii).*

16                   “(ii) *AMOUNT DETERMINED WITH RE-*  
17                   *SPECT TO QUALIFIED RESEARCH EX-*  
18                   *PENSES.*—*The amount determined under*  
19                   *this clause is—*

20                           “(I) *for purposes of applying this*  
21                           *section for the taxable year in which*  
22                           *such acquisition is made, the acquisi-*  
23                           *tion year amount, and*

24                           “(II) *for purposes of applying this*  
25                           *section for any taxable year after the*

1                    *taxable year in which such acquisition*  
2                    *is made, the qualified research expenses*  
3                    *paid or incurred by the predecessor*  
4                    *with respect to the acquired business*  
5                    *during the measurement period.*

6                    “(iii) *AMOUNT DETERMINED WITH RE-*  
7                    *SPECT TO GROSS RECEIPTS.—The amount*  
8                    *determined under this clause is the amount*  
9                    *which would be determined under clause (ii)*  
10                   *if ‘the gross receipts of’ were substituted for*  
11                   *‘the qualified research expenses paid or in-*  
12                   *curring by’ each place it appears in clauses*  
13                   *(ii) and (iv).*

14                   “(iv) *ACQUISITION YEAR AMOUNT.—*  
15                   *For purposes of clause (ii), the acquisition*  
16                   *year amount is the amount equal to the*  
17                   *product of—*

18                                      “(I) *the qualified research ex-*  
19                                      *penses paid or incurred by the prede-*  
20                                      *cessor with respect to the acquired*  
21                                      *business during the measurement pe-*  
22                                      *riod, and*

23                                      “(II) *the number of days in the*  
24                                      *period beginning on the date of the ac-*  
25                                      *quisition and ending on the last day of*

1                    *the taxable year in which the acqui-*  
2                    *sition is made,*  
3                    *divided by the number of days in the ac-*  
4                    *quiring person’s taxable year.*

5                    “(v) *SPECIAL RULES FOR COORDI-*  
6                    *NATING TAXABLE YEARS.—In the case of an*  
7                    *acquiring person and a predecessor whose*  
8                    *taxable years do not begin on the same*  
9                    *date—*

10                    “(I) *each reference to a taxable*  
11                    *year in clauses (ii) and (iv) shall refer*  
12                    *to the appropriate taxable year of the*  
13                    *acquiring person,*

14                    “(II) *the qualified research ex-*  
15                    *penses paid or incurred by the prede-*  
16                    *cessor, and the gross receipts of the*  
17                    *predecessor, during each taxable year*  
18                    *of the predecessor any portion of which*  
19                    *is part of the measurement period shall*  
20                    *be allocated equally among the days of*  
21                    *such taxable year,*

22                    “(III) *the amount of such quali-*  
23                    *fied research expenses taken into ac-*  
24                    *count under clauses (ii) and (iv) with*  
25                    *respect to a taxable year of the acquir-*

1                    *ing person shall be equal to the total of*  
2                    *the expenses attributable under sub-*  
3                    *clause (II) to the days occurring dur-*  
4                    *ing such taxable year, and*

5                    *“(IV) the amount of such gross re-*  
6                    *ceipts taken into account under clause*  
7                    *(iii) with respect to a taxable year of*  
8                    *the acquiring person shall be equal to*  
9                    *the total of the gross receipts attrib-*  
10                   *utable under subclause (II) to the days*  
11                   *occurring during such taxable year.*

12                   *“(vi) MEASUREMENT PERIOD.—For*  
13                   *purposes of this subparagraph, the term*  
14                   *‘measurement period’ means, with respect to*  
15                   *the taxable year of the acquiring person for*  
16                   *which the credit is determined, any period*  
17                   *of the acquiring person preceding such tax-*  
18                   *able year which is taken into account for*  
19                   *purposes of determining the credit for such*  
20                   *year.”.*

21                   *(2) EXPENSES AND GROSS RECEIPTS OF A PRED-*  
22                   *CESSOR.—Subparagraph (B) of section 41(f)(3) is*  
23                   *amended to read as follows:*

24                   *“(B) DISPOSITIONS.—If the predecessor fur-*  
25                   *nished to the acquiring person such information*

1           *as is necessary for the application of subpara-*  
2           *graph (A), then, for purposes of applying this*  
3           *section for any taxable year ending after such*  
4           *disposition, the amount of qualified research ex-*  
5           *penses paid or incurred by, and the gross re-*  
6           *ceipts of, the predecessor during the measurement*  
7           *period (as defined in subparagraph (A)(vi), de-*  
8           *termined by substituting ‘predecessor’ for ‘ac-*  
9           *quiring person’ each place it appears) shall be*  
10          *reduced by—*

11                   *“(i) in the case of the taxable year in*  
12                   *which such disposition is made, an amount*  
13                   *equal to the product of—*

14                           *“(I) the qualified research ex-*  
15                           *penses paid or incurred by, or gross re-*  
16                           *ceipts of, the predecessor with respect*  
17                           *to the acquired business during the*  
18                           *measurement period (as so defined and*  
19                           *so determined), and*

20                           *“(II) the number of days in the*  
21                           *period beginning on the date of acqui-*  
22                           *sition (as determined for purposes of*  
23                           *subparagraph (A)(iv)(II)) and ending*  
24                           *on the last day of the taxable year of*

1                    *the predecessor in which the disposition*  
2                    *is made,*  
3                    *divided by the number of days in the tax-*  
4                    *able year of the predecessor, and*  
5                    *“(ii) in the case of any taxable year*  
6                    *ending after the taxable year in which such*  
7                    *disposition is made, the amount described*  
8                    *in clause (i)(I).”.*

9                    *(c) AGGREGATION OF EXPENDITURES.—Paragraph (1)*  
10 *of section 41(f) is amended—*

11                    *(1) by striking “shall be its proportionate shares*  
12 *of the qualified research expenses, basic research pay-*  
13 *ments, and amounts paid or incurred to energy re-*  
14 *search consortiums, giving rise to the credit” in sub-*  
15 *paragraph (A)(ii) and inserting “shall be determined*  
16 *on a proportionate basis to its share of the aggregate*  
17 *of the qualified research expenses, basic research pay-*  
18 *ments, and amounts paid or incurred to energy re-*  
19 *search consortiums, taken into account by such con-*  
20 *trolled group for purposes of this section”, and*

21                    *(2) by striking “shall be its proportionate shares*  
22 *of the qualified research expenses, basic research pay-*  
23 *ments, and amounts paid or incurred to energy re-*  
24 *search consortiums, giving rise to the credit” in sub-*  
25 *paragraph (B)(ii) and inserting “shall be determined*

1       on a proportionate basis to its share of the aggregate  
2       of the qualified research expenses, basic research pay-  
3       ments, and amounts paid or incurred to energy re-  
4       search consortiums, taken into account by all such  
5       persons under common control for purposes of this  
6       section”.

7       (d) *EFFECTIVE DATE.*—

8               (1) *EXTENSION.*—The amendments made by sub-  
9       section (a) shall apply to amounts paid or incurred  
10      after December 31, 2011.

11              (2) *MODIFICATIONS.*—The amendments made by  
12      subsections (b) and (c) shall apply to taxable years  
13      beginning after December 31, 2011.

14 **SEC. 302. EXTENSION OF TEMPORARY MINIMUM LOW-IN-**  
15 **COME TAX CREDIT RATE FOR NON-FEDER-**  
16 **ALLY SUBSIDIZED NEW BUILDINGS.**

17       (a) *IN GENERAL.*—Subparagraph (A) of section  
18      42(b)(2) is amended by striking “and before December 31,  
19      2013” and inserting “with respect to housing credit dollar  
20      amount allocations made before January 1, 2014”.

21       (b) *EFFECTIVE DATE.*—The amendment made by this  
22      section shall take effect on the date of the enactment of this  
23      Act.



1 **SEC. 303. EXTENSION OF HOUSING ALLOWANCE EXCLUSION**  
2 **FOR DETERMINING AREA MEDIAN GROSS IN-**  
3 **COME FOR QUALIFIED RESIDENTIAL RENTAL**  
4 **PROJECT EXEMPT FACILITY BONDS.**

5 (a) *IN GENERAL.*—Subsection (b) of section 3005 of  
6 the Housing Assistance Tax Act of 2008 is amended by  
7 striking “January 1, 2012” each place it appears and in-  
8 serting “January 1, 2014”.

9 (b) *EFFECTIVE DATE.*—The amendment made by this  
10 section shall take effect as if included in the enactment of  
11 section 3005 of the Housing Assistance Tax Act of 2008.

12 **SEC. 304. EXTENSION OF INDIAN EMPLOYMENT TAX CRED-**  
13 **IT.**

14 (a) *IN GENERAL.*—Subsection (f) of section 45A is  
15 amended by striking “December 31, 2011” and inserting  
16 “December 31, 2013”.

17 (b) *EFFECTIVE DATE.*—The amendment made by this  
18 section shall apply to taxable years beginning after Decem-  
19 ber 31, 2011.

20 **SEC. 305. EXTENSION OF NEW MARKETS TAX CREDIT.**

21 (a) *IN GENERAL.*—Subparagraph (G) of section  
22 45D(f)(1) is amended by striking “2010 and 2011” and in-  
23 serting “2010, 2011, 2012, and 2013”.

24 (b) *CARRYOVER OF UNUSED LIMITATION.*—Paragraph  
25 (3) of section 45D(f) is amended by striking “2016” and  
26 inserting “2018”.

1       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall apply to calendar years beginning after De-*  
3 *cember 31, 2011.*

4 **SEC. 306. EXTENSION OF RAILROAD TRACK MAINTENANCE**  
5 **CREDIT.**

6       (a) *IN GENERAL.*—*Subsection (f) of section 45G is*  
7 *amended by striking “January 1, 2012” and inserting*  
8 *“January 1, 2014”.*

9       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
10 *section shall apply to expenditures paid or incurred in tax-*  
11 *able years beginning after December 31, 2011.*

12 **SEC. 307. EXTENSION OF MINE RESCUE TEAM TRAINING**  
13 **CREDIT.**

14       (a) *IN GENERAL.*—*Subsection (e) of section 45N is*  
15 *amended by striking “December 31, 2011” and inserting*  
16 *“December 31, 2013”.*

17       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
18 *section shall apply to taxable years beginning after Decem-*  
19 *ber 31, 2011.*

20 **SEC. 308. EXTENSION OF EMPLOYER WAGE CREDIT FOR EM-**  
21 **PLOYEES WHO ARE ACTIVE DUTY MEMBERS**  
22 **OF THE UNIFORMED SERVICES.**

23       (a) *IN GENERAL.*—*Subsection (f) of section 45P is*  
24 *amended by striking “December 31, 2011” and inserting*  
25 *“December 31, 2013”.*

1       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
 2 *section shall apply to payments made after December 31,*  
 3 *2011.*

4 **SEC. 309. EXTENSION OF WORK OPPORTUNITY TAX CREDIT.**

5       (a) *IN GENERAL.*—*Subparagraph (B) of section*  
 6 *51(c)(4) is amended by striking “after” and all that follows*  
 7 *and inserting “after December 31, 2013”.*

8       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
 9 *section shall apply to individuals who begin work for the*  
 10 *employer after December 31, 2011.*

11 **SEC. 310. EXTENSION OF QUALIFIED ZONE ACADEMY**

12                   **BONDS.**

13       (a) *IN GENERAL.*—*Paragraph (1) of section 54E(c) is*  
 14 *amended by inserting “, 2012, and 2013” after “for 2011”.*

15       (b) *EFFECTIVE DATE.*—*The amendments made by this*  
 16 *section shall apply to obligations issued after December 31,*  
 17 *2011.*

18 **SEC. 311. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RE-**

19                   **COVERY FOR QUALIFIED LEASEHOLD IM-**

20                   **PROVEMENTS, QUALIFIED RESTAURANT**

21                   **BUILDINGS AND IMPROVEMENTS, AND QUALI-**

22                   **FIED RETAIL IMPROVEMENTS.**

23       (a) *IN GENERAL.*—*Clauses (iv), (v), and (ix) of section*  
 24 *168(e)(3)(E) are each amended by striking “January 1,*  
 25 *2012” and inserting “January 1, 2014”.*

1       (b) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall apply to property placed in service after De-*  
3 *cember 31, 2011.*

4 **SEC. 312. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR**  
5                   **MOTORSPORTS ENTERTAINMENT COM-**  
6                   **PLEXES.**

7       (a) *IN GENERAL.*—*Subparagraph (D) of section*  
8 *168(i)(15) is amended by striking “December 31, 2011” and*  
9 *inserting “December 31, 2013”.*

10       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
11 *section shall apply to property placed in service after De-*  
12 *cember 31, 2011.*

13 **SEC. 313. EXTENSION OF ACCELERATED DEPRECIATION**  
14                   **FOR BUSINESS PROPERTY ON AN INDIAN**  
15                   **RESERVATION.**

16       (a) *IN GENERAL.*—*Paragraph (8) of section 168(j) is*  
17 *amended by striking “December 31, 2011” and inserting*  
18 *“December 31, 2013”.*

19       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
20 *section shall apply to property placed in service after De-*  
21 *cember 31, 2011.*



1           (A) by striking “2010 or 2011,” in subpara-  
2           graph (B) and inserting “2010, 2011, 2012, or  
3           2013, and”,

4           (B) by striking subparagraph (C),

5           (C) by redesignating subparagraph (D) as  
6           subparagraph (C), and

7           (D) in subparagraph (C), as so redesign-  
8           ated, by striking “2012” and inserting “2013”.

9           (3) *CONFORMING AMENDMENT.*—Subsection (b)  
10          of section 179 is amended by striking paragraph (6).

11          (b) *COMPUTER SOFTWARE.*—Section 179(d)(1)(A)(ii)  
12          is amended by striking “2013” and inserting “2014”.

13          (c) *ELECTION.*—Section 179(c)(2) is amended by strik-  
14          ing “2013” and inserting “2014”.

15          (d) *SPECIAL RULES FOR TREATMENT OF QUALIFIED*  
16          *REAL PROPERTY.*—

17               (1) *IN GENERAL.*—Section 179(f)(1) is amended  
18               by striking “2010 or 2011” and inserting “2010,  
19               2011, 2012, or 2013”.

20               (2) *CARRYOVER LIMITATION.*—

21                       (A) *IN GENERAL.*—Section 179(f)(4) is  
22                       amended by striking “2011” each place it ap-  
23                       pears and inserting “2013”.

24                       (B) *CONFORMING AMENDMENT.*—Subpara-  
25                       graph (C) of section 179(f)(4) is amended—

1                   (i) *in the heading, by striking “2010”*  
2                   *and inserting “2010, 2011 AND 2012”, and*  
3                   (ii) *by adding at the end the following:*  
4                   *“For the last taxable year beginning in*  
5                   *2013, the amount determined under sub-*  
6                   *section (b)(3)(A) for such taxable year shall*  
7                   *be determined without regard to this para-*  
8                   *graph.”.*

9           (e) *EFFECTIVE DATE.—The amendments made by this*  
10 *section shall apply to taxable years beginning after Decem-*  
11 *ber 31, 2011.*

12 **SEC. 316. EXTENSION OF ELECTION TO EXPENSE MINE**  
13 **SAFETY EQUIPMENT.**

14           (a) *IN GENERAL.—Subsection (g) of section 179E is*  
15 *amended by striking “December 31, 2011” and inserting*  
16 *“December 31, 2013”.*

17           (b) *EFFECTIVE DATE.—The amendment made by this*  
18 *section shall apply to property placed in service after De-*  
19 *cember 31, 2011.*

20 **SEC. 317. EXTENSION OF SPECIAL EXPENSING RULES FOR**  
21 **CERTAIN FILM AND TELEVISION PRODUC-**  
22 **TIONS.**

23           (a) *IN GENERAL.—Subsection (f) of section 181 is*  
24 *amended by striking “December 31, 2011” and inserting*  
25 *“December 31, 2013”.*

1       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
2 *section shall apply to productions commencing after Decem-*  
3 *ber 31, 2011.*

4 **SEC. 318. EXTENSION OF DEDUCTION ALLOWABLE WITH RE-**  
5 **SPECT TO INCOME ATTRIBUTABLE TO DO-**  
6 **MESTIC PRODUCTION ACTIVITIES IN PUERTO**  
7 **RICO.**

8       (a) *IN GENERAL.*—*Subparagraph (C) of section*  
9 *199(d)(8) is amended—*

10           (1) *by striking “first 6 taxable years” and in-*  
11 *serting “first 8 taxable years”, and*

12           (2) *by striking “January 1, 2012” and inserting*  
13 *“January 1, 2014”.*

14       (b) *EFFECTIVE DATE.*—*The amendments made by this*  
15 *section shall apply to taxable years beginning after Decem-*  
16 *ber 31, 2011.*

17 **SEC. 319. EXTENSION OF MODIFICATION OF TAX TREAT-**  
18 **MENT OF CERTAIN PAYMENTS TO CONTROL-**  
19 **LING EXEMPT ORGANIZATIONS.**

20       (a) *IN GENERAL.*—*Clause (iv) of section 512(b)(13)(E)*  
21 *is amended by striking “December 31, 2011” and inserting*  
22 *“December 31, 2013”.*

23       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
24 *section shall apply to payments received or accrued after*  
25 *December 31, 2011.*



1 **SEC. 320. EXTENSION OF TREATMENT OF CERTAIN DIVI-**  
2 **DENDS OF REGULATED INVESTMENT COMPA-**  
3 **NIES.**

4 (a) *IN GENERAL.*—Paragraphs (1)(C)(v) and  
5 (2)(C)(v) of section 871(k) are each amended by striking  
6 “December 31, 2011” and inserting “December 31, 2013”.

7 (b) *EFFECTIVE DATE.*—The amendments made by this  
8 section shall apply to taxable years beginning after Decem-  
9 ber 31, 2011.

10 **SEC. 321. EXTENSION OF RIC QUALIFIED INVESTMENT EN-**  
11 **TITY TREATMENT UNDER FIRPTA.**

12 (a) *IN GENERAL.*—Clause (ii) of section 897(h)(4)(A)  
13 is amended by striking “December 31, 2011” and inserting  
14 “December 31, 2013”.

15 (b) *EFFECTIVE DATE.*—

16 (1) *IN GENERAL.*—The amendment made by sub-  
17 section (a) shall take effect on January 1, 2012. Not-  
18 withstanding the preceding sentence, such amendment  
19 shall not apply with respect to the withholding re-  
20 quirement under section 1445 of the Internal Revenue  
21 Code of 1986 for any payment made before the date  
22 of the enactment of this Act.

23 (2) *AMOUNTS WITHHELD ON OR BEFORE DATE*  
24 *OF ENACTMENT.*—In the case of a regulated invest-  
25 *ment company—*

1           (A) which makes a distribution after De-  
2           cember 31, 2011, and before the date of the enact-  
3           ment of this Act; and

4           (B) which would (but for the second sen-  
5           tence of paragraph (1)) have been required to  
6           withhold with respect to such distribution under  
7           section 1445 of such Code,

8           such investment company shall not be liable to any  
9           person to whom such distribution was made for any  
10          amount so withheld and paid over to the Secretary of  
11          the Treasury.

12 **SEC. 322. EXTENSION OF SUBPART F EXCEPTION FOR AC-**  
13 **TIVE FINANCING INCOME.**

14          (a) *EXEMPT INSURANCE INCOME.*—Paragraph (10) of  
15          section 953(e) is amended—

16               (1) by striking “January 1, 2012” and inserting  
17               “January 1, 2014”, and

18               (2) by striking “December 31, 2011” and insert-  
19               ing “December 31, 2013”.

20          (b) *SPECIAL RULE FOR INCOME DERIVED IN THE AC-*  
21 *TIVE CONDUCT OF BANKING, FINANCING, OR SIMILAR BUSI-*  
22 *NESSES.*—Paragraph (9) of section 954(h) is amended by  
23          striking “January 1, 2012” and inserting “January 1,  
24          2014”.

1       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall apply to taxable years of foreign corporations*  
3 *beginning after December 31, 2011, and to taxable years*  
4 *of United States shareholders with or within which any*  
5 *such taxable year of such foreign corporation ends.*

6 **SEC. 323. EXTENSION OF LOOK-THRU TREATMENT OF PAY-**  
7 **MENTS BETWEEN RELATED CONTROLLED**  
8 **FOREIGN CORPORATIONS UNDER FOREIGN**  
9 **PERSONAL HOLDING COMPANY RULES.**

10       (a) *IN GENERAL.*—*Subparagraph (C) of section*  
11 *954(c)(6) is amended by striking “January 1, 2012” and*  
12 *inserting “January 1, 2014”.*

13       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
14 *section shall apply to taxable years of foreign corporations*  
15 *beginning after December 31, 2011, and to taxable years*  
16 *of United States shareholders with or within which such*  
17 *taxable years of foreign corporations end.*

18 **SEC. 324. EXTENSION OF TEMPORARY EXCLUSION OF 100**  
19 **PERCENT OF GAIN ON CERTAIN SMALL BUSI-**  
20 **NESS STOCK.**

21       (a) *IN GENERAL.*—*Paragraph (4) of section 1202(a)*  
22 *is amended—*

23               (1) *by striking “January 1, 2012” and inserting*  
24 *“January 1, 2014”, and*

1           (2) *by striking “AND 2011” and inserting “,*  
2           *2011, 2012, AND 2013” in the heading thereof.*

3           (b) *TECHNICAL AMENDMENTS.—*

4           (1) *SPECIAL RULE FOR 2009 AND CERTAIN PE-*  
5           *RIOD IN 2010.—Paragraph (3) of section 1202(a) is*  
6           *amended by adding at the end the following new flush*  
7           *sentence:*

8           *“In the case of any stock which would be described in*  
9           *the preceding sentence (but for this sentence), the ac-*  
10           *quisition date for purposes of this subsection shall be*  
11           *the first day on which such stock was held by the tax-*  
12           *payer determined after the application of section*  
13           *1223.”.*

14           (2) *100 PERCENT EXCLUSION.—Paragraph (4) of*  
15           *section 1202(a) is amended by adding at the end the*  
16           *following new flush sentence:*

17           *“In the case of any stock which would be described in*  
18           *the preceding sentence (but for this sentence), the ac-*  
19           *quisition date for purposes of this subsection shall be*  
20           *the first day on which such stock was held by the tax-*  
21           *payer determined after the application of section*  
22           *1223.”.*

23           (c) *EFFECTIVE DATES.—*

1           (1) *IN GENERAL.*—*The amendments made by*  
2           *subsection (a) shall apply to stock acquired after De-*  
3           *cember 31, 2011.*

4           (2) *SUBSECTION (b)(1).*—*The amendment made*  
5           *by subsection (b)(1) shall take effect as if included in*  
6           *section 1241(a) of division B of the American Recov-*  
7           *ery and Reinvestment Act of 2009.*

8           (3) *SUBSECTION (b)(2).*—*The amendment made*  
9           *by subsection (b)(2) shall take effect as if included in*  
10          *section 2011(a) of the Creating Small Business Jobs*  
11          *Act of 2010.*

12 **SEC. 325. EXTENSION OF BASIS ADJUSTMENT TO STOCK OF**  
13                                   **S CORPORATIONS MAKING CHARITABLE CON-**  
14                                   **TRIBUTIONS OF PROPERTY.**

15          (a) *IN GENERAL.*—*Paragraph (2) of section 1367(a)*  
16          *is amended by striking “December 31, 2011” and inserting*  
17          *“December 31, 2013”.*

18          (b) *EFFECTIVE DATE.*—*The amendment made by this*  
19          *section shall apply to contributions made in taxable years*  
20          *beginning after December 31, 2011.*

21 **SEC. 326. EXTENSION OF REDUCTION IN S-CORPORATION**  
22                                   **RECOGNITION PERIOD FOR BUILT-IN GAINS**  
23                                   **TAX.**

24          (a) *IN GENERAL.*—*Paragraph (7) of section 1374(d)*  
25          *is amended—*

1           (1) *by redesignating subparagraph (C) as sub-*  
2           *paragraph (D), and*

3           (2) *by inserting after subparagraph (B) the fol-*  
4           *lowing new subparagraph:*

5                   “(C) *SPECIAL RULE FOR 2012 AND 2013.—*  
6                   *For purposes of determining the net recognized*  
7                   *built-in gain for taxable years beginning in 2012*  
8                   *or 2013, subparagraphs (A) and (D) shall be ap-*  
9                   *plied by substituting ‘5-year’ for ‘10-year’.*”, and  
10           (3) *by adding at the end the following new sub-*  
11           *paragraph:*

12                   “(E) *INSTALLMENT SALES.—If an S cor-*  
13                   *poration sells an asset and reports the income*  
14                   *from the sale using the installment method under*  
15                   *section 453, the treatment of all payments re-*  
16                   *ceived shall be governed by the provisions of this*  
17                   *paragraph applicable to the taxable year in*  
18                   *which such sale was made.*”.

19           (b) *TECHNICAL AMENDMENT.—Subparagraph (B) of*  
20           *section 1374(d)(2) is amended by inserting “described in*  
21           *subparagraph (A)” after “, for any taxable year”.*

22           (c) *EFFECTIVE DATE.—The amendments made by this*  
23           *section shall apply to taxable years beginning after Decem-*  
24           *ber 31, 2011.*

1 **SEC. 327. EXTENSION OF EMPOWERMENT ZONE TAX INCEN-**  
2 **TIVES.**

3 (a) *IN GENERAL.*—Clause (i) of section 1391(d)(1)(A)  
4 is amended by striking “December 31, 2011” and inserting  
5 “December 31, 2013”.

6 (b) *INCREASED EXCLUSION OF GAIN ON STOCK OF EM-*  
7 *POWERMENT ZONE BUSINESSES.*—Subparagraph (C) of  
8 section 1202(a)(2) is amended—

9 (1) by striking “December 31, 2016” and insert-  
10 ing “December 31, 2018”; and

11 (2) by striking “2016” in the heading and insert-  
12 ing “2018”.

13 (c) *TREATMENT OF CERTAIN TERMINATION DATES*  
14 *SPECIFIED IN NOMINATIONS.*—In the case of a designation  
15 of an empowerment zone the nomination for which included  
16 a termination date which is contemporaneous with the date  
17 specified in subparagraph (A)(i) of section 1391(d)(1) of  
18 the Internal Revenue Code of 1986 (as in effect before the  
19 enactment of this Act), subparagraph (B) of such section  
20 shall not apply with respect to such designation if, after  
21 the date of the enactment of this section, the entity which  
22 made such nomination amends the nomination to provide  
23 for a new termination date in such manner as the Secretary  
24 of the Treasury (or the Secretary’s designee) may provide.

25 (d) *EFFECTIVE DATE.*—The amendments made by this  
26 section shall apply to periods after December 31, 2011.

1 **SEC. 328. EXTENSION OF TAX-EXEMPT FINANCING FOR NEW**  
2 **YORK LIBERTY ZONE.**

3 (a) *IN GENERAL.*—Subparagraph (D) of section  
4 1400L(d)(2) is amended by striking “January 1, 2012” and  
5 inserting “January 1, 2014”.

6 (b) *EFFECTIVE DATE.*—The amendment made by this  
7 section shall apply to bonds issued after December 31, 2011.

8 **SEC. 329. EXTENSION OF TEMPORARY INCREASE IN LIMIT**  
9 **ON COVER OVER OF RUM EXCISE TAXES TO**  
10 **PUERTO RICO AND THE VIRGIN ISLANDS.**

11 (a) *IN GENERAL.*—Paragraph (1) of section 7652(f) is  
12 amended by striking “January 1, 2012” and inserting  
13 “January 1, 2014”.

14 (b) *EFFECTIVE DATE.*—The amendment made by this  
15 section shall apply to distilled spirits brought into the  
16 United States after December 31, 2011.

17 **SEC. 330. MODIFICATION AND EXTENSION OF AMERICAN**  
18 **SAMOA ECONOMIC DEVELOPMENT CREDIT.**

19 (a) *MODIFICATION.*—

20 (1) *IN GENERAL.*—Subsection (a) of section 119  
21 of division A of the Tax Relief and Health Care Act  
22 of 2006 is amended by striking “if such corporation”  
23 and all that follows and inserting “if—

24 “(1) in the case of a taxable year beginning be-  
25 fore January 1, 2012, such corporation—



1           “(A) is an existing credit claimant with re-  
2           spect to American Samoa, and

3           “(B) elected the application of section 936  
4           of the Internal Revenue Code of 1986 for its last  
5           taxable year beginning before January 1, 2006,  
6           and

7           “(2) in the case of a taxable year beginning after  
8           December 31, 2011, such corporation meets the re-  
9           quirements of subsection (e).”.

10           (2) *REQUIREMENTS.*—Section 119 of division A  
11           of such Act is amended by adding at the end the fol-  
12           lowing new subsection:

13           “(e) *QUALIFIED PRODUCTION ACTIVITIES INCOME RE-*  
14           *QUIREMENT.*—A corporation meets the requirement of this  
15           subsection if such corporation has qualified production ac-  
16           tivities income, as defined in subsection (c) of section 199  
17           of the Internal Revenue Code of 1986, determined by sub-  
18           stituting ‘American Samoa’ for ‘the United States’ each  
19           place it appears in paragraphs (3), (4), and (6) of such  
20           subsection (c), for the taxable year.”.

21           (b) *EXTENSION.*—Subsection (d) of section 119 of divi-  
22           sion A of the Tax Relief and Health Care Act of 2006 is  
23           amended by striking “shall apply” and all that follows and  
24           inserting “shall apply—

1           “(1) in the case of a corporation that meets the  
2 requirements of subparagraphs (A) and (B) of sub-  
3 section (a)(1), to the first 8 taxable years of such cor-  
4 poration which begin after December 31, 2006, and  
5 before January 1, 2014, and

6           “(2) in the case of a corporation that does not  
7 meet the requirements of subparagraphs (A) and (B)  
8 of subsection (a)(1), to the first 2 taxable years of  
9 such corporation which begin after December 31,  
10 2011, and before January 1, 2014.”.

11       (c) *EFFECTIVE DATE.*—The amendments made by this  
12 section shall apply to taxable years beginning after Decem-  
13 ber 31, 2011.

14 **SEC. 331. EXTENSION AND MODIFICATION OF BONUS DE-**  
15 **PRECIATION.**

16       (a) *IN GENERAL.*—Paragraph (2) of section 168(k) is  
17 amended—

18           (1) by striking “January 1, 2014” in subpara-  
19 graph (A)(iv) and inserting “January 1, 2015”, and

20           (2) by striking “January 1, 2013” each place it  
21 appears and inserting “January 1, 2014”.

22       (b) *SPECIAL RULE FOR FEDERAL LONG-TERM CON-*  
23 *TRACTS.*—Clause (ii) of section 460(c)(6)(B) is amended by  
24 inserting “, or after December 31, 2012, and before January

1 1, 2014 (January 1, 2015, in the case of property described  
2 in section 168(k)(2)(B))” before the period.

3 (c) *EXTENSION OF ELECTION TO ACCELERATE THE*  
4 *AMT CREDIT IN LIEU OF BONUS DEPRECIATION.*—

5 (1) *IN GENERAL.*—Subclause (II) of section  
6 168(k)(4)(D)(iii) is amended by striking “2013” and  
7 inserting “2014”.

8 (2) *ROUND 3 EXTENSION PROPERTY.*—Paragraph  
9 (4) of section 168(k) is amended by adding at the end  
10 the following new subparagraph:

11 “(J) *SPECIAL RULES FOR ROUND 3 EXTEN-*  
12 *SION PROPERTY.*—

13 “(i) *IN GENERAL.*—In the case of  
14 round 3 extension property, this paragraph  
15 shall be applied without regard to—

16 “(I) the limitation described in  
17 subparagraph (B)(i) thereof, and

18 “(II) the business credit increase  
19 amount under subparagraph (E)(iii)  
20 thereof.

21 “(ii) *TAXPAYERS PREVIOUSLY ELECT-*  
22 *ING ACCELERATION.*—In the case of a tax-  
23 payer who made the election under subpara-  
24 graph (A) for its first taxable year ending  
25 after March 31, 2008, a taxpayer who made

1           *the election under subparagraph (H)(ii) for*  
2           *its first taxable year ending after December*  
3           *31, 2008, or a taxpayer who made the elec-*  
4           *tion under subparagraph (I)(iii) for its first*  
5           *taxable year ending after December 31,*  
6           *2010—*

7                     *“(I) the taxpayer may elect not to*  
8                     *have this paragraph apply to round 3*  
9                     *extension property, but*

10                    *“(II) if the taxpayer does not*  
11                    *make the election under subclause (I),*  
12                    *in applying this paragraph to the tax-*  
13                    *payer the bonus depreciation amount,*  
14                    *maximum amount, and maximum in-*  
15                    *crease amount shall be computed and*  
16                    *applied to eligible qualified property*  
17                    *which is round 3 extension property.*

18           *The amounts described in subclause (II)*  
19           *shall be computed separately from any*  
20           *amounts computed with respect to eligible*  
21           *qualified property which is not round 3 ex-*  
22           *tension property.*

23                    *“(iii) TAXPAYERS NOT PREVIOUSLY*  
24                    *ELECTING ACCELERATION.—In the case of a*  
25                    *taxpayer who neither made the election*

1            *under subparagraph (A) for its first taxable*  
2            *year ending after March 31, 2008, nor*  
3            *made the election under subparagraph*  
4            *(H)(ii) for its first taxable year ending*  
5            *after December 31, 2008, nor made the elec-*  
6            *tion under subparagraph (I)(iii) for any*  
7            *taxable year ending after December 31,*  
8            *2010—*

9                            *“(I) the taxpayer may elect to*  
10                           *have this paragraph apply to its first*  
11                           *taxable year ending after December 31,*  
12                           *2012, and each subsequent taxable*  
13                           *year, and*

14                           *“(II) if the taxpayer makes the*  
15                           *election under subclause (I), this para-*  
16                           *graph shall only apply to eligible*  
17                           *qualified property which is round 3 ex-*  
18                           *tension property.*

19                           *“(iv) ROUND 3 EXTENSION PROP-*  
20                           *ERTY.—For purposes of this subparagraph,*  
21                           *the term ‘round 3 extension property’ means*  
22                           *property which is eligible qualified property*  
23                           *solely by reason of the extension of the ap-*  
24                           *plication of the special allowance under*  
25                           *paragraph (1) pursuant to the amendments*

1           *made by section 331(a) of the American*  
2           *Taxpayer Relief Act of 2012 (and the appli-*  
3           *cation of such extension to this paragraph*  
4           *pursuant to the amendment made by section*  
5           *331(c)(1) of such Act).”.*

6           *(d) NORMALIZATION RULES AMENDMENT.—Clause (ii)*  
7           *of section 168(i)(9)(A) is amended by inserting “(respecting*  
8           *all elections made by the taxpayer under this section)” after*  
9           *“such property”.*

10          *(e) CONFORMING AMENDMENTS.—*

11           *(1) The heading for subsection (k) of section 168*  
12           *is amended by striking “JANUARY 1, 2013” and in-*  
13           *serting “JANUARY 1, 2014”.*

14           *(2) The heading for clause (ii) of section*  
15           *168(k)(2)(B) is amended by striking “PRE-JANUARY 1,*  
16           *2013” and inserting “PRE-JANUARY 1, 2014”.*

17           *(3) Subparagraph (C) of section 168(n)(2) is*  
18           *amended by striking “January 1, 2013” and insert-*  
19           *ing “January 1, 2014”.*

20           *(4) Subparagraph (D) of section 1400L(b)(2) is*  
21           *amended by striking “January 1, 2013” and insert-*  
22           *ing “January 1, 2014”.*

23           *(5) Subparagraph (B) of section 1400N(d)(3) is*  
24           *amended by striking “January 1, 2013” and insert-*  
25           *ing “January 1, 2014”.*

1       (f) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall apply to property placed in service after De-*  
3 *cember 31, 2012, in taxable years ending after such date.*

4                   **TITLE IV—ENERGY TAX**  
5                   **EXTENDERS**

6 **SEC. 401. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT**  
7                   **EXISTING HOMES.**

8       (a) *IN GENERAL.*—*Paragraph (2) of section 25C(g) is*  
9 *amended by striking “December 31, 2011” and inserting*  
10 *“December 31, 2013”.*

11       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
12 *section shall apply to property placed in service after De-*  
13 *cember 31, 2011.*

14 **SEC. 402. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL**  
15                   **VEHICLE REFUELING PROPERTY.**

16       (a) *IN GENERAL.*—*Paragraph (2) of section 30C(g) is*  
17 *amended by striking “December 31, 2011.” and inserting*  
18 *“December 31, 2013”.*

19       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
20 *section shall apply to property placed in service after De-*  
21 *cember 31, 2011.*

22 **SEC. 403. EXTENSION OF CREDIT FOR 2- OR 3-WHEELED**  
23                   **PLUG-IN ELECTRIC VEHICLES.**

24       (a) *IN GENERAL.*—*Section 30D is amended by adding*  
25 *at the end the following new subsection:*

1       “(g) *CREDIT ALLOWED FOR 2- AND 3-WHEELED PLUG-*  
2 *IN ELECTRIC VEHICLES.*—

3               “(1) *IN GENERAL.*—*In the case of a qualified 2-*  
4 *or 3-wheeled plug-in electric vehicle—*

5                       “(A) *there shall be allowed as a credit*  
6 *against the tax imposed by this chapter for the*  
7 *taxable year an amount equal to the sum of the*  
8 *applicable amount with respect to each such*  
9 *qualified 2- or 3-wheeled plug-in electric vehicle*  
10 *placed in service by the taxpayer during the tax-*  
11 *able year, and*

12                       “(B) *the amount of the credit allowed under*  
13 *subparagraph (A) shall be treated as a credit al-*  
14 *lowed under subsection (a).*

15               “(2) *APPLICABLE AMOUNT.*—*For purposes of*  
16 *paragraph (1), the applicable amount is an amount*  
17 *equal to the lesser of—*

18                       “(A) *10 percent of the cost of the qualified*  
19 *2- or 3-wheeled plug-in electric vehicle, or*

20                       “(B) *\$2,500.*

21               “(3) *QUALIFIED 2- OR 3-WHEELED PLUG-IN*  
22 *ELECTRIC VEHICLE.*—*The term ‘qualified 2- or 3-*  
23 *wheeled plug-in electric vehicle’ means any vehicle*  
24 *which—*

25                       “(A) *has 2 or 3 wheels,*



1           “(B) meets the requirements of subpara-  
2           graphs (A), (B), (C), (E), and (F) of subsection  
3           (d)(1) (determined by substituting ‘2.5 kilowatt  
4           hours’ for ‘4 kilowatt hours’ in subparagraph  
5           (F)(i)),

6           “(C) is manufactured primarily for use on  
7           public streets, roads, and highways,

8           “(D) is capable of achieving a speed of 45  
9           miles per hour or greater, and

10           “(E) is acquired after December 31, 2011,  
11           and before January 1, 2014.”.

12       (b) CONFORMING AMENDMENTS.—

13           (1) NO DOUBLE BENEFIT.—Paragraph (2) of sec-  
14           tion 30D(f) is amended—

15           (A) by striking “new qualified plug-in elec-  
16           tric drive motor vehicle” and inserting “vehicle  
17           for which a credit is allowable under subsection  
18           (a)”, and

19           (B) by striking “allowed under subsection  
20           (a)” and inserting “allowed under such sub-  
21           section”.

22           (2) AIR QUALITY AND SAFETY STANDARDS.—Sec-  
23           tion 30D(f)(7) is amended by striking “motor vehicle”  
24           and inserting “vehicle”.

1       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall apply to vehicles acquired after December 31,*  
3 *2011.*

4 **SEC. 404. EXTENSION AND MODIFICATION OF CELLULOSIC**  
5 **BIOFUEL PRODUCER CREDIT.**

6       (a) *EXTENSION.*—

7           (1) *IN GENERAL.*—*Subparagraph (H) of section*  
8 *40(b)(6) is amended to read as follows:*

9                   “(H) *APPLICATION OF PARAGRAPH.*—

10                           “(i) *IN GENERAL.*—*This paragraph*  
11 *shall apply with respect to qualified cellu-*  
12 *losic biofuel production after December 31,*  
13 *2008, and before January 1, 2014.*

14                           “(ii) *NO CARRYOVER TO CERTAIN*  
15 *YEARS AFTER EXPIRATION.*—*If this para-*  
16 *graph ceases to apply for any period by*  
17 *reason of clause (i), rules similar to the*  
18 *rules of subsection (e)(2) shall apply.”.*

19           (2) *CONFORMING AMENDMENT.*—*Paragraph (2)*  
20 *of section 40(e) is amended by striking “or subsection*  
21 *(b)(6)(H)”.*

22           (3) *EFFECTIVE DATE.*—*The amendments made*  
23 *by this subsection shall take effect as if included in*  
24 *section 15321(b) of the Heartland, Habitat, and Hor-*  
25 *ticulture Act of 2008.*

1       **(b) ALGAE TREATED AS A QUALIFIED FEEDSTOCK.**—

2               **(1) IN GENERAL.**—Subclause (I) of section  
3       40(b)(6)(E)(i) is amended to read as follows:

4                               “(I) is derived by, or from, quali-  
5                               fied feedstocks, and”.

6               **(2) QUALIFIED FEEDSTOCK; SPECIAL RULES FOR**  
7       **ALGAE.**—Paragraph (6) of section 40(b) is amended  
8       by redesignating subparagraphs (F), (G), and (H), as  
9       amended by this Act, as subparagraphs (H), (I), and  
10      (J), respectively, and by inserting after subparagraph  
11      (E) the following new subparagraphs:

12                               “(F) **QUALIFIED FEEDSTOCK.**—For pur-  
13                               poses of this paragraph, the term ‘qualified feed-  
14                               stock’ means—

15                                       “(i) any lignocellulosic or  
16                                       hemicellulosic matter that is available on a  
17                                       renewable or recurring basis, and

18                                       “(ii) any cultivated algae,  
19                                       cyanobacteria, or lemna.

20                               “(G) **SPECIAL RULES FOR ALGAE.**—In the  
21                               case of fuel which is derived by, or from, feed-  
22                               stock described in subparagraph (F)(ii) and  
23                               which is sold by the taxpayer to another person  
24                               for refining by such other person into a fuel  
25                               which meets the requirements of subparagraph

1           *(E)(i)(II) and the refined fuel is not excluded*  
2           *under subparagraph (E)(iii)—*

3                     *“(i) such sale shall be treated as de-*  
4                     *scribed in subparagraph (C)(i),*

5                     *“(ii) such fuel shall be treated as meet-*  
6                     *ing the requirements of subparagraph*  
7                     *(E)(i)(II) and as not being excluded under*  
8                     *subparagraph (E)(iii) in the hands of such*  
9                     *taxpayer, and*

10                    *“(iii) except as provided in this sub-*  
11                    *paragraph, such fuel (and any fuel derived*  
12                    *from such fuel) shall not be taken into ac-*  
13                    *count under subparagraph (C) with respect*  
14                    *to the taxpayer or any other person.”.*

15           (3) *CONFORMING AMENDMENTS.—*

16                    (A) *Section 40, as amended by paragraph*  
17                    *(2), is amended—*

18                             (i) *by striking “cellulosic biofuel” each*  
19                             *place it appears in the text thereof and in-*  
20                             *serting “second generation biofuel”,*

21                             (ii) *by striking “CELLULOSIC” in the*  
22                             *headings of subsections (b)(6), (b)(6)(E),*  
23                             *and (d)(3)(D) and inserting “SECOND GEN-*  
24                             *ERATION”, and*

1                   (iii) by striking “CELLULOSIC” in the  
2                   headings of subsections (b)(6)(C), (b)(6)(D),  
3                   (b)(6)(H), (d)(6), and (e)(3) and inserting  
4                   “SECOND GENERATION”.

5                   (B) Clause (ii) of section 40(b)(6)(E) is  
6                   amended by striking “Such term shall not” and  
7                   inserting “The term ‘second generation biofuel’  
8                   shall not”.

9                   (C) Paragraph (1) of section 4101(a) is  
10                  amended by striking “cellulosic biofuel” and in-  
11                  serting “second generation biofuel”.

12                  (4) *EFFECTIVE DATE.*—The amendments made  
13                  by this subsection shall apply to fuels sold or used  
14                  after the date of the enactment of this Act.

15 **SEC. 405. EXTENSION OF INCENTIVES FOR BIODIESEL AND**  
16 **RENEWABLE DIESEL.**

17                  (a) *CREDITS FOR BIODIESEL AND RENEWABLE DIE-*  
18 *SEL USED AS FUEL.*—Subsection (g) of section 40A is  
19 amended by striking “December 31, 2011” and inserting  
20 “December 31, 2013”.

21                  (b) *EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR*  
22 *BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.*—

23                  (1) Paragraph (6) of section 6426(c) is amended  
24                  by striking “December 31, 2011” and inserting “De-  
25                  cember 31, 2013”.

1           (2) *Subparagraph (B) of section 6427(e)(6) is*  
2           *amended by striking “December 31, 2011” and insert-*  
3           *ing “December 31, 2013”.*

4           (c) *EFFECTIVE DATE.*—*The amendments made by this*  
5           *section shall apply to fuel sold or used after December 31,*  
6           *2011.*

7           **SEC. 406. EXTENSION OF PRODUCTION CREDIT FOR INDIAN**  
8                           **COAL FACILITIES PLACED IN SERVICE BE-**  
9                           **FORE 2009.**

10          (a) *IN GENERAL.*—*Subparagraph (A) of section*  
11          *45(e)(10) is amended by striking “7-year period” each place*  
12          *it appears and inserting “8-year period”.*

13          (b) *EFFECTIVE DATE.*—*The amendment made by this*  
14          *section shall apply to coal produced after December 31,*  
15          *2012.*

16          **SEC. 407. EXTENSION AND MODIFICATION OF CREDITS**  
17                           **WITH RESPECT TO FACILITIES PRODUCING**  
18                           **ENERGY FROM CERTAIN RENEWABLE RE-**  
19                           **SOURCES.**

20          (a) *PRODUCTION TAX CREDIT.*—

21                  (1) *EXTENSION FOR WIND FACILITIES.*—*Para-*  
22                  *graph (1) of section 45(d) is amended by striking*  
23                  *“January 1, 2013” and inserting “January 1, 2014”.*

24                  (2) *EXCLUSION OF PAPER WHICH IS COMMONLY*  
25                  *RECYCLED FROM DEFINITION OF MUNICIPAL SOLID*

1 WASTE.—Section 45(c)(6) is amended by inserting “,  
2 except that such term does not include paper which  
3 is commonly recycled and which has been segregated  
4 from other solid waste (as so defined)” after “(42  
5 U.S.C. 6903)”.

6 (3) MODIFICATION TO DEFINITION OF QUALIFIED  
7 FACILITY.—

8 (A) IN GENERAL.—The following provisions  
9 of section 45(d), as amended by paragraph (1),  
10 are each amended by striking “before January 1,  
11 2014” and inserting “the construction of which  
12 begins before January 1, 2014”:

13 (i) Paragraph (1).

14 (ii) Paragraph (2)(A)(i).

15 (iii) Paragraph (3)(A)(i)(I).

16 (iv) Paragraph (6).

17 (v) Paragraph (7).

18 (vi) Paragraph (9)(B).

19 (vii) Paragraph (11)(B).

20 (B) CERTAIN CLOSED-LOOP BIOMASS FA-  
21 CILITIES.—Subparagraph (A) of section 45(d)(2)  
22 is amended by adding at the end the following  
23 new flush sentence:

24 “For purposes of clause (ii), a facility shall be  
25 treated as modified before January 1, 2014, if

1           *the construction of such modification begins be-*  
2           *fore such date.”.*

3           (C) *CERTAIN OPEN-LOOP BIOMASS FACILI-*  
4           *TIES.—Clause (ii) of section 45(d)(3)(A) is*  
5           *amended by striking “is originally placed in*  
6           *service” and inserting “the construction of which*  
7           *begins”.*

8           (D) *GEOTHERMAL FACILITIES.—*

9           (i) *IN GENERAL.—Paragraph (4) of*  
10           *section 45(d) is amended by striking “and*  
11           *before January 1, 2014” and all that fol-*  
12           *lows and inserting “and which—*

13           *“(A) in the case of a facility using solar en-*  
14           *ergy, is placed in service before January 1, 2006,*  
15           *or*

16           *“(B) in the case of a facility using geo-*  
17           *thermal energy, the construction of which begins*  
18           *before January 1, 2014.*

19           *Such term shall not include any property described in*  
20           *section 48(a)(3) the basis of which is taken into ac-*  
21           *count by the taxpayer for purposes of determining the*  
22           *energy credit under section 48.”.*

23           (E) *INCREMENTAL HYDROPOWER PRODUC-*  
24           *TION.—Paragraph (9) of section 45(d) is amend-*  
25           *ed—*



1                   (i) by redesignating subparagraphs (A)  
2                   and (B), as amended by subparagraph (A),  
3                   as clauses (i) and (ii), respectively, and by  
4                   moving such clauses (as so redesignated) 2  
5                   ems to the right,

6                   (ii) by striking “In the case of a facil-  
7                   ity” and inserting the following:

8                   “(A) *IN GENERAL.*—In the case of a facil-  
9                   ity”,

10                  (iii) by redesignating subparagraph  
11                  (C) as subparagraph (B), and

12                  (iv) by adding at the end the following  
13                  new subparagraph:

14                  “(C) *SPECIAL RULE.*—For purposes of sub-  
15                  paragraph (A)(i), an efficiency improvement or  
16                  addition to capacity shall be treated as placed in  
17                  service before January 1, 2014, if the construc-  
18                  tion of such improvement or addition begins be-  
19                  fore such date.”.

20                  (b) *EXTENSION OF ELECTION TO TREAT QUALIFIED*  
21                  *FACILITIES AS ENERGY PROPERTY.*—Subparagraph (C) of  
22                  section 48(a)(5) is amended to read as follows:

23                  “(C) *QUALIFIED INVESTMENT CREDIT FA-*  
24                  *CILITY.*—For purposes of this paragraph, the

1           term ‘qualified investment credit facility’ means  
2           any facility—

3                   “(i) which is a qualified facility (with-  
4                   in the meaning of section 45) described in  
5                   paragraph (1), (2), (3), (4), (6), (7), (9), or  
6                   (11) of section 45(d),

7                   “(ii) which is placed in service after  
8                   2008 and the construction of which begins  
9                   before January 1, 2014, and

10                  “(iii) with respect to which—

11                           “(I) no credit has been allowed  
12                           under section 45, and

13                           “(II) the taxpayer makes an ir-  
14                           revocable election to have this para-  
15                           graph apply.”.

16       (c) *TECHNICAL CORRECTIONS.*—

17           (1) Subparagraph (D) of section 48(a)(5) is  
18       amended—

19                   (A) by striking “and” at the end of clause  
20                   (i)(II),

21                   (B) by striking the period at the end of  
22                   clause (ii) and inserting a comma, and

23                   (C) by adding at the end the following new  
24                   clauses:

1           “(iii) which is constructed, recon-  
2           structed, erected, or acquired by the tax-  
3           payer, and

4           “(iv) the original use of which com-  
5           mences with the taxpayer.”.

6           (2) Paragraphs (1) and (2) of subsection (a) of  
7           section 1603 of division B of the American Recovery  
8           and Reinvestment Act of 2009 are each amended by  
9           striking “placed in service” and inserting “originally  
10          placed in service by such person”.

11          (d) *EFFECTIVE DATES.*—

12           (1) *IN GENERAL.*—Except as provided in para-  
13           graphs (2) and (3), the amendments made by this sec-  
14           tion shall take effect on the date of the enactment of  
15           this Act.

16           (2) *MODIFICATION TO DEFINITION OF MUNICIPAL*  
17           *SOLID WASTE.*—The amendments made by subsection  
18           (a)(2) shall apply to electricity produced and sold  
19           after the date of the enactment of this Act, in taxable  
20           years ending after such date.

21           (3) *TECHNICAL CORRECTIONS.*—The amend-  
22           ments made by subsection (c) shall apply as if in-  
23           cluded in the enactment of the provisions of the Amer-  
24           ican Recovery and Reinvestment Act of 2009 to which  
25           they relate.

1 **SEC. 408. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT**  
2 **NEW HOMES.**

3 (a) *IN GENERAL.*—Subsection (g) of section 45L is  
4 amended by striking “December 31, 2011” and inserting  
5 “December 31, 2013”.

6 (b) *ENERGY SAVINGS REQUIREMENTS.*—Clause (i) of  
7 section 45L(c)(1)(A) is amended by striking “2003 Inter-  
8 national Energy Conservation Code, as such Code (includ-  
9 ing supplements) is in effect on the date of the enactment  
10 of this section” and inserting “2006 International Energy  
11 Conservation Code, as such Code (including supplements)  
12 is in effect on January 1, 2006”.

13 (c) *EFFECTIVE DATE.*—The amendments made by this  
14 section shall apply to homes acquired after December 31,  
15 2011.

16 **SEC. 409. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT**  
17 **APPLIANCES.**

18 (a) *IN GENERAL.*—Section 45M(b) is amended by  
19 striking “2011” each place it appears other than in the pro-  
20 visions specified in subsection (b) and inserting “2011,  
21 2012, or 2013”.

22 (b) *PROVISIONS SPECIFIED.*—The provisions of section  
23 45M(b) specified in this subsection are subparagraph (C)  
24 of paragraph (1) and subparagraph (E) of paragraph (2).

1       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall apply to appliances produced after December*  
3 *31, 2011.*

4 **SEC. 410. EXTENSION AND MODIFICATION OF SPECIAL AL-**  
5 **LOWANCE FOR CELLULOSIC BIOFUEL PLANT**  
6 **PROPERTY.**

7       (a) *EXTENSION.*—

8           (1) *IN GENERAL.*—*Subparagraph (D) of section*  
9 *168(l)(2) is amended by striking “January 1, 2013”*  
10 *and inserting “January 1, 2014”.*

11           (2) *EFFECTIVE DATE.*—*The amendment made by*  
12 *this subsection shall apply to property placed in serv-*  
13 *ice after December 31, 2012.*

14       (b) *ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR*  
15 *PURPOSES OF BONUS DEPRECIATION FOR BIOFUEL PLANT*  
16 *PROPERTY.*—

17           (1) *IN GENERAL.*—*Subparagraph (A) of section*  
18 *168(l)(2) is amended by striking “solely to produce*  
19 *cellulosic biofuel” and inserting “solely to produce*  
20 *second generation biofuel (as defined in section*  
21 *40(b)(6)(E))”.*

22           (2) *CONFORMING AMENDMENTS.*—*Subsection (l)*  
23 *of section 168, as amended by subsection (a), is*  
24 *amended—*

1           (A) by striking “cellulosic biofuel” each  
2           place it appears in the text thereof and inserting  
3           “second generation biofuel”,

4           (B) by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively,

7           (C) by striking “CELLULOSIC” in the heading of such subsection and inserting “SECOND GENERATION”, and

10           (D) by striking “CELLULOSIC” in the heading of paragraph (2) and inserting “SECOND GENERATION”.

13           (3) *EFFECTIVE DATE.*—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

16 **SEC. 411. EXTENSION OF SPECIAL RULE FOR SALES OR DIS-**  
17 **POSITIONS TO IMPLEMENT FERC OR STATE**  
18 **ELECTRIC RESTRUCTURING POLICY FOR**  
19 **QUALIFIED ELECTRIC UTILITIES.**

20           (a) *IN GENERAL.*—Paragraph (3) of section 451(i) is  
21 amended by striking “January 1, 2012” and inserting  
22 “January 1, 2014”.

23           (b) *EFFECTIVE DATE.*—The amendment made by this  
24 section shall apply to dispositions after December 31, 2011.

1 **SEC. 412. EXTENSION OF ALTERNATIVE FUELS EXCISE TAX**

2 **CREDITS.**

3 (a) *IN GENERAL.*—Sections 6426(d)(5) and 6426(e)(3)  
4 are each amended by striking “December 31, 2011” and in-  
5 serting “December 31, 2013”.

6 (b) *OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.*—  
7 Paragraph (6) of section 6427(e) is amended—

8 (1) in subparagraph (C)—

9 (A) by striking “or alternative fuel mixture  
10 (as defined in subsection (d)(2) or (e)(3) of sec-  
11 tion 6426)” and inserting “(as defined in section  
12 6426(d)(2))”, and

13 (B) by striking “December 31, 2011, and”  
14 and inserting “December 31, 2013,”,

15 (2) in subparagraph (D)—

16 (A) by striking “or alternative fuel mix-  
17 ture”, and

18 (B) by striking the period at the end and  
19 inserting “, and”, and

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

22 “(E) any alternative fuel mixture (as de-  
23 fined in section 6426(e)(2)) sold or used after  
24 December 31, 2011.”.

1       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall apply to fuel sold or used after December 31,*  
3 *2011.*

## 4       **TITLE V—UNEMPLOYMENT**

### 5       **SEC. 501. EXTENSION OF EMERGENCY UNEMPLOYMENT** 6               **COMPENSATION PROGRAM.**

7       (a) *EXTENSION.*—*Section 4007(a)(2) of the Supple-*  
8 *mental Appropriations Act, 2008 (Public Law 110–252; 26*  
9 *U.S.C. 3304 note) is amended by striking “January 2,*  
10 *2013” and inserting “January 1, 2014”.*

11       (b) *FUNDING.*—*Section 4004(e)(1) of the Supplemental*  
12 *Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C.*  
13 *3304 note) is amended—*

14               (1) *in subparagraph (H), by striking “and” at*  
15 *the end; and*

16               (2) *by inserting after subparagraph (I) the fol-*  
17 *lowing:*

18                       *“(J) the amendments made by section*  
19                       *501(a) of the American Taxpayer Relief Act of*  
20                       *2012;”.*

21       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
22 *section shall take effect as if included in the enactment of*  
23 *the Unemployment Benefits Extension Act of 2012 (Public*  
24 *Law 112–96)*



1 **SEC. 502. TEMPORARY EXTENSION OF EXTENDED BENEFIT**  
2 **PROVISIONS.**

3 (a) *IN GENERAL.*—Section 2005 of the Assistance for  
4 Unemployed Workers and Struggling Families Act, as con-  
5 tained in Public Law 111–5 (26 U.S.C. 3304 note), is  
6 amended—

7 (1) by striking “December 31, 2012” each place  
8 it appears and inserting “December 31, 2013”; and

9 (2) in subsection (c), by striking “June 30,  
10 2013” and inserting “June 30, 2014”.

11 (b) *EXTENSION OF MATCHING FOR STATES WITH NO*  
12 *WAITING WEEK.*—Section 5 of the Unemployment Com-  
13 pensation Extension Act of 2008 (Public Law 110–449; 26  
14 U.S.C. 3304 note) is amended by striking “June 30, 2013”  
15 and inserting “June 30, 2014”.

16 (c) *EXTENSION OF MODIFICATION OF INDICATORS*  
17 *UNDER THE EXTENDED BENEFIT PROGRAM.*—Section 203  
18 of the Federal-State Extended Unemployment Compensa-  
19 tion Act of 1970 (26 U.S.C. 3304 note) is amended—

20 (1) in subsection (d), by striking “December 31,  
21 2012” and inserting “December 31, 2013”; and

22 (2) in subsection (f)(2), by striking “December  
23 31, 2012” and inserting “December 31, 2013”.

24 (d) *EFFECTIVE DATE.*—The amendments made by this  
25 section shall take effect as if included in the enactment of

1 *the Unemployment Benefits Extension Act of 2012 (Public*  
2 *Law 112–96).*

3 **SEC. 503. EXTENSION OF FUNDING FOR REEMPLOYMENT**  
4 **SERVICES AND REEMPLOYMENT AND ELIGI-**  
5 **BILITY ASSESSMENT ACTIVITIES.**

6 (a) *IN GENERAL.*—*Section 4004(c)(2)(A) of the Sup-*  
7 *plemental Appropriations Act, 2008 (Public Law 110–252;*  
8 *26 U.S.C. 3304 note) is amended by striking “through fiscal*  
9 *year 2013” and inserting “through fiscal year 2014”.*

10 (b) *EFFECTIVE DATE.*—*The amendments made by this*  
11 *section shall take effect as if included in the enactment of*  
12 *the Unemployment Benefits Extension Act of 2012 (Public*  
13 *Law 112–96).*

14 **SEC. 504. ADDITIONAL EXTENDED UNEMPLOYMENT BENE-**  
15 **FITS UNDER THE RAILROAD UNEMPLOYMENT**  
16 **INSURANCE ACT.**

17 (a) *EXTENSION.*—*Section 2(c)(2)(D)(iii) of the Rail-*  
18 *road Unemployment Insurance Act, as added by section*  
19 *2006 of the American Recovery and Reinvestment Act of*  
20 *2009 (Public Law 111–5) and as amended by section 9 of*  
21 *the Worker, Homeownership, and Business Assistance Act*  
22 *of 2009 (Public Law 111–92), section 505 of the Tax Relief,*  
23 *Unemployment Insurance Reauthorization, and Job Cre-*  
24 *ation Act of 2010 (Public Law 111–312), section 202 of*  
25 *the Temporary Payroll Tax Cut Continuation Act of 2011*

1 *(Public Law 112–78), and section 2124 of the Unemploy-*  
2 *ment Benefits Extension Act of 2012 (Public Law 112–96),*  
3 *is amended—*

4           (1) *by striking “June 30, 2012” and inserting*  
5 *“June 30, 2013”; and*

6           (2) *by striking “December 31, 2012” and insert-*  
7 *ing “December 31, 2013”.*

8       (b) *CLARIFICATION ON AUTHORITY TO USE FUNDS.—*  
9 *Funds appropriated under either the first or second sen-*  
10 *tence of clause (iv) of section 2(c)(2)(D) of the Railroad Un-*  
11 *employment Insurance Act shall be available to cover the*  
12 *cost of additional extended unemployment benefits provided*  
13 *under such section 2(c)(2)(D) by reason of the amendments*  
14 *made by subsection (a) as well as to cover the cost of such*  
15 *benefits provided under such section 2(c)(2)(D), as in effect*  
16 *on the day before the date of enactment of this Act.*

17       (c) *FUNDING FOR ADMINISTRATION.—Out of any*  
18 *funds in the Treasury not otherwise appropriated, there are*  
19 *appropriated to the Railroad Retirement Board \$250,000*  
20 *for administrative expenses associated with the payment of*  
21 *additional extended unemployment benefits provided under*  
22 *section 2(c)(2)(D) of the Railroad Unemployment Insur-*  
23 *ance Act by reason of the amendments made by subsection*  
24 *(a), to remain available until expended.*

1           **TITLE VI—MEDICARE AND**  
2           **OTHER HEALTH EXTENSIONS**  
3           **Subtitle A—Medicare Extensions**

4   **SEC. 601. MEDICARE PHYSICIAN PAYMENT UPDATE.**

5           (a) *IN GENERAL.*—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at  
6 the end the following new paragraph:  
7

8                   “(14) *UPDATE FOR 2013.*—

9                           “(A) *IN GENERAL.*—Subject to paragraphs  
10                           (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), (12)(B),  
11                           and (13)(B), in lieu of the update to the single  
12                           conversion factor established in paragraph (1)(C)  
13                           that would otherwise apply for 2013, the update  
14                           to the single conversion factor for such year shall  
15                           be zero percent.

16                           “(B) *NO EFFECT ON COMPUTATION OF CON-*  
17                           *VERSION FACTOR FOR 2014 AND SUBSEQUENT*  
18                           *YEARS.*—The conversion factor under this sub-  
19                           section shall be computed under paragraph  
20                           (1)(A) for 2014 and subsequent years as if sub-  
21                           paragraph (A) had never applied.”.

22           (b) *ADVANCEMENT OF CLINICAL DATA REGISTRIES TO*  
23 *IMPROVE THE QUALITY OF HEALTH CARE.*—

1           (1) *IN GENERAL.*—Section 1848(m)(3) of the So-  
2       cial Security Act (42 U.S.C. 1395w–4(m)(3)) is  
3       amended—

4           (A) by redesignating subparagraph (D) as  
5       subparagraph (F); and

6           (B) by inserting after subparagraph (C) the  
7       following new subparagraphs:

8           “(D) *SATISFACTORY REPORTING MEASURES*  
9       *THROUGH PARTICIPATION IN A QUALIFIED CLIN-*  
10      *ICAL DATA REGISTRY.*—For 2014 and subsequent  
11      years, the Secretary shall treat an eligible profes-  
12      sional as satisfactorily submitting data on qual-  
13      ity measures under subparagraph (A) if, in lieu  
14      of reporting measures under subsection (k)(2)(C),  
15      the eligible professional is satisfactorily partici-  
16      pating, as determined by the Secretary, in a  
17      qualified clinical data registry (as described in  
18      subparagraph (E)) for the year.

19          “(E) *QUALIFIED CLINICAL DATA REG-*  
20      *ISTRY.*—

21           “(i) *IN GENERAL.*—The Secretary shall  
22      establish requirements for an entity to be  
23      considered a qualified clinical data registry.  
24      Such requirements shall include a require-  
25      ment that the entity provide the Secretary

1           *with such information, at such times, and*  
2           *in such manner, as the Secretary deter-*  
3           *mines necessary to carry out this subsection.*

4           “(ii) *CONSIDERATIONS.—In estab-*  
5           *lishing the requirements under clause (i),*  
6           *the Secretary shall consider whether an en-*  
7           *tity—*

8                   “(I) *has in place mechanisms for*  
9                   *the transparency of data elements and*  
10                  *specifications, risk models, and meas-*  
11                  *ures;*

12                  “(II) *requires the submission of*  
13                  *data from participants with respect to*  
14                  *multiple payers;*

15                  “(III) *provides timely perform-*  
16                  *ance reports to participants at the in-*  
17                  *dividual participant level; and*

18                  “(IV) *supports quality improve-*  
19                  *ment initiatives for participants.*

20           “(iii) *MEASURES.—With respect to*  
21           *measures used by a qualified clinical data*  
22           *registry—*

23                   “(I) *sections 1890(b)(7) and*  
24                   *1890A(a) shall not apply; and*

1                   “(II) measures endorsed by the en-  
2                   tity with a contract with the Secretary  
3                   under section 1890(a) may be used.

4                   “(iv) CONSULTATION.—In carrying out  
5                   this subparagraph, the Secretary shall con-  
6                   sult with interested parties.

7                   “(v) DETERMINATION.—The Secretary  
8                   shall establish a process to determine wheth-  
9                   er or not an entity meets the requirements  
10                  established under clause (i). Such process  
11                  may involve one or both of the following:

12                   “(I) A determination by the Sec-  
13                  retary.

14                   “(II) A designation by the Sec-  
15                  retary of one or more independent or-  
16                  ganizations to make such determina-  
17                  tion.”.

18                  (2) GAO STUDY AND REPORT ON INCORPORATING  
19                  REGISTRY DATA INTO THE MEDICARE PROGRAM IN  
20                  ORDER TO IMPROVE QUALITY AND EFFICIENCY.—

21                   (A) STUDY.—The Comptroller General of  
22                  the United States shall conduct a study on the  
23                  potential of clinical data registries to improve  
24                  the quality and efficiency of care in the Medicare  
25                  program, including through payment system in-

1           *centives. Such study shall include an analysis of*  
2           *the role of health information technology in fa-*  
3           *cilitating clinical data registries and the use of*  
4           *data from such registries among private health*  
5           *insurers as well as other entities the Comptroller*  
6           *General determines appropriate.*

7           *(B) REPORT.—Not later than November 15,*  
8           *2013, the Comptroller General of the United*  
9           *States shall submit to Congress a report on the*  
10          *study conducted under subparagraph (A), to-*  
11          *gether with recommendations for such legislation*  
12          *and administrative action as the Comptroller*  
13          *General determines appropriate.*

14 **SEC. 602. WORK GEOGRAPHIC ADJUSTMENT.**

15          *Section 1848(e)(1)(E) of the Social Security Act (42*  
16          *U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before*  
17          *January 1, 2013” and inserting “before January 1, 2014”.*

18 **SEC. 603. PAYMENT FOR OUTPATIENT THERAPY SERVICES.**

19          *(a) EXTENSION.—Section 1833(g) of the Social Secu-*  
20          *rity Act (42 U.S.C. 1395l(g)) is amended—*

21                 *(1) in paragraph (5)(A), in the first sentence, by*  
22                 *striking “December 31, 2012” and inserting “Decem-*  
23                 *ber 31, 2013”; and*

24                 *(2) in paragraph (6)—*



1           (A) by striking “December 31, 2012” and  
2           inserting “December 31, 2013”; and

3           (B) by inserting “or 2013” after “during  
4           2012”.

5           (b) *APPLICATION OF THERAPY CAP TO THERAPY FUR-*  
6 *NISHED AS PART OF OUTPATIENT CRITICAL ACCESS HOS-*  
7 *PITAL SERVICES.*—Section 1833(g)(6) of the Social Secu-  
8 *rity Act (42 U.S.C. 1395l(g)(6)), as amended by subsection*  
9 *(a), is amended—*

10           (1) by striking “In applying” and inserting “(A)  
11           In applying”; and

12           (2) by adding at the end the following new sub-  
13           paragraph:

14           “(B)(i) With respect to outpatient therapy services fur-  
15           nished beginning on or after January 1, 2013, and before  
16           January 1, 2014, for which payment is made under section  
17           1834(g), the Secretary shall count toward the uniform dol-  
18           lar limitations described in paragraphs (1) and (3) and  
19           the threshold described in paragraph (5)(C) the amount  
20           that would be payable under this part if such services were  
21           paid under section 1834(k)(1)(B) instead of being paid  
22           under section 1834(g).

23           “(ii) Nothing in clause (i) shall be construed as chang-  
24           ing the method of payment for outpatient therapy services  
25           under section 1834(g).”.

1       (c) *BENEFICIARY PROTECTIONS.*—Section 1833(g)(5)  
2 of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amend-  
3 ed by adding at the end the following new subparagraph:

4       “(D) With respect to services furnished on or after  
5 January 1, 2013, where payment may not be made as a  
6 result of application of paragraphs (1) and (3), section  
7 1879 shall apply in the same manner as such section ap-  
8 plies to a denial that is made by reason of section  
9 1862(a)(1).”.

10       (d) *IMPLEMENTATION.*—Notwithstanding any other  
11 provision of law, the Secretary of Health and Human Serv-  
12 ices may implement the provisions of, and the amendments  
13 made by, this section by program instruction or otherwise.

14 **SEC. 604. AMBULANCE ADD-ON PAYMENTS.**

15       (a) *GROUND AMBULANCE.*—Section 1834(l)(13)(A) of  
16 the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is  
17 amended—

18               (1) in the matter preceding clause (i), by strik-  
19 ing “January 1, 2013” and inserting “January 1,  
20 2014”; and

21               (2) in each of clauses (i) and (ii), by striking  
22 “January 1, 2013” and inserting “January 1, 2014”  
23 each place it appears.

24       (b) *AIR AMBULANCE.*—Section 146(b)(1) of the Medi-  
25 care Improvements for Patients and Providers Act of 2008

1 *(Public Law 110–275), as amended by sections 3105(b) and*  
2 *10311(b) of the Patient Protection and Affordable Care Act*  
3 *(Public Law 111–148), section 106(b) of the Medicare and*  
4 *Medicaid Extenders Act of 2010 (Public Law 111–309), sec-*  
5 *tion 306(b) of the Temporary Payroll Tax Cut Continu-*  
6 *ation Act of 2011 (Public Law 112–78), and section 3007(b)*  
7 *of the Middle Class Tax Relief and Job Creation Act of 2012*  
8 *(Public Law 112–96), is amended by striking “December*  
9 *31, 2012” and inserting “June 30, 2013”.*

10 *(c) SUPER RURAL AMBULANCE.—Section*  
11 *1834(l)(12)(A) of the Social Security Act (42 U.S.C.*  
12 *1395m(l)(12)(A)) is amended in the first sentence by strik-*  
13 *ing “January 1, 2013” and inserting “January 1, 2014”.*

14 *(d) STUDIES OF AMBULANCE COSTS.—*

15 *(1) IN GENERAL.—The Secretary of Health and*  
16 *Health and Human Services (in this subsection re-*  
17 *ferred to as the “Secretary”) shall conduct a study of*  
18 *each of the following:*

19 *(A) A study that analyzes data on existing*  
20 *cost reports for ambulance services furnished by*  
21 *hospitals and critical access hospitals, including*  
22 *variation by characteristics of such providers of*  
23 *services.*

24 *(B) A study of the feasibility of obtaining*  
25 *cost data on a periodic basis from all ambulance*

1            *providers of services and suppliers for potential*  
2            *use in examining the appropriateness of the*  
3            *Medicare add-on payments for ground ambu-*  
4            *lance services furnished under the fee schedule*  
5            *under section 1834(l) of the Social Security Act*  
6            *(42 U.S.C. 1395m(l)) and in preparing for fu-*  
7            *ture reform of such payment system.*

8            (2) *COMPONENTS OF ONE OF THE STUDIES.—In*  
9            *conducting the study under paragraph (1)(B), the*  
10           *Secretary shall—*

11                    (A) *consult with industry on the design of*  
12                    *such cost collection efforts;*

13                    (B) *explore use of cost surveys and cost re-*  
14                    *ports to collect appropriate cost data and the pe-*  
15                    *riodicity of such cost data collection;*

16                    (C) *examine the feasibility of development*  
17                    *of a standard cost reporting tool for providers of*  
18                    *services and suppliers of ground ambulance serv-*  
19                    *ices; and*

20                    (D) *examine the ability to furnish such cost*  
21                    *data by various types of ambulance providers of*  
22                    *services and suppliers, especially by rural and*  
23                    *super-rural providers of services and suppliers.*

24            (3) *REPORTS.—*

1           (A) *EXISTING COST REPORTS.*—Not later  
2           than October 1, 2013, the Secretary shall submit  
3           a report to Congress on the study conducted  
4           under paragraph (1)(A), together with rec-  
5           ommendations for such legislation and adminis-  
6           trative action as the Secretary determines appro-  
7           priate.

8           (B) *OBTAINING COST DATA.*—Not later than  
9           July 1, 2014, the Secretary shall submit a report  
10          to Congress on the study conducted under para-  
11          graph (1)(B), together with recommendations for  
12          such legislation and administrative action as the  
13          Secretary determines appropriate.

14 **SEC. 605. EXTENSION OF MEDICARE INPATIENT HOSPITAL**  
15                   **PAYMENT ADJUSTMENT FOR LOW-VOLUME**  
16                   **HOSPITALS.**

17          Section 1886(d)(12) of the Social Security Act (42  
18 *U.S.C. 1395ww(d)(12)*) is amended—

19           (1) in subparagraph (B), in the matter pre-  
20          ceding clause (i), by striking “2013” and inserting  
21          “2014”;

22           (2) in subparagraph (C)(i), by striking “and  
23          2012” each place it appears and inserting “, 2012,  
24          and 2013”; and

1           (3) *in subparagraph (D), by striking “and*  
2           *2012” and inserting “, 2012, and 2013”.*

3 **SEC. 606. EXTENSION OF THE MEDICARE-DEPENDENT HOS-**  
4           **PITAL (MDH) PROGRAM.**

5           (a) *EXTENSION OF PAYMENT METHODOLOGY.*—*Sec-*  
6           *tion 1886(d)(5)(G) of the Social Security Act (42 U.S.C.*  
7           *1395ww(d)(5)(G)) is amended—*

8                 (1) *in clause (i), by striking “October 1, 2012”*  
9                 *and inserting “October 1, 2013”; and*

10                (2) *in clause (ii)(II), by striking “October 1,*  
11                *2012” and inserting “October 1, 2013”.*

12           (b) *CONFORMING AMENDMENTS.*—

13                (1) *EXTENSION OF TARGET AMOUNT.*—*Section*  
14                *1886(b)(3)(D) of the Social Security Act (42 U.S.C.*  
15                *1395ww(b)(3)(D)) is amended—*

16                    (A) *in the matter preceding clause (i), by*  
17                    *striking “October 1, 2012” and inserting “Octo-*  
18                    *ber 1, 2013”; and*

19                    (B) *in clause (iv), by striking “through fis-*  
20                    *cal year 2012” and inserting “through fiscal*  
21                    *year 2013”.*

22                (2) *PERMITTING HOSPITALS TO DECLINE RE-*  
23                *CLASSIFICATION.*—*Section 13501(e)(2) of the Omni-*  
24                *bus Budget Reconciliation Act of 1993 (42 U.S.C.*

1       1395ww note) is amended by striking “through fiscal  
2       year 2012” and inserting “through fiscal year 2013”.

3       **SEC. 607. EXTENSION FOR SPECIALIZED MEDICARE ADVAN-**  
4                   **TAGE PLANS FOR SPECIAL NEEDS INDIVID-**  
5                   **UALS.**

6       Section 1859(f)(1) of the Social Security Act (42  
7       U.S.C. 1395w–28(f)(1)) is amended by striking “2014” and  
8       inserting “2015”.

9       **SEC. 608. EXTENSION OF MEDICARE REASONABLE COST**  
10                   **CONTRACTS.**

11       Section 1876(h)(5)(C)(ii) of the Social Security Act  
12       (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter  
13       preceding subclause (I), by striking “January 1, 2013” and  
14       inserting “January 1, 2014”.

15       **SEC. 609. PERFORMANCE IMPROVEMENT.**

16       (a) *EXTENSION OF FUNDING FOR CONTRACT WITH*  
17       *CONSENSUS-BASED ENTITY REGARDING PERFORMANCE*  
18       *MEASUREMENT.—*

19               (1) *IN GENERAL.—*Section 1890(d) of the Social  
20       Security Act (42 U.S.C. 1395aaa(d)) is amended by  
21       striking “fiscal years 2009 through 2012” and insert-  
22       ing “fiscal years 2009 through 2013”.

23               (2) *REVISION TO DUTIES.—*Section 1890(b) of  
24       the Social Security Act (42 U.S.C. 1395aaa(b)) is  
25       amended by striking paragraph (4).

1       **(b) PROVIDING DATA FOR PERFORMANCE IMPROVE-**  
2 **MENT IN A TIMELY MANNER.**—

3           **(1) IN GENERAL.**—*The Secretary of Health and*  
4 *Human Services (in this subsection referred to as the*  
5 *“Secretary”)* shall develop a strategy to provide data  
6 *for performance improvement in a timely manner to*  
7 *applicable providers under the Medicare program*  
8 *under title XVIII of the Social Security Act (42*  
9 *U.S.C. 1395 et seq.), including with respect to the*  
10 *provision of the following:*

11           **(A) Utilization data,** including such data  
12 *for items and services under parts A, B, and D*  
13 *of the Medicare program.*

14           **(B) Feedback on quality data** submitted by  
15 *the applicable provider under the Medicare pro-*  
16 *gram.*

17           **(2) CONSIDERATIONS.**—*In developing the strat-*  
18 *egy under paragraph (1), the Secretary shall con-*  
19 *sider—*

20           **(A) the type of applicable provider** receiving  
21 *the data;*

22           **(B) the frequency of providing the data** so  
23 *that it can be the most relevant in improving*  
24 *provider performance;*

25           **(C) risk adjustment methods;**



1           (D) presentation of the data in a meaning-  
2           ful manner and easily understandable format;

3           (E) with respect to utilization data, the  
4           provision of data that the Secretary determines  
5           would be useful to improve the performance of  
6           the type of applicable provider involved; and

7           (F) administrative costs involved with pro-  
8           viding data.

9           (3) *SUBMISSION AND AVAILABILITY OF INITIAL*  
10          *STRATEGY.*—Not later than 1 year after the date of  
11          the enactment of this Act, the Secretary shall—

12           (A) submit to the relevant committees of  
13           Congress the strategy described in paragraph (1);  
14           and

15           (B) post such strategy on the website of the  
16           Centers for Medicare & Medicaid Services.

17          (4) *STRATEGY UPDATE.*—

18           (A) *FEEDBACK FROM STAKEHOLDERS.*—The  
19           Secretary shall seek feedback from stakeholders  
20           on the initial strategy submitted under para-  
21           graph (3).

22           (B) *STRATEGY UPDATE.*—The Secretary  
23           shall—

1           (i) update the strategy described in  
2           paragraph (1) based on the feedback sub-  
3           mitted under subparagraph (A); and

4           (ii) not later than 18 months after the  
5           date of the enactment of this Act—

6                   (I) submit such updated strategy  
7                   to the relevant committees of Congress;  
8                   and

9                   (II) post such updated strategy on  
10                  the website of the Centers for Medicare  
11                  & Medicaid Services.

12           (5) *GAO STUDY AND REPORT ON PRIVATE SEC-*  
13           *TOR INFORMATION SHARING ACTIVITIES.*—

14           (A) *STUDY.*—*The Comptroller General of*  
15           *the United States (in this paragraph referred to*  
16           *as the “Comptroller General”) shall conduct a*  
17           *study on information sharing activities. Such*  
18           *study shall include an analysis of—*

19                   (i) *how private sector entities share*  
20                   *timely data with hospitals, physicians, and*  
21                   *other providers and what lessons can be*  
22                   *learned from those activities;*

23                   (ii) *how the Medicare program cur-*  
24                   *rently shares data with providers, including*  
25                   *what data is provided and to which pro-*

1            *viders, and what divisions within the Cen-*  
2            *ters for Medicare & Medicaid Services over-*  
3            *see those efforts;*

4            *(iii) what, if any, differences there are*  
5            *between the private sector and the Medicare*  
6            *program under title XVIII of the Social Se-*  
7            *curity Act (42 U.S.C. 1395 et seq.) in terms*  
8            *of sharing data; and*

9            *(iv) what, if any, barriers there are for*  
10           *the Centers for Medicare & Medicaid Serv-*  
11           *ices to sharing timely data with applicable*  
12           *providers and recommendations to elimi-*  
13           *nate or reduce such barriers.*

14           *(B) REPORT.—Not later than 8 months*  
15           *after the date of the enactment of this Act, the*  
16           *Comptroller General shall submit to the relevant*  
17           *committees of Congress a report containing the*  
18           *results of the study conducted under subpara-*  
19           *graph (A), together with recommendations for*  
20           *such legislation and administrative action as the*  
21           *Comptroller General determines appropriate.*

22           *(6) DEFINITIONS.—In this subsection:*

23           *(A) APPLICABLE PROVIDER.—The term*  
24           *“applicable provider” means the following:*

1           (i) *A critical access hospital (as de-*  
 2           *defined in section 1861(mm)(1) of the Social*  
 3           *Security Act (42 U.S.C. 1395xx(mm)(1))*).

4           (ii) *A hospital (as defined in section*  
 5           *1861(e) of such Act (42 U.S.C. 1395x(e))*).

6           (iii) *A physician (as defined in section*  
 7           *1861(r) of such Act (42 U.S.C. 1395x(r))*).

8           (iv) *Any other provider the Secretary*  
 9           *determines should receive the information*  
 10          *described in subsection (a)*.

11          (B) *PERFORMANCE IMPROVEMENT.*—*The*  
 12          *term “performance improvement” means im-*  
 13          *provements in quality, reducing per capita costs,*  
 14          *and other criteria the Secretary determines ap-*  
 15          *propriate.*

16   **SEC. 610. EXTENSION OF FUNDING OUTREACH AND ASSIST-**  
 17                                   **ANCE FOR LOW-INCOME PROGRAMS.**

18          (a) *ADDITIONAL FUNDING FOR STATE HEALTH INSUR-*  
 19          *ANCE PROGRAMS.*—*Subsection (a)(1)(B) of section 119 of*  
 20          *the Medicare Improvements for Patients and Providers Act*  
 21          *of 2008 (42 U.S.C. 1395b–3 note), as amended by section*  
 22          *3306 of the Patient Protection and Affordable Care Act*  
 23          *Public Law 111–148), is amended—*

24                 (1) *in clause (i), by striking “and” at the end;*

1           (2) *in clause (ii), by striking the period at the*  
2           *end and inserting “; and”; and*

3           (3) *by inserting after clause (ii) the following*  
4           *new clause:*

5                         *“(iii) for fiscal year 2013, of*  
6                         *\$7,500,000.”.*

7           (b) *ADDITIONAL FUNDING FOR AREA AGENCIES ON*  
8           *AGING.—Subsection (b)(1)(B) of such section 119, as so*  
9           *amended, is amended—*

10           (1) *in clause (i), by striking “and” at the end;*

11           (2) *in clause (ii), by striking the period at the*  
12           *end and inserting “; and”; and*

13           (3) *by inserting after clause (ii) the following*  
14           *new clause:*

15                         *“(iii) for fiscal year 2013, of*  
16                         *\$7,500,000.”.*

17           (c) *ADDITIONAL FUNDING FOR AGING AND DISABILITY*  
18           *RESOURCE CENTERS.—Subsection (c)(1)(B) of such section*  
19           *119, as so amended, is amended—*

20           (1) *in clause (i), by striking “and” at the end;*

21           (2) *in clause (ii), by striking the period at the*  
22           *end and inserting “; and”; and*

23           (3) *by inserting after clause (ii) the following*  
24           *new clause:*

1                   “(iii) for fiscal year 2013, of  
2                   \$5,000,000.”.

3           (d) *ADDITIONAL FUNDING FOR CONTRACT WITH THE*  
4 *NATIONAL CENTER FOR BENEFITS AND OUTREACH EN-*  
5 *ROLLMENT.*—Subsection (d)(2) of such section 119, as so  
6 amended, is amended—

7           (1) in clause (i), by striking “and” at the end;

8           (2) in clause (ii), by striking the period at the  
9 end and inserting “; and”; and

10           (3) by inserting after clause (ii) the following  
11 new clause:

12                   “(iii) for fiscal year 2013, of  
13                   \$5,000,000.”.

14                   ***Subtitle B—Other Health***  
15                   ***Extensions***

16 ***SEC. 621. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI)***  
17 ***PROGRAM.***

18           (a) *EXTENSION.*—Section 1902(a)(10)(E)(iv) of the  
19 *Social Security Act* (42 U.S.C. 1396a(a)(10)(E)(iv)) is  
20 amended by striking “2012” and inserting “2013”.

21           (b) *EXTENDING TOTAL AMOUNT AVAILABLE FOR AL-*  
22 *LOCATION.*—Section 1933(g) of such Act (42 U.S.C. 1396u-  
23 3(g)) is amended—

24           (1) in paragraph (2)—

1           (A) in subparagraph (Q), by striking “and”  
2           after the semicolon;

3           (B) in subparagraph (R), by striking the  
4           period at the end and inserting a semicolon; and

5           (C) by adding at the end the following new  
6           subparagraphs:

7           “(S) for the period that begins on January  
8           1, 2013, and ends on September 30, 2013, the  
9           total allocation amount is \$485,000,000; and

10           “(T) for the period that begins on October  
11           1, 2013, and ends on December 31, 2013, the  
12           total allocation amount is \$300,000,000.”; and

13           (2) in paragraph (3), in the matter preceding  
14           subparagraph (A), by striking “or (R)” and inserting  
15           “(R), or (T)”.

16 **SEC. 622. EXTENSION OF TRANSITIONAL MEDICAL ASSIST-**  
17 **ANCE (TMA).**

18           Sections 1902(e)(1)(B) and 1925(f) of the Social Secu-  
19           rity Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each  
20           amended by striking “2012” and inserting “2013”.

21 **SEC. 623. EXTENSION OF MEDICAID AND CHIP EXPRESS**  
22 **LANE OPTION.**

23           Section 1902(e)(13)(I) of the Social Security Act (42  
24           U.S.C. 1396a(e)(13)(I)) is amended by striking “2013” and  
25           inserting “2014”.

1 **SEC. 624. EXTENSION OF FAMILY-TO-FAMILY HEALTH IN-**  
 2 **FORMATION CENTERS.**

3 *Section 501(c)(1)(A)(iii) of the Social Security Act (42*  
 4 *U.S.C. 701(c)(1)(A)(iii)) is amended by striking “2012”*  
 5 *and inserting “2013”.*

6 **SEC. 625. EXTENSION OF SPECIAL DIABETES PROGRAM FOR**  
 7 **TYPE I DIABETES AND FOR INDIANS.**

8 *(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIA-*  
 9 *BETES.—Section 330B(b)(2)(C) of the Public Health Serv-*  
 10 *ice Act (42 U.S.C. 254c–2(b)(2)(C)) is amended by striking*  
 11 *“2013” and inserting “2014”.*

12 *(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—*  
 13 *Section 330C(c)(2)(C) of the Public Health Service Act (42*  
 14 *U.S.C. 254c–3(c)(2)(C)) is amended by striking “2013” and*  
 15 *inserting “2014”.*

16 ***Subtitle C—Other Health***  
 17 ***Provisions***

18 **SEC. 631. IPPS DOCUMENTATION AND CODING ADJUST-**  
 19 **MENT FOR IMPLEMENTATION OF MS-DRGS.**

20 *(a) RULE OF CONSTRUCTION AND CLARIFICATION.—*

21 *(1) RULE OF CONSTRUCTION.—Nothing in the*  
 22 *amendments made by subsection (b) shall be construed*  
 23 *as changing the existing authority under section*  
 24 *1886(d) of the Social Security Act (42 U.S.C.*  
 25 *1395ww(d)) to make prospective documentation and*  
 26 *coding adjustments to the standardized amounts*



1     *under such section 1886(d) to correct for changes in*  
 2     *the coding or classification of discharges that do not*  
 3     *reflect real changes in case mix.*

4             (2) *CLARIFICATION.—Effective on the date of the*  
 5     *enactment of this section, except as provided in sec-*  
 6     *tion 7(b)(1)(B)(ii) of the TMA, Abstinence Education,*  
 7     *and QI Programs Extension Act of 2007, as added by*  
 8     *subsection (b)(2)(A)(ii)(IV) of this section, the Sec-*  
 9     *retary of Health and Human Services shall not have*  
 10    *authority to fully recoup past overpayments related to*  
 11    *documentation and coding changes from fiscal years*  
 12    *2008 and 2009.*

13            (b) *ADJUSTMENT.—Section 7 of the TMA, Abstinence*  
 14    *Education, and QI Programs Extension Act of 2007 (Public*  
 15    *Law 110–90; 121 Stat. 986) is amended—*

16                (1) *in the heading, by striking “LIMITATION”*  
 17    *and all that follows through “ADJUSTMENT” and*  
 18    *inserting “DOCUMENTATION AND CODING AD-*  
 19    *JUSTMENTS”;* and

20                (2) *in subsection (b)—*

21                    (A) *in paragraph (1)—*

22                        (i) *in the matter before subparagraph*

23                        (A)—

24                                (I) *by striking “or 2009” and in-*  
 25    *serting “, 2009, or 2010”;* and

1                   (II) by inserting “or otherwise ap-  
2                   plied for such year” after “applied  
3                   under subsection (a)”; and

4                   (ii) in subparagraph (B)—

5                         (I) by inserting “(i)” after “(B)”;  
6                         (II) by striking “or decrease”;

7                         (III) by striking the period at the  
8                   end and inserting “; and”; and

9                         (IV) by adding at the end the fol-  
10                  lowing:

11                         “(i) make an additional adjustment to the  
12                  standardized amounts under such section  
13                  1886(d) based upon the Secretary’s estimates for  
14                  discharges occurring only during fiscal years  
15                  2014, 2015, 2016, and 2017 to fully offset  
16                  \$11,000,000,000 (which represents the amount of  
17                  the increase in aggregate payments from fiscal  
18                  years 2008 through 2013 for which an adjust-  
19                  ment was not previously applied).”; and

20                  (B) in paragraph (3)—

21                         (i) in subparagraph (A), by inserting  
22                  before the semicolon the following: “or af-  
23                  fecting the Secretary’s authority under such  
24                  paragraph to apply a prospective adjust-  
25                  ment to offset aggregate additional pay-

1            *ments related to documentation and coding*  
2            *improvements made with respect to dis-*  
3            *charges during fiscal year 2010”; and*

4            *(ii) in subparagraph (B), by striking*  
5            *“and 2012” and inserting “2012, 2014,*  
6            *2015, 2016, and 2017”.*

7    **SEC. 632. REVISIONS TO THE MEDICARE ESRD BUNDLED**  
8            **PAYMENT SYSTEM TO REFLECT FINDINGS IN**  
9            **THE GAO REPORT.**

10        *(a) ADJUSTMENT TO ESRD BUNDLED PAYMENT RATE*  
11    *TO ACCOUNT FOR CHANGES IN THE UTILIZATION OF CER-*  
12    *TAIN DRUGS AND BIOLOGICALS.—Section 1881(b)(14) of*  
13    *the Social Security Act (42 U.S.C. 1395rr(b)(14)) is*  
14    *amended by adding at the end the following new subpara-*  
15    *graph:*

16        *“(I) For services furnished on or after January 1,*  
17    *2014, the Secretary shall, by comparing per patient utiliza-*  
18    *tion data from 2007 with such data from 2012, make reduc-*  
19    *tions to the single payment that would otherwise apply*  
20    *under this paragraph for renal dialysis services to reflect*  
21    *the Secretary’s estimate of the change in the utilization of*  
22    *drugs and biologicals described in clauses (ii), (iii), and*  
23    *(iv) of subparagraph (B) (other than oral-only ESRD-re-*  
24    *lated drugs, as such term is used in the final rule promul-*  
25    *gated by the Secretary in the Federal Register on August*

1 12, 2010 (75 Fed. Reg. 49030)). In making reductions  
2 under the preceding sentence, the Secretary shall take into  
3 account the most recently available data on average sales  
4 prices and changes in prices for drugs and biological re-  
5 flected in the ESRD market basket percentage increase fac-  
6 tor under subparagraph (F).”.

7 (b) *TWO-YEAR DELAY OF IMPLEMENTATION OF ORAL-*  
8 *ONLY ESRD-RELATED DRUGS IN THE ESRD PROSPEC-*  
9 *TIVE PAYMENT SYSTEM; MONITORING.—*

10 (1) *DELAY.—The Secretary of Health and*  
11 *Human Services may not implement the policy under*  
12 *section 413.174(f)(6) of title 42, Code of Federal Reg-*  
13 *ulations (relating to oral-only ESRD-related drugs in*  
14 *the ESRD prospective payment system), prior to*  
15 *January 1, 2016.*

16 (2) *MONITORING.—With respect to the imple-*  
17 *mentation of oral-only ESRD-related drugs in the*  
18 *ESRD prospective payment system under subsection*  
19 *(b)(14) of section 1881 of the Social Security Act (42*  
20 *U.S.C. 1395rr(b)(14)), the Secretary of Health and*  
21 *Human Services shall monitor the bone and mineral*  
22 *metabolism of individuals with end stage renal dis-*  
23 *ease.*

1       (c) *ANALYSIS OF CASE MIX PAYMENT ADJUST-*  
2 *MENTS.—By not later than January 1, 2016, the Secretary*  
3 *of Health and Human Services shall—*

4           (1) *conduct an analysis of the case mix payment*  
5 *adjustments being used under section*  
6 *1881(b)(14)(D)(i) of the Social Security Act (42*  
7 *U.S.C. 1395rr(b)(14)(D)(i)); and*

8           (2) *make appropriate revisions to such case mix*  
9 *payment adjustments.*

10       (d) *UPDATED GAO REPORT.—Not later than Decem-*  
11 *ber 31, 2015, the Comptroller General of the United States*  
12 *shall submit to Congress a report that updates the report*  
13 *submitted to Congress under section 10336 of the Patient*  
14 *Protection and Affordable Care Act (Public Law 111–148;*  
15 *124 Stat. 974). The updated report shall include an anal-*  
16 *ysis of how the Secretary of Health and Human Services*  
17 *has addressed points raised in the report submitted under*  
18 *such section 10336 with respect to the Secretary’s prepara-*  
19 *tions to implement payment for oral-only ESRD-related*  
20 *drugs in the bundled prospective payment system under sec-*  
21 *tion 1881(b)(14) of the Social Security Act (42 U.S.C.*  
22 *1395rr(b)(14)).*

1 **SEC. 633. TREATMENT OF MULTIPLE SERVICE PAYMENT**  
2 **POLICIES FOR THERAPY SERVICES.**

3 (a) *SERVICES FURNISHED BY PHYSICIANS AND CER-*  
4 *TAIN OTHER PROVIDERS.*—Section 1848(b)(7) of the Social  
5 *Security Act (42 U.S.C. 1395w-4(b)(7)) is amended—*

6 (1) *by striking “2011,” and inserting “2011, and*  
7 *before April 1, 2013,”; and*

8 (2) *by adding at the end the following new sen-*  
9 *tence: “In the case of such services furnished on or*  
10 *after April 1, 2013, and for which payment is made*  
11 *under such fee schedules, instead of the 25 percent*  
12 *multiple procedure payment reduction specified in*  
13 *such final rule, the reduction percentage shall be 50*  
14 *percent.”.*

15 (b) *SERVICES FURNISHED BY OTHER PROVIDERS.*—  
16 *Section 1834(k) of the Social Security Act (42 U.S.C.*  
17 *1395m(k)) is amended by adding at the end the following*  
18 *new paragraph:*

19 “(7) *ADJUSTMENT IN DISCOUNT FOR CERTAIN*  
20 *MULTIPLE THERAPY SERVICES.*—*In the case of ther-*  
21 *apy services furnished on or after April 1, 2013, and*  
22 *for which payment is made under this subsection pur-*  
23 *suant to the applicable fee schedule amount (as de-*  
24 *defined in paragraph (3)), instead of the 25 percent*  
25 *multiple procedure payment reduction specified in the*  
26 *final rule published by the Secretary in the Federal*

1       *Register on November 29, 2010, the reduction percent-*  
2       *age shall be 50 percent.”.*

3   **SEC. 634. PAYMENT FOR CERTAIN RADIOLOGY SERVICES**  
4                   **FURNISHED UNDER THE MEDICARE HOS-**  
5                   **PITAL OUTPATIENT DEPARTMENT PROSPEC-**  
6                   **TIVE PAYMENT SYSTEM.**

7       *Section 1833(t)(16) of the Social Security Act (42*  
8       *U.S.C. 1395l(t)(16)) is amended by adding at the end the*  
9       *following new subparagraph:*

10                   “(D) *SPECIAL PAYMENT RULE.—*

11                       “(i) *IN GENERAL.—In the case of cov-*  
12                       *ered OPD services furnished on or after*  
13                       *April 1, 2013, in a hospital described in*  
14                       *clause (ii), if—*

15                       “(I) *the payment rate that would*  
16                       *otherwise apply under this subsection*  
17                       *for stereotactic radiosurgery, complete*  
18                       *course of treatment of cranial lesion(s)*  
19                       *consisting of 1 session that is multi-*  
20                       *source Cobalt 60 based (identified as of*  
21                       *January 1, 2013, by HCPCS code*  
22                       *77371 (and any succeeding code) and*  
23                       *reimbursed as of such date under APC*  
24                       *0127 (and any succeeding classifica-*  
25                       *tion group)); exceeds*

1                   “(II) the payment rate that would  
2                   otherwise apply under this subsection  
3                   for linear accelerator based stereotactic  
4                   radiosurgery, complete course of ther-  
5                   apy in one session (identified as of  
6                   January 1, 2013, by HCPCS code  
7                   G0173 (and any succeeding code) and  
8                   reimbursed as of such date under APC  
9                   0067 (and any succeeding classifica-  
10                  tion group)),  
11                  the payment rate for the service described in  
12                  subclause (I) shall be reduced to an amount  
13                  equal to the payment rate for the service de-  
14                  scribed in subclause (II).

15                  “(ii) *HOSPITAL DESCRIBED.*—A hos-  
16                  pital described in this clause is a hospital  
17                  that is not—

18                         “(I) located in a rural area (as  
19                         defined in section 1886(d)(2)(D));

20                         “(II) classified as a rural referral  
21                         center under section 1886(d)(5)(C); or

22                         “(III) a sole community hospital  
23                         (as defined in section  
24                         1886(d)(5)(D)(iii)).



1           “(iii) *NOT BUDGET NEUTRAL.*—*In*  
 2           *making any budget neutrality adjustments*  
 3           *under this subsection for 2013 (with respect*  
 4           *to covered OPD services furnished on or*  
 5           *after April 1, 2013, and before January 1,*  
 6           *2014) or a subsequent year, the Secretary*  
 7           *shall not take into account the reduced ex-*  
 8           *penditures that result from the application*  
 9           *of this subparagraph.”.*

10 **SEC. 635. ADJUSTMENT OF EQUIPMENT UTILIZATION RATE**  
 11 **FOR ADVANCED IMAGING SERVICES.**

12       *Section 1848 of the Social Security Act (42 U.S.C.*  
 13 *1395w-4) is amended—*

14           (1) *in subsection (b)(4)(C)—*

15               (A) *by striking “and subsequent years” and*  
 16               *inserting “, 2012, and 2013”; and*

17               (B) *by adding at the end the following new*  
 18               *sentence: “With respect to fee schedules estab-*  
 19               *lished for 2014 and subsequent years, in such*  
 20               *methodology, the Secretary shall use a 90 percent*  
 21               *utilization rate.”; and*

22           (2) *in subsection (c)(2)(B)(v)(III), by striking*  
 23           *“change in the utilization rate applicable to 2011, as*  
 24           *described in” and inserting “changes in the utiliza-*

1        *tion rate applicable to 2011 and 2014, as described*  
 2        *in the first and second sentence, respectively, of’.*

3    **SEC. 636. MEDICARE PAYMENT OF COMPETITIVE PRICES**  
 4                    **FOR DIABETIC SUPPLIES AND ELIMINATION**  
 5                    **OF OVERPAYMENT FOR DIABETIC SUPPLIES.**

6        *(a) APPLICATION OF COMPETITIVE BIDDING PRICES*  
 7        *FOR DIABETIC SUPPLIES.—Section 1834(a)(1) of the Social*  
 8        *Security Act (42 U.S.C. 1395m(a)(1)) is amended—*

9                *(1) in subparagraph (F), in the matter preceding*  
 10                *clause (i), by striking “subparagraph (G)” and in-*  
 11                *serting “subparagraphs (G) and (H)”;* and

12                *(2) by adding at the end the following new sub-*  
 13                *paragraph:*

14                    *“(H) DIABETIC SUPPLIES.—*

15                    *“(i) IN GENERAL.—On or after the*  
 16                    *date described in clause (ii), the payment*  
 17                    *amount under this part for diabetic sup-*  
 18                    *plies, including testing strips, that are non-*  
 19                    *mail order items (as defined by the Sec-*  
 20                    *retary) shall be equal to the single payment*  
 21                    *amounts established under the national*  
 22                    *mail order competition for diabetic supplies*  
 23                    *under section 1847.*

24                    *“(ii) DATE DESCRIBED.—The date de-*  
 25                    *scribed in this clause is the date of the im-*

1                    *plementation of the single payment amounts*  
2                    *under the national mail order competition*  
3                    *for diabetic supplies under section 1847.”.*

4            *(b) OVERPAYMENT ELIMINATION FOR DIABETIC SUP-*  
5 *PLIES.—Section 1834(a) of the Social Security Act (42*  
6 *U.S.C. 1395m(a)) is amended by adding at the end the fol-*  
7 *lowing new paragraph:*

8                    *“(22) SPECIAL PAYMENT RULE FOR DIABETIC*  
9                    *SUPPLIES.—Notwithstanding the preceding provisions*  
10                    *of this subsection, for purposes of determining the*  
11                    *payment amount under this subsection for diabetic*  
12                    *supplies furnished on or after the first day of the cal-*  
13                    *endar quarter during 2013 that is at least 30 days*  
14                    *after the date of the enactment of this paragraph and*  
15                    *before the date described in paragraph (1)(H)(ii), the*  
16                    *Secretary shall recalculate and apply the covered item*  
17                    *update under paragraph (14) as if subparagraph*  
18                    *(J)(i) of such paragraph was amended by striking*  
19                    *‘but only if furnished through mail order’.”.*

20 **SEC. 637. MEDICARE PAYMENT ADJUSTMENT FOR NON-**  
21                    **EMERGENCY AMBULANCE TRANSPORTS FOR**  
22                    **ESRD BENEFICIARIES.**

23                    *Section 1834(l) of the Social Security Act (42 U.S.C.*  
24 *1395m(l)) is amended by adding at the end the following*  
25 *new paragraph:*

1           “(15) *PAYMENT ADJUSTMENT FOR NON-EMER-*  
2           *GENCY AMBULANCE TRANSPORTS FOR ESRD BENE-*  
3           *FICIARIES.*—*The fee schedule amount otherwise appli-*  
4           *cable under the preceding provisions of this subsection*  
5           *shall be reduced by 10 percent for ambulance services*  
6           *furnished on or after October 1, 2013, consisting of*  
7           *non-emergency basic life support services involving*  
8           *transport of an individual with end-stage renal dis-*  
9           *ease for renal dialysis services (as described in section*  
10           *1881(b)(14)(B)) furnished other than on an emer-*  
11           *gency basis by a provider of services or a renal dialy-*  
12           *sis facility.”.*

13 **SEC. 638. REMOVING OBSTACLES TO COLLECTION OF OVER-**  
14           **PAYMENTS.**

15           (a) *IN GENERAL.*—*The last sentence of subsections (b)*  
16           *and (c) of section 1870 of the Social Security Act (42 U.S.C.*  
17           *1395gg) are each amended—*

18                   (1) *by striking “third year” and inserting “fifth*  
19                   *year”; and*

20                   (2) *by striking “three-year” and inserting “five-*  
21                   *year”.*

22           (b) *EFFECTIVE DATE.*—*The amendments made by sub-*  
23           *section (a) shall take effect on the date of the enactment*  
24           *of this Act.*

1 **SEC. 639. MEDICARE ADVANTAGE CODING INTENSITY AD-**  
2 **JUSTMENT.**

3 *Section 1853(a)(1)(C)(ii)(III) of the Social Security*  
4 *Act (42 U.S.C. 1395w–23(a)(1)(C)(ii)(III)) is amended—*

5 *(1) by striking “1.3 percentage points” and in-*  
6 *serting “1.5 percentage points”; and*

7 *(2) by striking “5.7 percent” and inserting “5.9*  
8 *percent”.*

9 **SEC. 640. ELIMINATION OF ALL FUNDING FOR THE MEDI-**  
10 **CARE IMPROVEMENT FUND.**

11 *Section 1898(b)(1) of the Social Security Act (42*  
12 *U.S.C. 1395iii(b)(1)) is amended by striking subpara-*  
13 *graphs (A), (B), and (C) and inserting the following new*  
14 *subparagraphs:*

15 *“(A) fiscal year 2014, \$0; and*

16 *“(B) fiscal year 2015, \$0.”.*

17 **SEC. 641. REBASING OF STATE DSH ALLOTMENTS.**

18 *Section 1923(f)(8) of the Social Security Act (42*  
19 *U.S.C. 1396r–4(f)(8)) is amended to read as follows:*

20 *“(8) SPECIAL RULES FOR CALCULATING DSH AL-*  
21 *LOTMENTS FOR CERTAIN FISCAL YEARS.—*

22 *“(A) FISCAL YEAR 2021.—Only with respect*  
23 *to fiscal year 2021, the DSH allotment for a*  
24 *State, in lieu of the amount determined under*  
25 *paragraph (3) for the State for that year, shall*  
26 *be equal to the DSH allotment for the State as*

1        *reduced under paragraph (7) for fiscal year*  
2        *2020, increased, subject to subparagraphs (B)*  
3        *and (C) of paragraph (3), and paragraph (5), by*  
4        *the percentage change in the consumer price*  
5        *index for all urban consumers (all items; U.S.*  
6        *city average), for fiscal year 2020.*

7            *“(B) FISCAL YEAR 2022.—Only with respect*  
8        *to fiscal year 2022, the DSH allotment for a*  
9        *State, in lieu of the amount determined under*  
10       *paragraph (3) for the State for that year, shall*  
11       *be equal to the DSH allotment for the State for*  
12       *fiscal year 2021, as determined under subpara-*  
13       *graph (A), increased, subject to subparagraphs*  
14       *(B) and (C) of paragraph (3), and paragraph*  
15       *(5), by the percentage change in the consumer*  
16       *price index for all urban consumers (all items;*  
17       *U.S. city average), for fiscal year 2021.*

18            *“(C) SUBSEQUENT FISCAL YEARS.—The*  
19       *DSH allotment for a State for fiscal years after*  
20       *fiscal year 2022 shall be calculated under para-*  
21       *graph (3) without regard to this paragraph and*  
22       *paragraph (7).”.*

1 **SEC. 642. REPEAL OF CLASS PROGRAM.**

2 (a) *REPEAL.*—*Title XXXII of the Public Health Serv-*  
3 *ice Act (42 U.S.C. 300ll et seq.; relating to the CLASS pro-*  
4 *gram) is repealed.*

5 (b) *CONFORMING CHANGES.*—

6 (1) *Title VIII of the Patient Protection and Af-*  
7 *fordable Care Act (Public Law 111–148; 124 Stat.*  
8 *119, 846–847) is repealed.*

9 (2) *Section 1902(a) of the Social Security Act*  
10 *(42 U.S.C. 1396a(a)) is amended—*

11 (A) *by striking paragraphs (81) and (82);*

12 (B) *in paragraph (80), by inserting “and”*  
13 *at the end; and*

14 (C) *by redesignating paragraph (83) as*  
15 *paragraph (81).*

16 (3) *Paragraphs (2) and (3) of section 6021(d) of*  
17 *the Deficit Reduction Act of 2005 (42 U.S.C. 1396p*  
18 *note) are amended to read as such paragraphs were*  
19 *in effect on the day before the date of the enactment*  
20 *of section 8002(d) of the Patient Protection and Af-*  
21 *fordable Care Act (Public Law 111–148). Of the funds*  
22 *appropriated by paragraph (3) of such section*  
23 *6021(d), as amended by the Patient Protection and*  
24 *Affordable Care Act, the unobligated balance is re-*  
25 *scinded.*

1 **SEC. 643. COMMISSION ON LONG-TERM CARE.**

2 (a) *ESTABLISHMENT.*—*There is established a commis-*  
3 *sion to be known as the Commission on Long-Term Care*  
4 *(referred to in this section as the “Commission”).*

5 (b) *DUTIES.*—

6 (1) *IN GENERAL.*—*The Commission shall develop*  
7 *a plan for the establishment, implementation, and fi-*  
8 *nancing of a comprehensive, coordinated, and high-*  
9 *quality system that ensures the availability of long-*  
10 *term services and supports for individuals in need of*  
11 *such services and supports, including elderly individ-*  
12 *uals, individuals with substantial cognitive or func-*  
13 *tional limitations, other individuals who require as-*  
14 *sistance to perform activities of daily living, and in-*  
15 *dividuals desiring to plan for future long-term care*  
16 *needs.*

17 (2) *EXISTING HEALTH CARE PROGRAMS.*—*For*  
18 *purposes of developing the plan described in para-*  
19 *graph (1), the Commission shall provide recommenda-*  
20 *tions for—*

21 (A) *addressing the interaction of a long-*  
22 *term services and support system with existing*  
23 *programs for long-term services and supports,*  
24 *including the Medicare program under title*  
25 *XVIII of the Social Security Act (42 U.S.C.*  
26 *1395 et seq.) and the Medicaid program under*



1           *title XIX of the Social Security Act (42 U.S.C.*  
2           *1396 et seq.), and private long-term care insur-*  
3           *ance;*

4                   *(B) improvements to such health care pro-*  
5           *grams that are necessary for ensuring the avail-*  
6           *ability of long-term services and supports; and*

7                   *(C) issues related to workers who provide*  
8           *long-term services and supports, including—*

9                           *(i) whether the number of such workers*  
10           *is adequate to provide long-term services*  
11           *and supports to individuals with long-term*  
12           *care needs;*

13                           *(ii) workforce development necessary to*  
14           *deliver high-quality services to such individ-*  
15           *uals;*

16                           *(iii) development of entities that have*  
17           *the capacity to serve as employers and fis-*  
18           *cal agents for workers who provide long-*  
19           *term services and supports in the homes of*  
20           *such individuals; and*

21                           *(iv) addressing gaps in Federal and*  
22           *State infrastructure that prevent delivery of*  
23           *high-quality long term services and sup-*  
24           *ports to such individuals.*

1           (3) *ADDITIONAL CONSIDERATIONS.*—For pur-  
2           poses of developing the plan described in paragraph  
3           (1), the Commission shall take into account projected  
4           demographic changes and trends in the population of  
5           the United States, as well as the potential for develop-  
6           ment of new technologies, delivery systems, or other  
7           mechanisms to improve the availability and quality  
8           of long-term services and supports.

9           (4) *CONSULTATION.*—For purposes of developing  
10          the plan described in paragraph (1), the Commission  
11          shall consult with the Medicare Payment Advisory  
12          Commission, the Medicaid and CHIP Payment and  
13          Access Commission, the National Council on Dis-  
14          ability, and relevant consumer groups.

15         (c) *MEMBERSHIP.*—

16                 (1) *IN GENERAL.*—The Commission shall be com-  
17                 posed of 15 members, to be appointed not later than  
18                 30 days after the date of enactment of this Act, as fol-  
19                 lows:

20                         (A) *The President of the United States shall*  
21                         *appoint 3 members.*

22                         (B) *The majority leader of the Senate shall*  
23                         *appoint 3 members.*

24                         (C) *The minority leader of the Senate shall*  
25                         *appoint 3 members.*

1           (D) *The Speaker of the House of Represent-*  
2           *atives shall appoint 3 members.*

3           (E) *The minority leader of the House of*  
4           *Representatives shall appoint 3 members.*

5           (2) *REPRESENTATION.—The membership of the*  
6           *Commission shall include individuals who—*

7           (A) *represent the interests of—*

8                   (i) *consumers of long-term services and*  
9                   *supports and related insurance products, as*  
10                  *well as their representatives;*

11                  (ii) *older adults;*

12                  (iii) *individuals with cognitive or*  
13                  *functional limitations;*

14                  (iv) *family caregivers for individuals*  
15                  *described in clause (i), (ii), or (iii);*

16                  (v) *the health care workforce who di-*  
17                  *rectly provide long-term services and sup-*  
18                  *ports;*

19                  (vi) *private long-term care insurance*  
20                  *providers;*

21                  (vii) *employers;*

22                  (viii) *State insurance departments;*

23                  *and*

24                  (ix) *State Medicaid agencies;*

1           (B) *have demonstrated experience in deal-*  
2           *ing with issues related to long-term services and*  
3           *supports, health care policy, and public and pri-*  
4           *vate insurance; and*

5           (C) *represent the health care interests and*  
6           *needs of a variety of geographic areas and demo-*  
7           *graphic groups.*

8           (3) *CHAIRMAN AND VICE-CHAIRMAN.—The Com-*  
9           *mission shall elect a chairman and vice chairman*  
10          *from among its members.*

11          (4) *VACANCIES.—Any vacancy in the member-*  
12          *ship of the Commission shall be filled in the manner*  
13          *in which the original appointment was made and*  
14          *shall not affect the power of the remaining members*  
15          *to execute the duties of the Commission.*

16          (5) *QUORUM.—A quorum shall consist of 8 mem-*  
17          *bers of the Commission, except that 4 members may*  
18          *conduct a hearing under subsection (e)(1).*

19          (6) *MEETINGS.—The Commission shall meet at*  
20          *the call of its chairman or a majority of its members.*

21          (7) *COMPENSATION AND REIMBURSEMENT OF EX-*  
22          *PENSES.—*

23                 (A) *IN GENERAL.—To enable the Commis-*  
24                 *sion to exercise its powers, functions, and duties,*  
25                 *there are authorized to be disbursed by the Sen-*

1           *ate the actual and necessary expenses of the*  
2           *Commission approved by the chairman and vice*  
3           *chairman, subject to subparagraph (B) and the*  
4           *rules and regulations of the Senate.*

5           *(B) MEMBERS.—Members of the Commis-*  
6           *sion are not entitled to receive compensation for*  
7           *service on the Commission. Members may be re-*  
8           *imbursed for travel, subsistence, and other nec-*  
9           *essary expenses incurred in carrying out the du-*  
10          *ties of the Commission.*

11          *(d) STAFF AND ETHICAL STANDARDS.—*

12           *(1) STAFF.—The chairman and vice chairman of*  
13           *the Commission may jointly appoint and fix the com-*  
14           *penetration of staff as they deem necessary, within the*  
15           *guidelines for employees of the Senate and following*  
16           *all applicable rules and employment requirements of*  
17           *the Senate.*

18           *(2) ETHICAL STANDARDS.—Members of the Com-*  
19           *mission who serve in the House of Representatives*  
20           *shall be governed by the ethics rules and requirements*  
21           *of the House. Members of the Senate who serve on the*  
22           *Commission and staff of the Commission shall comply*  
23           *with the ethics rules of the Senate.*

24          *(e) POWERS.—*

1           (1) *HEARINGS AND OTHER ACTIVITIES.*—*For the*  
2 *purpose of carrying out its duties, the Commission*  
3 *may hold such hearings and undertake such other ac-*  
4 *tivities as the Commission determines to be necessary*  
5 *to carry out its duties.*

6           (2) *STUDIES BY GENERAL ACCOUNTING OF-*  
7 *FICE.*—*Upon the request of the Commission, the*  
8 *Comptroller General of the United States shall con-*  
9 *duct such studies or investigations as the Commission*  
10 *determines to be necessary to carry out its duties.*

11           (3) *COST ESTIMATES BY CONGRESSIONAL BUDG-*  
12 *ET OFFICE.*—*Upon the request of the Commission, the*  
13 *Director of the Congressional Budget Office shall pro-*  
14 *vide to the Commission such cost estimates as the*  
15 *Commission determines to be necessary to carry out*  
16 *its duties.*

17           (4) *DETAIL OF FEDERAL EMPLOYEES.*—*Upon the*  
18 *request of the Commission, the head of any Federal*  
19 *agency is authorized to detail, without reimburse-*  
20 *ment, any of the personnel of such agency to the Com-*  
21 *mission to assist the Commission in carrying out its*  
22 *duties. Any such detail shall not interrupt or other-*  
23 *wise affect the civil service status or privileges of the*  
24 *Federal employee.*

1           (5) *TECHNICAL ASSISTANCE.*—Upon the request  
2 of the Commission, the head of a Federal agency shall  
3 provide such technical assistance to the Commission  
4 as the Commission determines to be necessary to  
5 carry out its duties.

6           (6) *USE OF MAILS.*—The Commission may use  
7 the United States mails in the same manner and  
8 under the same conditions as Federal agencies.

9           (7) *OBTAINING INFORMATION.*—The Commission  
10 may secure directly from any Federal agency infor-  
11 mation necessary to enable it to carry out its duties,  
12 if the information may be disclosed under section 552  
13 of title 5, United States Code. Upon request of the  
14 Chairman of the Commission, the head of such agency  
15 shall furnish such information to the Commission.

16           (8) *ADMINISTRATIVE SUPPORT SERVICES.*—Upon  
17 the request of the Commission, the Administrator of  
18 General Services shall provide to the Commission on  
19 a reimbursable basis such administrative support  
20 services as the Commission may request.

21           (f) *COMMISSION CONSIDERATION.*—

22           (1) *APPROVAL OF REPORT AND LEGISLATIVE*  
23 *LANGUAGE.*—

24           (A) *IN GENERAL.*—Not later than 6 months  
25 after appointment of the members of the Com-

1           *mission (as described in subsection (c)(1)), the*  
2           *Commission shall vote on a comprehensive and*  
3           *detailed report based on the long-term care plan*  
4           *described in subsection (b)(1) that contains any*  
5           *recommendations or proposals for legislative or*  
6           *administrative action as the Commission deems*  
7           *appropriate, including proposed legislative lan-*  
8           *guage to carry out the recommendations or pro-*  
9           *posals (referred to in this section as the “Com-*  
10          *mission bill”).*

11           (B) *APPROVAL BY MAJORITY OF MEM-*  
12          *BERS.—The Commission bill shall require the*  
13          *approval of a majority of the members of the*  
14          *Commission.*

15          (2) *TRANSMISSION OF COMMISSION BILL.—*

16           (A) *IN GENERAL.—If the Commission bill is*  
17          *approved by the Commission pursuant to para-*  
18          *graph (1), then not later than 10 days after such*  
19          *approval, the Commission shall submit the Com-*  
20          *mission bill to the President, the Vice President,*  
21          *the Speaker of the House of Representatives, and*  
22          *the majority and minority Leaders of each*  
23          *House on Congress.*

24           (B) *COMMISSION BILL TO BE MADE PUB-*  
25          *LIC.—Upon the approval or disapproval of the*





1       **(b) TRANSFER AND RESCISSION.**—

2               **(1) TRANSFER.**—*From the unobligated balance*  
 3 *of funds appropriated under section 1322(g) of the*  
 4 *Patient Protection and Affordable Care Act (42*  
 5 *U.S.C. 18042(g)), 10 percent of such sums are hereby*  
 6 *transferred to the fund established under subsection*  
 7 *(a) to remain available until expended.*

8               **(2) RESCISSION.**—*Except as provided for in*  
 9 *paragraph (1), amounts appropriated under section*  
 10 *1322(g) of the Patient Protection and Affordable Care*  
 11 *Act (42 U.S.C. 18042(g)) that are unobligated as of*  
 12 *the date of enactment of this Act are rescinded.*

13               **TITLE VII—EXTENSION OF**  
 14 **AGRICULTURAL PROGRAMS**

15 **SEC. 701. 1-YEAR EXTENSION OF AGRICULTURAL PRO-**  
 16 **GRAMS.**

17               **(a) EXTENSION.**—*Except as otherwise provided in this*  
 18 *section and amendments made by this section and notwith-*  
 19 *standing any other provision of law, the authorities pro-*  
 20 *vided by each provision of the Food, Conservation, and En-*  
 21 *ergy Act of 2008 (Public Law 110–246; 122 Stat. 1651)*  
 22 *and each amendment made by that Act (and for mandatory*  
 23 *programs at such funding levels), as in effect on September*  
 24 *30, 2012, shall continue, and the Secretary of Agriculture*  
 25 *shall carry out the authorities, until the later of—*

- 1           (1) *September 30, 2013; or*  
2           (2) *the date specified in the provision of that Act*  
3           *or amendment made by that Act.*

4           (b) *COMMODITY PROGRAMS.—*

5           (1) *IN GENERAL.—The terms and conditions ap-*  
6           *plicable to a covered commodity or loan commodity*  
7           *(as those terms are defined in section 1001 of the*  
8           *Food, Conservation, and Energy Act of 2008 (7*  
9           *U.S.C. 8702)) or to peanuts, sugarcane, or sugar beets*  
10          *for the 2012 crop year pursuant to title I of that Act*  
11          *(7 U.S.C. 8702 et seq.) and each amendment made by*  
12          *that title shall be applicable to the 2013 crop year for*  
13          *that covered commodity, loan commodity, peanuts,*  
14          *sugarcane, or sugar beets.*

15          (2) *MILK.—*

16           (A) *IN GENERAL.—Notwithstanding sub-*  
17           *section (a), the Secretary of Agriculture shall*  
18           *carry out the dairy product price support pro-*  
19           *gram under section 1501 of the Food, Conserva-*  
20           *tion, and Energy Act of 2008 (7 U.S.C. 8771)*  
21           *through December 31, 2013.*

22           (B) *MILK INCOME LOSS CONTRACT PRO-*  
23           *GRAM.—Section 1506 of the Food, Conservation,*  
24           *and Energy Act of 2008 (7 U.S.C. 8773) is*  
25           *amended by striking “2012” each place it ap-*

1           *pears in subsections (c)(3), (d)(1), (d)(2),*  
 2           *(e)(2)(A), (g), and (h)(1) and inserting “2013”.*

3           (3) *SUSPENSION OF PERMANENT PRICE SUPPORT*  
 4           *AUTHORITIES.—The provisions of law specified in*  
 5           *subsections (a) through (c) of section 1602 of the*  
 6           *Food, Conservation, and Energy Act of 2008 (7*  
 7           *U.S.C. 8782) shall be suspended—*

8                     *(A) for the 2013 crop or production year of*  
 9                     *a covered commodity (as that term is defined in*  
 10                    *section 1001 of that Act (7 U.S.C. 8702)), pea-*  
 11                    *nuts, sugarcane, and sugar, as appropriate; and*

12                    *(B) in the case of milk, through December*  
 13                    *31, 2013.*

14           (i) *CONSERVATION PROGRAMS.—*

15                    (1) *CONSERVATION RESERVE.—Section 1231(d)*  
 16                    *of the Food Security Act of 1985 (16 U.S.C. 3831(d))*  
 17                    *is amended in the second sentence by striking “and*  
 18                    *2012” and inserting “2012, and 2013”.*

19                    (2) *VOLUNTARY PUBLIC ACCESS.—Section 1240R*  
 20                    *of the Food Security Act of 1985 (16 U.S.C. 3839bb–*  
 21                    *5) is amended by striking subsection (f) and inserting*  
 22                    *the following:*

23                    “*(f) FUNDING.—*

24                             “*(1) FISCAL YEARS 2009 THROUGH 2012.—Of the*  
 25                             *funds of the Commodity Credit Corporation, the Sec-*

1     *retary shall use to carry out this section, to the max-*  
 2     *imum extent practicable, \$50,000,000 for the period*  
 3     *of fiscal years 2009 through 2012.*

4             “(2) *AUTHORIZATION OF APPROPRIATIONS.—*  
 5     *There is authorized to be appropriated to carry out*  
 6     *this section \$10,000,000 for fiscal year 2013.”.*

7     *(d) SUPPLEMENTAL NUTRITION ASSISTANCE PRO-*  
 8     *GRAM.—*

9             *(1) EMPLOYMENT AND TRAINING PROGRAM.—*  
 10     *Section 16(h)(1)(A) of the Food and Nutrition Act of*  
 11     *2008 (7 U.S.C. 2025(h)(1)(A)) is amended by insert-*  
 12     *ing “, except that for fiscal year 2013, the amount*  
 13     *shall be \$79,000,000” before the period at the end.*

14             *(2) NUTRITION EDUCATION.—Section 28(d)(1) of*  
 15     *the Food and Nutrition Act of 2008 (7 U.S.C.*  
 16     *2036a(d)(1)) is amended—*

17             *(A) in subparagraph (A), by striking “and”*  
 18     *after the semicolon at the end; and*

19             *(B) by striking subparagraph (B) and in-*  
 20     *serting the following:*

21             *“(B) for fiscal year 2012, \$388,000,000;*

22             *“(C) for fiscal year 2013, \$285,000,000;*

23             *“(D) for fiscal year 2014, \$401,000,000;*

24             *“(E) for fiscal year 2015, \$407,000,000;*

25             *and*

1           “(F) for fiscal year 2016 and each subse-  
 2           quent fiscal year, the applicable amount during  
 3           the preceding fiscal year, as adjusted to reflect  
 4           any increases for the 12-month period ending the  
 5           preceding June 30 in the Consumer Price Index  
 6           for All Urban Consumers published by the Bu-  
 7           reau of Labor Statistics of the Department of  
 8           Labor.”.

9           (e) RESEARCH PROGRAMS.—

10           (1) ORGANIC AGRICULTURE RESEARCH AND EX-  
 11           TENSION INITIATIVE.—Section 1672B(f) of the Food,  
 12           Agriculture, Conservation, and Trade Act of 1990 (7  
 13           U.S.C. 5925b(f)) is amended—

14           (A) in the heading of paragraph (1), by  
 15           striking “IN GENERAL” and inserting “MANDA-  
 16           TORY FUNDING FOR FISCAL YEARS 2009 THROUGH  
 17           2012”;

18           (B) in the heading of paragraph (2), by  
 19           striking “ADDITIONAL FUNDING” and inserting  
 20           “DISCRETIONARY FUNDING FOR FISCAL YEARS  
 21           2009 THROUGH 2012”; and

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

23           “(3) FISCAL YEAR 2013.—There is authorized to  
 24           be appropriated to carry out this section \$25,000,000  
 25           for fiscal year 2013.”.

1           (2) *SPECIALTY CROP RESEARCH INITIATIVE.*—  
2           *Section 412(h) of the Agricultural Research, Extension,*  
3           *and Education Reform Act of 1998 (7 U.S.C.*  
4           *7632(h)) is amended—*

5                     (A) *in the heading of paragraph (1), by*  
6                     *striking “IN GENERAL” and inserting “MANDA-*  
7                     *TORY FUNDING FOR FISCAL YEARS 2008 THROUGH*  
8                     *2012”;*

9                     (B) *in the heading of paragraph (2), by in-*  
10                    *serting “FOR FISCAL YEARS 2008 THROUGH 2012”*  
11                    *after “APPROPRIATIONS”;*

12                    (C) *by redesignating paragraphs (3) and*  
13                    *(4) as paragraphs (4) and (5), respectively; and*

14                    (D) *by inserting after paragraph (2) the fol-*  
15                    *lowing:*

16                    “(3) *FISCAL YEAR 2013.*—*There is authorized to*  
17                    *be appropriated to carry out this section*  
18                    *\$100,000,000 for fiscal year 2013.”.*

19           (3) *BEGINNING FARMER AND RANCHER DEVELOP-*  
20           *MENT PROGRAM.*—*Section 7405(h) of the Farm Secu-*  
21           *rity and Rural Investment Act of 2002 (7 U.S.C.*  
22           *3319f(h)) is amended—*

23                     (A) *in the heading of paragraph (1), by*  
24                     *striking “IN GENERAL” and inserting “MANDA-*

1           *TORY FUNDING FOR FISCAL YEARS 2009 THROUGH*  
2           *2012*”;

3           *(B) in the heading of paragraph (2), by in-*  
4           *serting “FOR FISCAL YEARS 2008 THROUGH 2012”*  
5           *after “APPROPRIATIONS”; and*

6           *(C) by adding at the end the following:*

7           *“(3) FISCAL YEAR 2013.—There is authorized to*  
8           *be appropriated to carry out this section \$30,000,000*  
9           *for fiscal year 2013.”.*

10          *(f) ENERGY PROGRAMS.—*

11           *(1) BIOBASED MARKETS PROGRAM.—Section*  
12           *9002(h) of the Farm Security and Rural Investment*  
13           *Act of 2002 (7 U.S.C. 8102(h)) is amended in para-*  
14           *graph (2) by striking “2012” and inserting “2013”.*

15           *(2) BIOREFINERY ASSISTANCE.—Section*  
16           *9003(h)(2) of the Farm Security and Rural Invest-*  
17           *ment Act of 2002 (7 U.S.C. 8103(h)(2)) is amended*  
18           *by striking “2012” and inserting “2013”.*

19           *(3) REPOWERING ASSISTANCE.—Section*  
20           *9004(d)(2) of the Farm Security and Rural Invest-*  
21           *ment Act of 2002 (7 U.S.C. 8104(d)(2)) is amended*  
22           *by striking “2012” and inserting “2013”.*

23           *(4) BIOENERGY PROGRAM FOR ADVANCED*  
24           *BIOFUELS.—Section 9005(g)(2) of the Farm Security*  
25           *and Rural Investment Act of 2002 (7 U.S.C.*



1     8105(g)(2)) is amended by striking “2012” and in-  
2     serting “2013”.

3             (5) *BIODIESEL FUEL EDUCATION PROGRAM.*—  
4     Section 9006 of the Farm Security and Rural Invest-  
5     ment Act of 2002 (7 U.S.C. 8106) is amended by  
6     striking subsection (d) and inserting the following:

7     “(d) *FUNDING.*—

8             “(1) *FISCAL YEARS 2009 THROUGH 2012.*—Of the  
9     funds of the Commodity Credit Corporation, the Sec-  
10    retary shall use to carry out this section \$1,000,000  
11    for each of fiscal years 2008 through 2012.

12            “(2) *AUTHORIZATION OF APPROPRIATIONS.*—  
13    There is authorized to be appropriated to carry out  
14    this section \$1,000,000 for fiscal year 2013.”.

15            (6) *RURAL ENERGY FOR AMERICA PROGRAM.*—  
16    Section 9007(g)(3) of the Farm Security and Rural  
17    Investment Act of 2002 (7 U.S.C. 8107(g)(3)) is  
18    amended by striking “2012” and inserting “2013”.

19            (7) *BIOMASS RESEARCH AND DEVELOPMENT.*—  
20    Section 9008(h)(2) of the Farm Security and Rural  
21    Investment Act of 2002 (7 U.S.C. 8108(h)(2)) is  
22    amended by striking “2012” and inserting “2013”.

23            (8) *RURAL ENERGY SELF-SUFFICIENCY INITIA-*  
24    *TIVE.*—Section 9009(d) of the Farm Security and

1 *Rural Investment Act of 2002 (7 U.S.C. 8109(d)) is*  
2 *amended by striking “2012” and inserting “2013”.*

3 (9) *FEEDSTOCK FLEXIBILITY PROGRAM FOR BIO-*  
4 *ENERGY PRODUCERS.—Section 9010(b) of the Farm*  
5 *Security and Rural Investment Act of 2002 (7 U.S.C.*  
6 *8110(b)) is amended in paragraphs (1)(A) and (2)(A)*  
7 *by striking “2012” each place it appears and insert-*  
8 *ing “2013”.*

9 (10) *BIOMASS CROP ASSISTANCE PROGRAM.—*  
10 *Section 9011(f) of the Farm Security and Rural In-*  
11 *vestment Act of 2002 (7 U.S.C. 8111(f)) is amended—*

12 (A) *by striking “(f) FUNDING.—Of the*  
13 *funds” and inserting “(f) FUNDING.—*

14 *“(1) FISCAL YEARS 2008 THROUGH 2012.—Of the*  
15 *funds”; and*

16 (B) *adding at the end the following:*

17 *“(2) FISCAL YEAR 2013.—*

18 *“(A) IN GENERAL.—There is authorized to*  
19 *be appropriated to carry out this section*  
20 *\$20,000,000 for fiscal year 2013.*

21 *“(B) MULTIYEAR CONTRACTS.—For each*  
22 *multiyear contract entered into by the Secretary*  
23 *during a fiscal year under this paragraph, the*  
24 *Secretary shall ensure that sufficient funds are*  
25 *obligated from the amounts appropriated for*

1           *that fiscal year to fully cover all payments re-*  
2           *quired by the contract for all years of the con-*  
3           *tract.”.*

4           (11) *FOREST BIOMASS FOR ENERGY.*—Section  
5           9012(d) of the *Farm Security and Rural Investment*  
6           *Act of 2002 (7 U.S.C. 8112(d)) is amended by strik-*  
7           *ing “2012” and inserting “2013”.*

8           (12) *COMMUNITY WOOD ENERGY PROGRAM.*—Sec-  
9           *tion 9013(e) of the Farm Security and Rural Invest-*  
10          *ment Act of 2002 (7 U.S.C. 8113(e)) is amended by*  
11          *striking “2012” and inserting “2013”.*

12          (g) *HORTICULTURE AND ORGANIC AGRICULTURE PRO-*  
13          *GRAMS.*—

14               (1) *FARMERS MARKET PROMOTION PROGRAM.*—  
15               Section 6(e) of the *Farmer-to-Consumer Direct Mar-*  
16               *keting Act of 1976 (7 U.S.C. 3005(e)) is amended—*

17                       (A) *in the heading of paragraph (1), by*  
18                       *striking “IN GENERAL” and inserting “FISCAL*  
19                       *YEARS 2008 THROUGH 2012”;*

20                       (B) *by redesignating paragraphs (2), (3),*  
21                       *and (4) as paragraphs (3), (4), and (5), respec-*  
22                       *tively;*

23                       (C) *by inserting after paragraph (1) the fol-*  
24                       *lowing:*

1           “(2) *FISCAL YEAR 2013.*—*There is authorized to*  
2           *be appropriated to carry out this section \$10,000,000*  
3           *for fiscal year 2013.*”;

4                     (D) *in paragraph (3) (as so redesignated),*  
5           *by striking “paragraph (1)” and inserting*  
6           *“paragraph (1) or (2)”*; and

7                     (E) *in paragraph (5) (as so redesignated),*  
8           *by striking “paragraph (2)” and inserting*  
9           *“paragraph (3)”*.

10           (2) *NATIONAL CLEAN PLANT NETWORK.*—*Section*  
11           *10202(e) of the Food, Conservation, and Energy Act*  
12           *of 2008 (7 U.S.C. 7761(e)) is amended—*

13                     (A) *by striking “Of the funds” and insert-*  
14           *ing the following:*

15                     “(1) *FISCAL YEARS 2009 THROUGH 2012.*—*Of the*  
16           *funds*”; and

17                     (B) *by adding at the end the following:*

18                     “(2) *FISCAL YEAR 2013.*—*There is authorized to*  
19           *be appropriated to carry out the Program \$5,000,000*  
20           *for fiscal year 2013.*”.

21           (3) *NATIONAL ORGANIC CERTIFICATION COST-*  
22           *SHARE PROGRAM.*—*Section 10606 of the Farm Secu-*  
23           *urity and Rural Investment Act of 2002 (7 U.S.C.*  
24           *6523) is amended—*

1           (A) in subsection (a), by striking “Of funds  
2           of the Commodity Credit Corporation, the Sec-  
3           retary of Agriculture (acting through the Agri-  
4           cultural Marketing Service) shall use  
5           \$22,000,000 for fiscal year 2008, to remain  
6           available until expended, to” and inserting “The  
7           Secretary of Agriculture (acting through the Ag-  
8           ricultural Marketing Service) shall”; and

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

10          “(d) FUNDING.—

11           “(1) MANDATORY FUNDING FOR FISCAL YEARS  
12           2008 THROUGH 2012.—Of the funds of the Commodity  
13           Credit Corporation, the Secretary shall make avail-  
14           able to carry out this section \$22,000,000 for the pe-  
15           riod of fiscal years 2008 through 2012.

16           “(2) FISCAL YEAR 2013.—There is authorized to  
17           be appropriated to carry out this section \$22,000,000  
18           for fiscal year 2013, to remain available until ex-  
19           pended.”.

20           (4) ORGANIC PRODUCTION AND MARKET DATA  
21           INITIATIVES.—Section 7407(d) of the Farm Security  
22           and Rural Investment Act of 2002 (7 U.S.C.  
23           5925c(d)) is amended—

1           (A) in the heading of paragraph (1), by  
2           striking “IN GENERAL” and inserting “MANDA-  
3           TORY FUNDING THROUGH FISCAL YEAR 2012”;

4           (B) in the heading of paragraph (2), by  
5           striking “ADDITIONAL FUNDING” and inserting  
6           “DISCRETIONARY FUNDING FOR FISCAL YEARS  
7           2008 THROUGH 2012”; and

8           (C) by adding at the end the following:

9           “(3) FISCAL YEAR 2013.—There is authorized to  
10          be appropriated to carry out this section \$5,000,000,  
11          to remain available until expended.”.

12          (h) OUTREACH AND TECHNICAL ASSISTANCE FOR SO-  
13          CIALY DISADVANTAGED FARMERS OR RANCHERS.—Sec-  
14          tion 2501(a)(4) of the Food, Agriculture, Conservation, and  
15          Trade Act of 1990 (7 U.S.C. 2279(a)(4)) is amended—

16               (1) in the heading of subparagraph (A), by strik-  
17               ing “IN GENERAL” and inserting “FISCAL YEARS 2009  
18               THROUGH 2012”;

19               (2) by redesignating subparagraphs (B) and (C)  
20               as subparagraphs (C) and (D), respectively;

21               (3) by inserting after subparagraph (A) the fol-  
22               lowing:

23                       “(B) FISCAL YEAR 2013.—There is author-  
24                       ized to be appropriated to carry out this section  
25                       \$20,000,000 for fiscal year 2013.”;

1           (4) *in subparagraph (C) (as so redesignated), by*  
2 *striking “subparagraph (A)” and inserting “subpara-*  
3 *graph (A) or (B)”*; and

4           (5) *in subparagraph (D) (as so redesignated), by*  
5 *striking “subparagraph (A)” and inserting “subpara-*  
6 *graph (A) or (B)”*.

7       (i) *EXCEPTIONS.—*

8           (1) *IN GENERAL.—Subsection (a) does not apply*  
9 *with respect to mandatory funding provided by pro-*  
10 *grams authorized by provisions of law amended by*  
11 *subsections (d) through (h).*

12           (2) *CONSERVATION.—Subsection (a) does not*  
13 *apply with respect to the programs specified in para-*  
14 *graphs (3)(B), (4), (6), and (7) of section 1241(a) of*  
15 *the Food Security Act of 1985 (16 U.S.C. 3841(a)),*  
16 *relating to the conservation stewardship program,*  
17 *farmland protection program, environmental quality*  
18 *incentives program, and wildlife habitat incentives*  
19 *program, for which program authority was extended*  
20 *through fiscal year 2014 by section 716 of Public Law*  
21 *112–55 (125 Stat. 582).*

22           (3) *TRADE.—Subsection (a) does not apply with*  
23 *respect to the following provisions of law:*

24                   (A) *Section 3206 of the Food, Conservation,*  
25 *and Energy Act of 2008 (7 U.S.C. 1726c) relat-*

1            *ing to the use of Commodity Credit Corporation*  
2            *funds to support local and regional food aid pro-*  
3            *curement projects.*

4            *(B) Section 3107(l)(1) of the Farm Security*  
5            *and Rural Investment Act of 2002 (7 U.S.C.*  
6            *1736o-1(l)(1)) relating to the use of Commodity*  
7            *Credit Corporation funds to carry out the*  
8            *McGovern-Dole International Food for Edu-*  
9            *cation and Child Nutrition Program.*

10           *(4) SURVEY OF FOODS PURCHASED BY SCHOOL*  
11           *FOOD AUTHORITIES.—Subsection (a) does not apply*  
12           *with respect to section 4307 of the Food, Conserva-*  
13           *tion, and Energy Act of 2008 (Public Law 110-246;*  
14           *122 Stat. 1893) relating to the use of Commodity*  
15           *Credit Corporation funds for a survey and report re-*  
16           *garding foods purchased by school food authorities.*

17           *(5) RURAL DEVELOPMENT.—Subsection (a) does*  
18           *not apply with respect to the following provisions of*  
19           *law:*

20           *(A) Section 379E(d)(1) of the Consolidated*  
21           *Farm and Rural Development Act (7 U.S.C.*  
22           *2008s(d)(1)), relating to funding of the rural*  
23           *microentrepreneur assistance program.*

24           *(B) Section 6029 of the Food, Conservation,*  
25           *and Energy Act of 2008 (Public Law 110-246;*



1           122 Stat. 1955) relating to funding of pending  
2           rural development loan and grant applications.

3           (C) Section 231(b)(7)(A) of the Agricultural  
4           Risk Protection Act of 2000 (7 U.S.C.  
5           1632a(b)(7)(A)), relating to funding of value-  
6           added agricultural market development program  
7           grants.

8           (D) Section 375(e)(6)(B) of the Consoli-  
9           dated Farm and Rural Development Act (7  
10          U.S.C. 2008j(e)(6)(B)) relating to the use of  
11          Commodity Credit Corporation funds for the Na-  
12          tional Sheep Industry Improvement Center.

13          (6) MARKET LOSS ASSISTANCE FOR ASPARAGUS  
14          PRODUCERS.—Subsection (a) does not apply with re-  
15          spect to section 10404(d) of the Food, Conservation,  
16          and Energy Act of 2008 (Public Law 110–246; 122  
17          Stat. 2112).

18          (7) SUPPLEMENTAL AGRICULTURAL DISASTER  
19          ASSISTANCE.—Subsection (a) does not apply with re-  
20          spect to section 531 of the Federal Crop Insurance Act  
21          (7 U.S.C. 1531) and title IX of the Trade Act of 1974  
22          (19 U.S.C. 2497 et seq.) relating to the provision of  
23          supplemental agricultural disaster assistance.

24          (8) PIGFORD CLAIMS.—Subsection (a) does not  
25          apply with respect to section 14012 of the Food, Con-

1 *ervation, and Energy Act of 2008 (Public Law 110–*  
2 *246; 122 Stat. 2209) relating to determination on the*  
3 *merits of Pigford claims.*

4 (9) *HEARTLAND, HABITAT, HARVEST, AND HOR-*  
5 *TICULTURE ACT OF 2008.—Subsection (a) does not*  
6 *apply with respect to title XV of the Food, Conserva-*  
7 *tion, and Energy Act of 2008 (Public Law 110–246;*  
8 *122 Stat. 2246), and amendments made by that title,*  
9 *relating to the provision of supplemental agricultural*  
10 *disaster assistance under title IX of the Trade Act of*  
11 *1974 (19 U.S.C. 2497 et seq.), certain revenue and*  
12 *tax provisions, and certain trade benefits and other*  
13 *matters.*

14 (j) *EFFECTIVE DATE.—Except as otherwise provided*  
15 *in this section, this section and the amendments made by*  
16 *this section take effect on the earlier of—*

17 (1) *the date of the enactment of this Act; or*

18 (2) *September 30, 2012.*

19 **SEC. 702. SUPPLEMENTAL AGRICULTURAL DISASTER AS-**  
20 **SISTANCE.**

21 (a) *IN GENERAL.—Section 531 of the Federal Crop In-*  
22 *surance Act (7 U.S.C. 1531) is amended—*

23 (1) *in subsection (a)(5)—*

24 (A) *in the matter preceding clause (i), by*  
25 *striking the first “under”; and*

1           (B) by redesignating clauses (i) through  
2           (iii) as subparagraphs (A), (B), and (C), respec-  
3           tively, and indenting appropriately;

4           (2) in subsection (c)—

5           (A) in paragraph (1), by striking “use such  
6           sums as are necessary from the Trust Fund to”;  
7           and

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

9           “(3) AUTHORIZATION OF APPROPRIATIONS.—  
10          There is authorized to be appropriated to carry out  
11          this subsection \$80,000,000 for each of fiscal years  
12          2012 and 2013.”;

13          (3) in subsection (d)—

14          (A) in paragraph (2), by striking “use such  
15          sums as are necessary from the Trust Fund to”;  
16          and

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

18          “(7) AUTHORIZATION OF APPROPRIATIONS.—  
19          There is authorized to be appropriated to carry out  
20          this subsection \$400,000,000 for each of fiscal years  
21          2012 and 2013.”;

22          (4) in subsection (e)—

23          (A) in paragraph (1), by striking “use up  
24          to \$50,000,000 per year from the Trust Fund  
25          to”; and

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

2           “(4) *AUTHORIZATION OF APPROPRIATIONS.—*  
 3           *There is authorized to be appropriated to carry out*  
 4           *this subsection \$50,000,000 for each of fiscal years*  
 5           *2012 and 2013.”;*

6           (5) in subsection (f)—

7           (A) in paragraph (2)(A), by striking “use  
 8           such sums as are necessary from the Trust Fund  
 9           to”; and

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

11          “(5) *AUTHORIZATION OF APPROPRIATIONS.—*  
 12          *There is authorized to be appropriated to carry out*  
 13          *this subsection \$20,000,000 for each of fiscal years*  
 14          *2012 and 2013.”; and*

15          (6) in subsection (i), by inserting “or, in the case  
 16          of subsections (c) through (f), September 30, 2013”  
 17          after “2011.”.

18          (b) *EFFECTIVE DATE.—The amendments made by sub-*  
 19          *section (a) shall take effect on October 1, 2012.*

20           **TITLE VIII—MISCELLANEOUS**  
 21           **PROVISIONS**

22          **SEC. 801. STRATEGIC DELIVERY SYSTEMS.**

23          (a) *IN GENERAL.—Paragraph 3 of section 495(c) of*  
 24          *title 10, United States Code,, as added by section 1035 of*

1 *the National Defense Authorization Act for Fiscal Year*  
2 *2013, is amended—*

3           (1) *by striking “that” before “the Russian Fed-*  
4 *eration” and inserting “whether”; and*

5           (2) *by inserting “strategic” before “arms control*  
6 *obligations”.*

7           (b) *EFFECTIVE DATE.—The amendments made by sub-*  
8 *section (a) shall take effect as if included in the enactment*  
9 *of the National Defense Authorization Act for Fiscal Year*  
10 *2013.*

11 **SEC. 802. NO COST OF LIVING ADJUSTMENT IN PAY OF**  
12 **MEMBERS OF CONGRESS.**

13           *Notwithstanding any other provision of law, no adjust-*  
14 *ment shall be made under section 601(a) of the Legislative*  
15 *Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost*  
16 *of living adjustments for Members of Congress) during fiscal*  
17 *year 2013.*

18 **TITLE IX—BUDGET PROVISIONS**  
19 **Subtitle A—Modifications of**  
20 **Sequestration**

21 **SEC. 901. TREATMENT OF SEQUESTER.**

22           (a) *ADJUSTMENT.—Section 251A(3) of the Balanced*  
23 *Budget and Emergency Deficit Control Act of 1985 is*  
24 *amended—*

1           (1) *in subparagraph (C), by striking “and” after*  
2           *the semicolon;*

3           (2) *in subparagraph (D), by striking the period*  
4           *and inserting“ ; and”; and*

5           (3) *by inserting at the end the following:*

6                   “(E) *for fiscal year 2013, reducing the*  
7                   *amount calculated under subparagraphs (A)*  
8                   *through (D) by \$24,000,000,000.”.*

9           (b) *AFTER SESSION SEQUESTER.—Notwithstanding*  
10           *any other provision of law, the fiscal year 2013 spending*  
11           *reductions required by section 251(a)(1) of the Balanced*  
12           *Budget and Emergency Deficit Control Act of 1985 shall*  
13           *be evaluated and implemented on March 27, 2013.*

14           (c) *POSTPONEMENT OF BUDGET CONTROL ACT SE-*  
15           *QUESTER FOR FISCAL YEAR 2013.—Section 251A of the*  
16           *Balanced Budget and Emergency Deficit Control Act of*  
17           *1985 is amended—*

18                   (1) *in paragraph (4), by striking “January 2,*  
19                   *2013” and inserting “March 1, 2013”; and*

20                   (2) *in paragraph (7)(A), by striking “January*  
21                   *2, 2013” and inserting “March 1, 2013”.*

22           (d) *ADDITIONAL ADJUSTMENTS.—*

23                   (1) *SECTION 251.—Paragraphs (2) and (3) of*  
24                   *section 251(c) of the Balanced Budget and Emergency*

1     *Deficit Control Act of 1985 are amended to read as*  
2     *follows:*

3             “(2) for fiscal year 2013—

4                     “(A) for the security category, as defined in  
5                     section 250(c)(4)(B), \$684,000,000,000 in budget  
6                     authority; and

7                     “(B) for the nonsecurity category, as de-  
8                     fined in section 250(c)(4)(A), \$359,000,000,000  
9                     in budget authority;

10           “(3) for fiscal year 2014—

11                     “(A) for the security category,  
12                     \$552,000,000,000 in budget authority; and

13                     “(B) for the nonsecurity category,  
14                     \$506,000,000,000 in budget authority;”.

15     (e) 2013 SEQUESTER.—On March 1, 2013, the Presi-  
16     dent shall order a sequestration for fiscal year 2013 pursu-  
17     ant to section 251A of the Balanced Budget and Emergency  
18     Deficit Control Act of 1985, as amended by this section,  
19     pursuant to which, only for the purposes of the calculation  
20     in sections 251A(5)(A), 251A(6)(A), and 251A(7)(A), sec-  
21     tion 251(c)(2) shall be applied as if it read as follows:

22             “(2) For fiscal year 2013—

23                     “(A) for the security category,  
24                     \$544,000,000,000 in budget authority; and

1           “(B) for the nonsecurity category,  
2           \$499,000,000,000 in budget authority;”.

3 **SEC. 902. AMOUNTS IN APPLICABLE RETIREMENT PLANS**  
4           **MAY BE TRANSFERRED TO DESIGNATED**  
5           **ROTH ACCOUNTS WITHOUT DISTRIBUTION.**

6           (a) *IN GENERAL.*—Section 402A(c)(4) is amended by  
7 adding at the end the following:

8           “(E) *SPECIAL RULE FOR CERTAIN TRANS-*  
9           *FERS.*—In the case of an applicable retirement  
10           plan which includes a qualified Roth contribu-  
11           tion program—

12                   “(i) the plan may allow an individual  
13                   to elect to have the plan transfer any  
14                   amount not otherwise distributable under  
15                   the plan to a designated Roth account  
16                   maintained for the benefit of the individual,

17                   “(ii) such transfer shall be treated as a  
18                   distribution to which this paragraph ap-  
19                   plies which was contributed in a qualified  
20                   rollover contribution (within the meaning of  
21                   section 408A(e)) to such account, and

22                   “(iii) the plan shall not be treated as  
23                   violating the provisions of section  
24                   401(k)(2)(B)(i), 403(b)(7)(A)(i), 403(b)(11),  
25                   or 457(d)(1)(A), or of section 8433 of title



1                   5, *United States Code*, solely by reason of  
2                   *such transfer.*”.

3           (b) *EFFECTIVE DATE.*—*The amendment made by this*  
4 *section shall apply to transfers after December 31, 2012,*  
5 *in taxable years ending after such date.*

6           ***Subtitle B—Budgetary Effects***

7           ***SEC. 911. BUDGETARY EFFECTS.***

8           (a) *PAYGO SCORECARD.*—*The budgetary effects of*  
9 *this Act shall not be entered on either PAYGO scorecard*  
10 *maintained pursuant to section 4(d) of the Statutory Pay-*  
11 *As-You-Go Act of 2010.*

12           (b) *SENATE PAYGO SCORECARD.*—*The budgetary ef-*  
13 *fects of this Act shall not be entered on any PAYGO score-*  
14 *card maintained for purposes of section 201 of S. Con. Res.*  
15 *21 (110th Congress).*

Amend the title so as to read: “An Act entitled the  
‘American Taxpayer Relief Act of 2012’.”.

Attest:

*Secretary.*

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 8**

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**AMENDMENTS**