

## HR 3962

### Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Health

**Introduced:** Oct 29, 2009

**Current Status:** Became Public Law No: 111-192.

**Latest Action:** Became Public Law No: 111-192. (Jun 25, 2010)

**Law:** 111-192 (Enacted Jun 25, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/3962>

#### Sponsor

**Name:** Rep. Dingell, John D. [D-MI-15]

**Party:** Democratic • **State:** MI • **Chamber:** House

#### Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Andrews, Robert E. [D-NJ-1]	D · NJ		Oct 29, 2009
Rep. Miller, George [D-CA-7]	D · CA		Oct 29, 2009
Rep. Pallone, Frank, Jr. [D-NJ-6]	D · NJ		Oct 29, 2009
Rep. Rangel, Charles B. [D-NY-15]	D · NY		Oct 29, 2009
Rep. Stark, Fortney Pete [D-CA-13]	D · CA		Oct 29, 2009
Rep. Waxman, Henry A. [D-CA-30]	D · CA		Oct 29, 2009

#### Committee Activity

Committee	Chamber	Activity	Date
Budget Committee	House	Referred To	Oct 29, 2009
Education and Workforce Committee	House	Referred To	Oct 29, 2009
Energy and Commerce Committee	House	Referred to	Nov 2, 2009
Judiciary Committee	House	Referred To	Oct 29, 2009
Natural Resources Committee	House	Referred To	Oct 29, 2009
Oversight and Government Reform Committee	House	Referred To	Oct 29, 2009
Rules Committee	House	Referred To	Oct 29, 2009
Ways and Means Committee	House	Referred To	Oct 29, 2009

#### Subjects & Policy Tags

##### Policy Area:

Health

## Related Bills

Bill	Relationship	Last Action
111 HR 5636	Related bill	<b>Jun 29, 2010:</b> Referred to the House Committee on Energy and Commerce.
111 HRES 903	Related bill	<b>Nov 7, 2009:</b> Motion to reconsider laid on the table Agreed to without objection.

**(This measure has not been amended since it was passed by the Senate on June 18, 2010. The summary of that version is repeated here.)**

Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 - **Title I: Health Provisions** - (Sec. 101) Sets 2.2% as the update to the single conversion factor in the formula for determining physician payment rates for June 1, 2010, through November 30, 2010.

(Sec. 102) Revises requirements for calculating payments to hospitals for inpatient hospital services with respect to the three-day payment window regarding other services related to an admission which are performed during the three days before an admission. Includes among such services, in addition to diagnostic services (as under current law), all services that are not diagnostic services (other than ambulance and maintenance renal dialysis services) for which Medicare payment may be made that are provided to a patient by a hospital (or an entity wholly owned or operated by the hospital).

Prohibits any administrative or judicial review of the determination of whether services provided during the three days before a patient's inpatient admission are related to the admission.

Prohibits the Secretary of Health and Human Services (HHS) from reopening a claim, adjusting a claim, or making a payment pursuant to any request for Medicare payment (previously bundled claims) submitted by a hospital or an entity wholly owned or operated by the hospital for specified other services related to a patient's inpatient admission for purposes of treating, as unrelated to such admission, services provided during the three days (or in the case of a hospital that is not a subsection [d] hospital, during the one day) immediately preceding the date of the patient's inpatient admission.

(Generally, a subsection [d] hospital is an acute care hospital, particularly one that receives payments under Medicare's inpatient prospective payment system [IPPS] when providing covered inpatient services to eligible beneficiaries.)

(Sec. 103) Amends the Internal Revenue Code to authorize the Secretary of the Treasury to disclose to HHS officers and employees tax return information regarding delinquent tax debt with respect to taxpayers who apply to enroll or reenroll as Medicare service providers or suppliers. Requires the HHS Secretary to take this information into account in determining whether to deny such an application or to apply enhanced oversight to a service provider or supplier who owes such a debt.

**Title II: Pension Funding Relief - Subtitle A: Single Employer Plans** - (Sec. 201) Amends the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code (IRC) with respect to the shortfall amortization charge in the formula for determining the minimum required contribution for any plan year of a single-employer defined benefit plan in which the value of plan assets is less than the plan's funding target for the plan year. (The shortfall amortization charge for a plan for any plan year is the aggregate total of the shortfall amortization installments in amortizing unfunded liabilities for such plan year with respect to the shortfall amortization bases for the plan year and each of the six preceding plan years. Shortfall amortization installments are the amounts necessary to amortize the shortfall amortization base of the plan for any plan year in level annual installments over the seven-plan-year period beginning with such plan year.)

Allows a sponsor of a single-employer defined benefit pension plan to elect in any two plan years 2008-2011 extended amortization periods (of 9 or 15 years instead of the usual 7 years).

Requires an increase in alternate required shortfall amortization installments by an installment acceleration amount, during a specified restriction period (beginning after December 31, 2009), in cases of excess compensation or extraordinary dividends or stock redemptions, as determined according to specified formulae. Defines installment acceleration amount as the sum of the aggregate amount of excess employee compensation (over \$1 million) for a plan year after February 28, 2010, plus the aggregate amount of extraordinary dividends and stock redemptions for such plan year.

(Sec. 202) Amends the Pension Protection Act of 2006 (PPA 2006) to allow sponsors of certain eligible cooperative pension plans, Pension Benefit Guaranty Corporation (PBGC) settlement plans, and government contractor cooperative plans or eligible charity plans with delayed effective dates to elect, in certain plan years 2008-2011, to apply specified pre-PPA 2006 minimum funding rules with respect to unfunded new liabilities (under 90% funded) for either: (1) a two-year lookback for determining deficit reduction contributions for certain plans with 9-year extended amortization periods; or (2) a new applicable percentage in the determination of a 15-year extended amortization period.

(Sec. 203) Revises the formula for determining the adjusted funding target attainment percentage of single-employer benefit plans for plan years between October 1, 2008, and October 1, 2010 (FY2009 and FY2010), to make a special FY2007 plan year lookback rule with respect to determining when an unpredictable contingent event benefit may not be paid.

(Sec. 204) Revises requirements for the reduction of the minimum required contribution (by elected credits for a prefunding balance and a funding standard carryover balance) to a single-employer defined benefit pension plan maintained by a charity (charity benefit plan). Prescribes a special lookback for credit balance rule limiting such a reduction of the minimum required contribution for charity benefit plans that are less than 80% funded for plan years beginning after August 31, 2009, and before September 1, 2011.

**Subtitle B: Multiemployer Plans** - (Sec. 211) Amends ERISA and IRC relating to minimum funding standards for multiemployer pension plans. Makes a special relief rule to allow such plans to elect alternative amortization plans and valuation methods for amortization of net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, with a specified expanded smoothing period in asset valuation methods.

Requires plan sponsors to give notice of such an election to participants and beneficiaries of the plan and the PBGC.

**Title III: Budgetary Provisions** - (Sec. 301) Requires a determination of the budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010.

## Actions Timeline

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- **Jun 25, 2010:** Signed by President.
- **Jun 25, 2010:** Became Public Law No: 111-192.
- **Jun 24, 2010:** Mr. Levin moved that the House suspend the rules and agree to the Senate amendments. (consideration: CR H4829-4841)
- **Jun 24, 2010:** DEBATE - The House proceeded with forty minutes of debate on H.R. 3962.
- **Jun 24, 2010:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the chair announced that further proceedings on the motion would be postponed.
- **Jun 24, 2010:** Considered as unfinished business. (consideration: CR H4856)
- **Jun 24, 2010:** Resolving differences -- House actions: On motion that the House suspend the rules and concur in the Senate amendments Agreed to by the Yeas and Nays: (2/3 required): 417 - 1 (Roll no. 393). (text as House agreed to Senate amendments: CR H4829-4835)
- **Jun 24, 2010:** On motion that the House suspend the rules and concur in the Senate amendments Agreed to by the Yeas and Nays: (2/3 required): 417 - 1 (Roll no. 393). (text as House agreed to Senate amendments: CR H4829-4835)
- **Jun 24, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 24, 2010:** Cleared for White House.
- **Jun 24, 2010:** Presented to President.
- **Jun 18, 2010:** Measure laid before Senate by unanimous consent. (consideration: CR S5150-5151)
- **Jun 18, 2010:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.
- **Jun 18, 2010:** Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.
- **Jun 18, 2010:** Message on Senate action sent to the House.
- **Nov 16, 2009:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 210.
- **Nov 10, 2009:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Nov 7, 2009:** Rules Committee Resolution H. Res. 903 Reported to House. Rule provides for consideration of H.R. 3962 and H.R. 3961 with 4 hours of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.
- **Nov 7, 2009:** Considered under the provisions of rule H. Res. 903. (consideration: CR H12623-12968; text of mesure as amended in House: CR H12623-12834)
- **Nov 7, 2009:** Rule provides for consideration of H.R. 3962 and H.R. 3961 with 4 hours of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.
- **Nov 7, 2009:** DEBATE - The House proceeded with four hours of debate on H.R. 3962.
- **Nov 7, 2009:** DEBATE - Pursuant to the provisions of H.Res. 903, the House proceeded with 20 minutes of debate on the Stupak amendment.
- **Nov 7, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Stupak amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Stupak demanded the yeas and nays and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Nov 7, 2009:** DEBATE - Pursuant to the provisions of H.Res. 903, the House proceeded with 1 hour of debate on the Boehner amendment in the nature of a substitute.
- **Nov 7, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Boehner amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Camp (MI) demanded the yeas and nays and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Nov 7, 2009:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Nov 7, 2009:** On ordering the previous question Agreed to by voice vote. (consideration: CR H12963)
- **Nov 7, 2009:** Mr. Cantor moved to recommit with instructions to Energy and Commerce. (consideration: CR H12963-

12967; text: CR H12963-12966)

- **Nov 7, 2009:** DEBATE - The House proceeded with 10 minutes of debate on the Cantor motion to recommit with instructions. The instructions contained in the motion seek to insert a new title with the heading "Seniors Protection and Medicare Regional Payment Equity Fund".
- **Nov 7, 2009:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H12967)
- **Nov 7, 2009:** On motion to recommit with instructions Failed by recorded vote: 187 - 247 (Roll no. 886). (consideration: CR H12967)
- **Nov 7, 2009:** Passed/agreed to in House: On passage Passed by recorded vote: 220 - 215 (Roll no. 887).
- **Nov 7, 2009:** On passage Passed by recorded vote: 220 - 215 (Roll no. 887).
- **Nov 7, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 2, 2009:** Referred to the Subcommittee on Health.
- **Oct 29, 2009:** Introduced in House
- **Oct 29, 2009:** Referred to House Energy and Commerce
- **Oct 29, 2009:** Referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Oversight and Government Reform, the Budget, Rules, Natural Resources, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Oct 29, 2009:** Referred to House Education and Labor
- **Oct 29, 2009:** Referred to House Ways and Means
- **Oct 29, 2009:** Referred to House Oversight and Government Reform
- **Oct 29, 2009:** Referred to House Budget
- **Oct 29, 2009:** Referred to House Rules
- **Oct 29, 2009:** Referred to House Natural Resources
- **Oct 29, 2009:** Referred to House Judiciary