

## HR 6688

### Averting the Fiscal Cliff Act

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Economics and Public Finance

**Introduced:** Dec 19, 2012

**Current Status:** Referred to the Subcommittee on Health.

**Latest Action:** Referred to the Subcommittee on Health. (Dec 19, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/6688>

### Sponsor

**Name:** Rep. Jordan, Jim [R-OH-4]

**Party:** Republican • **State:** OH • **Chamber:** House

### Cosponsors (22 total)

| Cosponsor                           | Party / State | Role | Date Joined  |
|-------------------------------------|---------------|------|--------------|
| Rep. Blackburn, Marsha [R-TN-7]     | R · TN        |      | Dec 19, 2012 |
| Rep. Broun, Paul C. [R-GA-10]       | R · GA        |      | Dec 19, 2012 |
| Rep. Culberson, John Abney [R-TX-7] | R · TX        |      | Dec 19, 2012 |
| Rep. Fleming, John [R-LA-4]         | R · LA        |      | Dec 19, 2012 |
| Rep. Flores, Bill [R-TX-17]         | R · TX        |      | Dec 19, 2012 |
| Rep. Garrett, Scott [R-NJ-5]        | R · NJ        |      | Dec 19, 2012 |
| Rep. Gibbs, Bob [R-OH-18]           | R · OH        |      | Dec 19, 2012 |
| Rep. Graves, Tom [R-GA-9]           | R · GA        |      | Dec 19, 2012 |
| Rep. Griffin, Tim [R-AR-2]          | R · AR        |      | Dec 19, 2012 |
| Rep. Hartzler, Vicky [R-MO-4]       | R · MO        |      | Dec 19, 2012 |
| Rep. Huelskamp, Tim [R-KS-1]        | R · KS        |      | Dec 19, 2012 |
| Rep. Luetkemeyer, Blaine [R-MO-9]   | R · MO        |      | Dec 19, 2012 |
| Rep. Mulvaney, Mick [R-SC-5]        | R · SC        |      | Dec 19, 2012 |
| Rep. Myrick, Sue Wilkins [R-NC-9]   | R · NC        |      | Dec 19, 2012 |
| Rep. Olson, Pete [R-TX-22]          | R · TX        |      | Dec 19, 2012 |
| Rep. Pearce, Stevan [R-NM-2]        | R · NM        |      | Dec 19, 2012 |
| Rep. Price, Tom [R-GA-6]            | R · GA        |      | Dec 19, 2012 |
| Rep. Roe, David P. [R-TN-1]         | R · TN        |      | Dec 19, 2012 |
| Rep. Scalise, Steve [R-LA-1]        | R · LA        |      | Dec 19, 2012 |
| Rep. Schweikert, David [R-AZ-5]     | R · AZ        |      | Dec 19, 2012 |
| Rep. Stutzman, Marlin A. [R-IN-3]   | R · IN        |      | Dec 19, 2012 |
| Rep. Walberg, Tim [R-MI-7]          | R · MI        |      | Dec 19, 2012 |

## Committee Activity

| Committee                                 | Chamber | Activity    | Date         |
|---|---------|-------------|--------------|
| Agriculture Committee                     | House   | Referred To | Dec 19, 2012 |
| Budget Committee                          | House   | Referred To | Dec 19, 2012 |
| Committee on House Administration         | House   | Referred To | Dec 19, 2012 |
| Energy and Commerce Committee             | House   | Referred to | Dec 19, 2012 |
| Financial Services Committee              | House   | Referred To | Dec 19, 2012 |
| Judiciary Committee                       | House   | Referred To | Dec 19, 2012 |
| Oversight and Government Reform Committee | House   | Referred To | Dec 19, 2012 |
| Rules Committee                           | House   | Referred To | Dec 19, 2012 |
| Ways and Means Committee                  | House   | Referred To | Dec 19, 2012 |

## Subjects & Policy Tags

### Policy Area:

Economics and Public Finance

## Related Bills

| Bill        | Relationship | Last Action   |
|-------------|--------------|---|
| 112 HR 8    | Related bill | Jan 2, 2013: Became Public Law No: 112-240.   |
| 112 HR 6684 | Related bill | Dec 21, 2012: Received in the Senate.   |
| 112 HR 6442 | Related bill | Sep 19, 2012: Referred to the House Committee on Ways and Means.  |
| 112 HR 6169 | Related bill | Aug 2, 2012: Pursuant to the provisions of H. Res. 747, H.R. 6169 is laid on the table.                                   |
| 112 HR 4966 | Related bill | May 9, 2012: Placed on the Union Calendar, Calendar No. 329.  |
| 112 HR 3044 | Related bill | Sep 23, 2011: Referred to the House Committee on Financial Services.  |
| 112 HR 1683 | Related bill | May 6, 2011: Referred to the Subcommittee on Health.  |
| 112 S 868   | Related bill | May 3, 2011: Read twice and referred to the Committee on Finance.   |
| 112 HR 839  | Related bill | Mar 30, 2011: Received in the Senate and Read twice and referred to the Committee on Banking, Housing, and Urban Affairs. |
| 112 S 527   | Related bill | Mar 9, 2011: Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.                             |

**Averting the Fiscal Cliff Act - Title I: Job Protection and Recession Prevention Act - Subtitle A: Job Protection and Recession Prevention Act** - Job Protection and Recession Prevention Act of 2012 - Makes permanent: (1) the Economic Growth and Tax Relief Reconciliation Act of 2001, and (2) provisions of the Jobs and Growth Tax Relief Reconciliation Act of 2003 that reduce tax rates on capital gain and dividend income. Extends through 2013 the estate, gift, and generation-skipping transfer provisions of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

Amends the Internal Revenue Code to extend through 2013: (1) the increased expensing allowance for depreciable business assets, and (2) the increased alternative minimum tax (AMT) exemption amount for individual taxpayers.

**Subtitle B: Pathway to Job Creation Through a Simpler, Fairer Tax Code Act** - Pathway to Job Creation through a Simpler, Fairer Tax Code Act of 2012 - States that the purpose of this Subtitle is to provide for the enactment of comprehensive tax reform in 2013. Defines a "tax reform bill" as a bill of the 113th Congress that is introduced in the House of Representatives by the chair of the Committee on Ways and Means not later than April 30, 2013 (or the first legislative day thereafter if the House is not in session on that day), the title of which is "a bill to provide for comprehensive tax reform." Requires the chair of the Joint Committee on Taxation to notify the House and Senate upon determining that such an introduced bill contains proposals to: (1) consolidate the 6 current individual income tax brackets into a maximum of 2 brackets (of 10% and not higher than 25%), (2) reduce the corporate income tax rate to not more than 25%, (3) repeal the alternative minimum tax (AMT), (4) broaden the tax base to maintain revenue between 18% and 19% of the economy, and (5) change from a worldwide to a territorial system of taxation. Provides for expedited consideration of such bill in the House of Representatives and the Senate.

**Title II: Sequestration Replacement Act - Subtitle A: Agriculture** - Agricultural Reconciliation Act of 2012 - Amends the American Recovery and Reinvestment Act of 2009 to terminate the increase in the value of supplemental nutrition assistance program (SNAP, formerly the food stamp program) benefits for Puerto Rico and American Samoa on the date of enactment of the Averting the Fiscal Cliff Act.

Amends the Food and Nutrition Act of 2008 to limit categorical SNAP eligibility to households receiving specified other program benefits in cash.

Eliminates the requirement that a state agency using a standard utility allowance provide such allowance to a household that receives assistance under the Low Income Home Energy Assistance Act of 1981 or other energy assistance program if such household incurs out-of-pocket heating or cooling expenses exceeding such assistance.

Eliminates: (1) administrative cost sharing to states for certain employment and training programs, (2) state bonus programs for effective SNAP administration, and (3) indexing for the nutrition education and obesity prevention grant program. Reduces FY2013 funding for employment and training programs.

Authorizes FY2013 appropriations to carry out the Food and Nutrition Act of 2008.

States that this title and the amendments made by this title shall take effect on enactment of this Act, and shall apply only with respect to certification periods that begin on or after such date.

**Subtitle B: Committee on Energy and Commerce** - Amends the Patient Protection and Affordable Care Act (PPACA) to repeal provisions: (1) appropriating funds to the Secretary of Health and Human Services (HHS) to award grants to

states for activities (including planning activities) related to establishing an American Health Benefit Exchange (a state health insurance exchange), (2) establishing and appropriating funds to the Prevention and Public Health Fund (a Fund to provide for expanded and sustained national investment in prevention and public health programs to improve health and help restrain the rate of growth in private and public sector health care costs), and (3) appropriating funds for the establishment and operation of the Consumer Operated and Oriented Plan (CO-OP) program (designed to foster the creation of qualified nonprofit health insurance issuers to offer qualified health plans in the individual and small group markets). Rescinds any unobligated balance appropriated under such provisions.

Amends title XIX (Medicaid) of the Social Security Act (SSA) to: (1) extend the reduction of the threshold level of permissible state taxes on health care providers before federal funding to the state for Medicaid is reduced; (2) reduce the state disproportionate share hospital (DSH) allotment for FY2022; and (3) repeal provisions prohibiting states from reducing eligibility levels for Medicaid.

Amends SSA title XXI (Children's Health Insurance Program) (CHIP) to repeal provisions prohibiting states from reducing eligibility levels for CHIP.

Repeals provisions that increased Medicaid payments to territories through FY2019. Decreases the federal medical assistance percentage (FMAP) for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

Repeals provisions providing bonus payments to states for enrollment and retention programs for children covered under Medicaid and CHIP.

**Subtitle C: Financial Services** -- Amends the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) to repeal Title II (Orderly Liquidation Authority), including the Orderly Liquidation Fund, and to restore any federal law amended by it as if title II of Dodd-Frank had not been enacted.

HAMP Termination Act of 2012 - Amends the Emergency Economic Stabilization Act of 2008 (EESA) to terminate the authority of the Secretary of the Treasury to provide new mortgage modification assistance under the Home Affordable Modification Program (HAMP), except with respect to existing obligations on behalf of homeowners already extended an offer to participate in the program.

Declares unavailable after the enactment of this Act for obligation or expenditure under HAMP any amounts made available for HAMP under EESA title I that: (1) have been allocated for use but not yet obligated, and (2) are not necessary for providing HAMP assistance on behalf of those homeowners already extended an offer to participate in HAMP.

Directs the Secretary to study: (1) the extent to which HAMP is used by homeowners who are active duty members of the Armed Forces (or their spouses or parents), veterans, or Gold Star-eligible widows, parents, or next of kin of Armed Forces members who died in military operations; and (2) the impact of the program on them.

Amends the Consumer Financial Protection Act of 2010 to repeal the obligation of the Board of Governors of the Federal Reserve System (Federal Reserve Board) to transfer quarterly to the Consumer Financial Protection Bureau (CFPB) the amount of funds determined by the CFPB Director to be reasonably necessary to carry out CFPB authorities.

Repeals the Consumer Financial Protection Fund and the Consumer Financial Civil Penalty Fund.

Repeals the exclusion of CFPB funds from construction as government funds or appropriated monies.

Subjects the CFPB funds to the annual congressional authorization and appropriation process.

Amends Dodd-Frank to repeal the Office of Financial Research.

**Subtitle D: Committee on the Judiciary** - Help Efficient, Accessible, Low Cost, Timely Healthcare (HEALTH) Act of 2012 - Sets forth provisions regulating lawsuits for health care liability claims concerning the provision of health care goods or services or any medical product affecting interstate commerce.

Sets a statute of limitations of three years after the date of manifestation of injury or one year after the claimant discovers the injury, with certain exceptions.

Limits noneconomic damages to \$250,000. Makes each party liable only for the amount of damages directly proportional to such party's percentage of responsibility.

Allows the court to restrict the payment of attorney contingency fees. Limits the fees to a decreasing percentage based on the increasing value of the amount awarded.

Authorizes the award of punitive damages only where: (1) it is proven by clear and convincing evidence that a person acted with malicious intent to injure the claimant or deliberately failed to avoid unnecessary injury the claimant was substantially certain to suffer, and (2) compensatory damages are awarded. Limits punitive damages to the greater of two times the amount of economic damages or \$250,000.

Limits the liability of manufacturers, distributors, suppliers, and providers of medical products that comply with Food and Drug Administration (FDA) standards.

Provides for periodic payments of future damage awards.

**Subtitle E: Committee on Oversight and Government Reform** - Increases federal employee contributions under the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS) by 5% of salary over 5 years, beginning in calendar year 2013.

Increases retirement contributions for: (1) Members of Congress in CSRS and FERS and for congressional employees in CSRS by 8.5% (by 7.5% for congressional employees in FERS) of salary over 5 years, beginning in calendar year 2013; and (2) Members of Congress and certain federal employees who begin federal service after December 31, 2012, and who have less than 5 years of creditable service for retirement purposes (revised annuity employees).

Requires any excess contributions made by an employee of the U.S. Postal Service (USPS) or the Postal Regulatory Commission (PRC) to be deposited to the credit of the Postal Service Fund, rather than the Civil Service Retirement and Disability Fund.

Modifies rules for determining government contributions to CSRS and FERS made after December 31, 2012, and requires any excess contributions to FERS to be used for reducing the unfunded liability of CSRS.

Eliminates the annuity supplement for FERS employees hired after December 31, 2012, except for certain law enforcement officers, firefighters, nuclear material couriers, border protection officers, and air traffic controllers.

Allows federal employees (including employees of USPS and PRC) and Members of Congress in CSRS or FERS to deposit any payment they receive for accumulated and accrued annual or vacation leave into their Thrift Savings Fund accounts.

**Subtitle F: Committee on Ways and Means** - Amends the Internal Revenue Code to: (1) repeal the limitation on the recapture of advance payment amounts of the tax credit for health insurance premium assistance that exceed the allowable amount of such credit for certain low-income taxpayers, and (2) require taxpayers who are claiming the refundable portion of the child tax credit to include their social security numbers on their tax returns.

Repeals the program of block grants to states for social services under title XX (Block Grants to States for Social Services) of the Social Security Act.

**Subtitle G: Sequester Replacement** - Sequester Replacement Act of 2012 - Amends the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings Act) to remove veterans' medical care from the accounts subject to a sequester.

Abolishes the distinction between security and nonsecurity categories of discretionary spending for new budget authority in FY2013. Combines the dollar amounts of the current categories (\$686 billion for the security category and \$361 billion for the nonsecurity category) into a single amount of \$1.047 trillion in new budget authority.

Revises sequestration requirements for FY2013 to require a \$19.104 billion across-the-board decrease in the discretionary spending category as of January 2, 2013.

Directs the Office of Management and Budget (OMB) to issue a supplemental sequestration report for FY2013 to eliminate any discretionary spending breach of the \$1.047 trillion spending limit, as adjusted by the \$19.104 billion across-the-board reduction requirement of this Act. Directs the President to order a sequestration, if any, as required by such report.

Amends the Congressional Budget Act of 1974 to authorize the chair of the Committee on the Budget of the House of Representatives or the Senate to make adjustments to any legislative measure to conform to the discretionary spending limits of this Act.

Nullifies any sequestration order the President may issue under the Gramm-Rudman-Hollings Act to carry out reductions to direct spending for the FY2013 defense function (050).

## **Actions Timeline**

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- **Dec 19, 2012:** Introduced in House
- **Dec 19, 2012:** Referred to the Committee on Ways and Means, and in addition to the Committees on the Budget, Agriculture, Energy and Commerce, Financial Services, the Judiciary, Oversight and Government Reform, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Dec 19, 2012:** Referred to the Subcommittee on Health.