

111TH CONGRESS
1ST SESSION

S. 1600

To reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2009

Mrs. McCASKILL (for herself, Mr. BENNET, Mr. TESTER, Mr. UDALL of Colorado, Mr. WARNER, Ms. KLOBUCHAR, Mr. BEGICH, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Statutory Pay-As-You-Go Act of 2009”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.
- Sec. 4. PAYGO estimates and PAYGO scorecards.
- Sec. 5. Annual report and sequestration order.
- Sec. 6. Calculating a sequestration.
- Sec. 7. Application of BBEDCA.
- Sec. 8. Technical corrections.
- Sec. 9. Conforming amendments.
- Sec. 10. Exempt programs and activities.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to reestablish a statutory
 3 procedure to enforce a rule of budget neutrality on new
 4 revenue and direct spending legislation.

5 **SEC. 3. DEFINITIONS.**

6 As used in this Act—

7 (1) The term “BBEDCA” means the Balanced
 8 Budget and Emergency Deficit Control Act of 1985.

9 (2) The definitions set forth in section 3 of the
 10 Congressional Budget and Impoundment Control
 11 Act of 1974 and in section 250 of BBEDCA shall
 12 apply to this Act, except to the extent that they are
 13 specifically modified as follows:

14 (A) The term “outyear” means a fiscal
 15 year that occurs one or more years after the
 16 budget year.

17 (B) In section 250(c)(8)(C), the reference
 18 to the food stamp program shall be deemed to
 19 be a reference to the Supplemental Nutrition
 20 Assistance Program.

1 (3)(A) The term “budgetary effects” means the
2 amounts by which PAYGO legislation changes direct
3 spending or revenues relative to the baseline and
4 shall be determined on the basis of estimates in-
5 cluded by reference in the PAYGO Act or prepared
6 under section 4(d)(3), as applicable. Budgetary ef-
7 fects that increase direct spending or decrease reve-
8 nues are termed “costs” and budgetary effects that
9 increase revenues or decrease direct spending are
10 termed “savings”.

11 (B) For purposes of these definitions, off-budg-
12 et effects shall be counted as budgetary effects un-
13 less such changes flow directly from amendments to
14 title II of the Social Security Act and related provi-
15 sions of the Internal Revenue Code of 1986 and debt
16 service effects shall not be counted as budgetary ef-
17 fects.

18 (C) Solely for purposes of recording entries on
19 a PAYGO scorecard, provisions in appropriations
20 Acts are also considered to be budgetary effects for
21 purposes of this Act if such provisions make outyear
22 modifications to substantive law, except that provi-
23 sions for which the outlay effects net to zero over a
24 period consisting of the current year, the budget
25 year, and the 4 subsequent years shall not be consid-

1 ered budgetary effects. For purposes of this para-
2 graph, the term, “modifications to substantive law”
3 refers to changes to or restrictions on entitlement
4 law or other mandatory spending contained in ap-
5 propriations Acts, notwithstanding section 250(c)(8)
6 of BBEDCA. Provisions in appropriations Acts that
7 are neither outyear modifications to substantive law
8 nor changes in revenues have no budgetary effects
9 for purposes of this Act.

10 (D) If a provision is designated as an emer-
11 gency requirement under this Act and is also des-
12 ignated as an emergency requirement under the ap-
13 plicable rules of the House of Representatives, CBO
14 shall not include the cost of such a provision in its
15 estimate of the PAYGO legislation’s budgetary ef-
16 fects.

17 (4) The term “debit” refers to the net total
18 amount, when positive, by which costs recorded on
19 the PAYGO scorecards for a fiscal year exceed sav-
20 ings recorded on those scorecards for that year.

21 (5) The term “entitlement law” refers to a sec-
22 tion of law which provides entitlement authority.

23 (6) The term “PAYGO legislation” or a
24 “PAYGO Act” refers to a bill or joint resolution
25 that affects direct spending or revenue relative to

1 the baseline. The budgetary effects of changes in
2 revenues and outyear modifications to substantive
3 law included in appropriation Acts as defined in
4 paragraph (4) shall be treated as if they were con-
5 tained in PAYGO legislation.

6 (7) The term “timing shift” refers to a delay of
7 the date on which direct spending would otherwise
8 occur from the ninth outyear to the tenth outyear or
9 an acceleration of the date on which revenues would
10 otherwise occur from the tenth outyear to the ninth
11 outyear.

12 **SEC. 4. PAYGO ESTIMATES AND PAYGO SCORECARDS.**

13 (a) PAYGO ESTIMATES.—(1) A PAYGO Act shall in-
14 clude by reference an estimate of its budgetary effects as
15 determined under section 308(a)(3) of the Congressional
16 Budget Act of 1974, if timely submitted for printing in
17 the Congressional Record by the chairs of the Committees
18 on the Budget of the House of Representatives and the
19 Senate, as applicable, before the vote on the PAYGO legis-
20 lation. The Clerk of the House or the Secretary of the
21 Senate, as applicable, shall also incorporate by reference
22 such estimate printed in the relevant portion of the Con-
23 gressional Record under section 308(a)(3) of the Congres-
24 sional Budget Act of 1974 into the enrollment of a

1 PAYGO Act. Budgetary effects that are not so included
2 shall be determined under section 4(d)(3).

3 (2)(A) Section 308(a) of the Congressional Budget
4 Act of 1974 is amended by adding at the end the following
5 new paragraph:

6 “(3) CBO PAYGO ESTIMATES.—Before a vote in
7 either House on a PAYGO Act that, if determined
8 in the affirmative, would clear such Act for enroll-
9 ment, the chairs of the Committees on the Budget
10 of the House and Senate, as applicable, shall request
11 from the Director of the Congressional Budget Of-
12 fice an estimate of the budgetary effects of such Act
13 under the Statutory Pay-As-You-Go Act of 2009. If
14 such an estimate is timely provided, the chairs of the
15 Committees on the Budget of the House of Rep-
16 resentatives and the Senate shall post such estimate
17 on their respective committee websites and cause it
18 to be printed in the Congressional Record under the
19 heading ‘PAYGO ESTIMATE’. For purposes of this
20 section, the Director of the Congressional Budget
21 Office shall not count timing shifts in his estimates
22 of the budgetary effects of PAYGO legislation (as
23 defined in section 3 of the Statutory Pay-As-You-Go
24 Act of 2009).”.

1 (B) The side heading of section 308(a) of the Con-
2 gressional Budget Act of 1974 is amended by striking
3 “REPORTS ON”.

4 (b) Section 308 of the Congressional Budget Act of
5 1974 is amended by adding at the end the following new
6 subsection:

7 “(d) SCOREKEEPING GUIDELINES.—The Director of
8 the Congressional Budget Office shall provide estimates
9 under this section in accordance with the scorekeeping
10 guidelines determined under section 252(d)(5) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.
12 Upon agreement, the chairs of the Committees on the
13 Budget of the House of Representatives and the Senate
14 shall submit updates to such guidelines for printing in the
15 Congressional Record.”.

16 (c) OMB PAYGO SCORECARDS.—

17 (1) IN GENERAL.—OMB shall maintain and
18 make publicly available a continuously updated docu-
19 ment containing two PAYGO scorecards displaying
20 the budgetary effects of PAYGO legislation as deter-
21 mined under section 308 of the Congressional Budg-
22 et Act of 1974, applying the look-back requirement
23 in subsection (e) and the averaging requirement in
24 subsection (f), and a separate addendum displaying

1 the estimates of the costs of provisions designated in
2 statute as emergency requirements.

3 (2) ESTIMATES IN LEGISLATION.—Except as
4 provided in paragraph (3), in making the calcula-
5 tions for the PAYGO scorecards, OMB shall use the
6 budgetary effects included by reference in the appli-
7 cable legislation.

8 (3) OMB ESTIMATES.—If legislation does not
9 contain the estimate of budgetary effects under
10 paragraph (2), then OMB shall score the budgetary
11 effects of that legislation upon its enactment, based
12 on the approaches to scorekeeping set forth in this
13 Act.

14 (4) 5-YEAR SCORECARD.—The first scorecard
15 shall display the budgetary effects of PAYGO legis-
16 lation in each year over the 5-year period beginning
17 in the budget year.

18 (5) 10-YEAR SCORECARD.—The second score-
19 card shall display the budgetary effects of PAYGO
20 legislation in each year over the 10-year period be-
21 ginning in the budget year.

22 (d) LOOK-BACK TO CAPTURE CURRENT-YEAR EF-
23 FECTS.—For purposes of this section, OMB shall treat the
24 budgetary effects of PAYGO legislation enacted during a

1 session of Congress that occur during the current year as
 2 though they occurred in the budget year.

3 (e) AVERAGING USED TO MEASURE COMPLIANCE
 4 OVER 5-YEAR AND 10-YEAR PERIODS.—OMB shall cu-
 5 mulate the budgetary effects of a PAYGO Act over the
 6 budget year (which includes any look-back effects under
 7 subsection (d)) and—

8 (1) for purposes of the 5-year scorecard re-
 9 ferred to in subsection (c)(4), the four subsequent
 10 outyears, divide that cumulative total by five, and
 11 enter the quotient in the budget-year column and in
 12 each subsequent column of the 5-year PAYGO score-
 13 card; and

14 (2) for purposes of the 10-year scorecard re-
 15 ferred to in subsection (c)(5), the nine subsequent
 16 outyears, divide that cumulative total by ten, and
 17 enter the quotient in the budget-year column and in
 18 each subsequent column of the 10-year PAYGO
 19 scorecard.

20 **SEC. 5. ANNUAL REPORT AND SEQUESTRATION ORDER.**

21 (a) ANNUAL REPORT.—Not later than 14 days (ex-
 22 cluding weekends and holidays) after Congress adjourns
 23 to end a session, OMB shall make publicly available and
 24 cause to be printed in the Federal Register an annual
 25 PAYGO report. The report shall include an up-to-date

1 document containing the PAYGO scorecards, information
2 about emergency legislation (if any) designated under sec-
3 tion 3(4)(D), information about any sequestration if re-
4 quired by subsection (b), and other data and explanations
5 that enhance public understanding of this Act and actions
6 taken under it.

7 (b) SEQUESTRATION ORDER.—If the annual report
8 issued at the end of a session of Congress under sub-
9 section (a) shows a debit on either PAYGO scorecard for
10 the budget year, OMB shall prepare and the President
11 shall issue and include in that report a sequestration order
12 that, upon issuance, shall reduce budgetary resources of
13 direct spending programs by enough to offset that debit
14 as prescribed in section 6. If there is a debit on both score-
15 cards, the order shall fully offset the larger of the two
16 debits. OMB shall include that order in the annual report
17 and transmit it to the House of Representatives and the
18 Senate. If the President issues a sequestration order, the
19 annual report shall contain, for each budget account to
20 be sequestered, estimates of the baseline level of budgetary
21 resources subject to sequestration, the amount of budg-
22 etary resources to be sequestered, and the outlay reduc-
23 tions that will occur in the budget year and the subsequent
24 fiscal year because of that sequestration.

1 **SEC. 6. CALCULATING A SEQUESTRATION.**

2 (a) REDUCING NONEXEMPT BUDGETARY RE-
3 SOURCES BY A UNIFORM PERCENTAGE.—OMB shall cal-
4 culate the uniform percentage by which the budgetary re-
5 sources of nonexempt direct spending programs are to be
6 sequestered such that the outlay savings resulting from
7 that sequestration, as calculated under subsection (b),
8 shall offset the budget-year debit, if any on the applicable
9 PAYGO scorecard. If the uniform percentage calculated
10 under the prior sentence exceeds 4 percent, the Medicare
11 programs described in section 256(d) of BBEDCA shall
12 be reduced by 4 percent and the uniform percentage by
13 which the budgetary resources of all other nonexempt di-
14 rect spending programs are to be sequestered shall be in-
15 creased, as necessary, so that the sequestration of Medi-
16 care and of all other nonexempt direct spending programs
17 together produce the required outlay savings.

18 (b) OUTLAY SAVINGS.—In determining the amount
19 by which a sequestration offsets a budget-year debit, OMB
20 shall count—

21 (1) the amount by which the sequestration in a
22 crop year of crop support payments, pursuant to
23 section 256(j) of BBEDCA, reduces outlays in the
24 budget year and the subsequent fiscal year;

25 (2) the amount by which the sequestration of
26 Medicare payments in the 12-month period following

1 the sequestration order, pursuant to section 256(d)
2 of BBEDCA, reduces outlays in the budget year and
3 the subsequent fiscal year; and

4 (3) the amount by which the sequestration in
5 the budget year of the budgetary resources of other
6 nonexempt mandatory programs reduces outlays in
7 the budget year and in the subsequent fiscal year.

8 **SEC. 7. APPLICATION OF BBEDCA.**

9 For purposes of this Act—

10 (1) notwithstanding section 275 of BBEDCA,
11 the provisions of sections 255, 256, 257, and 274 of
12 BBEDCA, as amended by this Act, shall apply to
13 the provisions of this Act;

14 (2) references in sections 255, 256, 257, and
15 274 to “this part” or “this title” shall be interpreted
16 as applying to this Act;

17 (3) references in sections 255, 256, 257, and
18 274 of BBEDCA to “section 254” shall be inter-
19 preted as referencing section 5 of this Act;

20 (4) the reference in section 256(b) of BBEDCA
21 to “section 252 or 253” shall be interpreted as ref-
22 erencing section 5 of this Act;

23 (5) the reference in section 256(d)(1) of
24 BBEDCA to “section 252 or 253” shall be inter-
25 preted as referencing section 6 of this Act;

1 (6) the reference in section 256(d)(4) of
2 BBEDCA to “section 252 or 253” shall be inter-
3 preted as referencing section 5 of this Act;

4 (7) section 256(k) of BBEDCA shall apply to
5 a sequestration, if any, under this Act; and

6 (8) references in section 257(e) of BBEDCA to
7 “section 251, 252, or 253” shall be interpreted as
8 referencing section 4 of this Act.

9 **SEC. 8. TECHNICAL CORRECTIONS.**

10 (a) Section 250(c)(18) of BBEDCA is amended by
11 striking “the expenses the Federal deposit insurance agen-
12 cies” and inserting “the expenses of the Federal deposit
13 insurance agencies”.

14 (b) Section 256(k)(1) of BBEDCA is amended by
15 striking “in paragraph (5)” and inserting “in paragraph
16 (6)”.

17 **SEC. 9. CONFORMING AMENDMENTS.**

18 (a) Section 256(a) of BBEDCA is repealed.

19 (b) Section 256(b) of BBEDCA is amended by strik-
20 ing “origination fees under sections 438(c)(2) and 455(c)
21 of that Act shall each be increased by 0.50 percentage
22 point.” and inserting in lieu thereof “origination fees
23 under sections 438(c) (2) and (6) and 455(c) and loan
24 processing and issuance fees under section
25 428(f)(1)(A)(ii) of that Act shall each be increased by the

1 uniform percentage specified in that sequestration order,
 2 and, for student loans originated during the period of the
 3 sequestration, special allowance payments under section
 4 438(b) of that Act accruing during the period of the se-
 5 questration shall be reduced by the uniform percentage
 6 specified in that sequestration order.”.

7 (c) Section 256(c) of BBEDCA is repealed.

8 (d) Section 256(d) of BBEDCA is amended—

9 (1) by redesignating paragraphs (2), (3), and
 10 (4) as paragraphs (3), (5), and (6);

11 (2) by amending paragraph (1) to read as fol-
 12 lows:

13 “(1) CALCULATION OF REDUCTION IN PAYMENT
 14 AMOUNTS.—To achieve the total percentage reduc-
 15 tion in those programs required by section 252 or
 16 253, subject to paragraph (2), and notwithstanding
 17 section 710 of the Social Security Act, OMB shall
 18 determine, and the applicable Presidential order
 19 under section 254 shall implement, the percentage
 20 reduction that shall apply, with respect to the health
 21 insurance programs under title XVIII of the Social
 22 Security Act—

23 “(A) in the case of parts A and B of such
 24 title, to individual payments for services fur-
 25 nished during the one-year period beginning on

1 the first day of the first month beginning after
2 the date the order is issued (or, if later, the
3 date specified in paragraph (4)); and

4 “(B) in the case of parts C and D, to
5 monthly payments under contracts under such
6 parts for the same one-year period;

7 such that the reduction made in payments under
8 that order shall achieve the required total percentage
9 reduction in those payments for that period.”;

10 (3) by inserting after paragraph (1) the fol-
11 lowing:

12 “(2) UNIFORM REDUCTION RATE; MAXIMUM
13 PERMISSIBLE REDUCTION.—Reductions in payments
14 for programs and activities under such title XVIII
15 pursuant to a sequestration order under section 254
16 shall be at a uniform rate, which shall not exceed 4
17 percent, across all such programs and activities sub-
18 ject to such order.”;

19 (4) by inserting after paragraph (3), as redesign-
20 nated, the following:

21 “(4) TIMING OF SUBSEQUENT SEQUESTRATION
22 ORDER.—A sequestration order required by section
23 252 or 253 with respect to programs under such
24 title XVIII shall not take effect until the first month
25 beginning after the end of the effective period of any

1 prior sequestration order with respect to such pro-
 2 grams, as determined in accordance with paragraph
 3 (1).”;

4 (5) in paragraph (6), as redesignated, to read
 5 as follows:

6 “(6) SEQUESTRATION DISREGARDED IN COM-
 7 PUTING PAYMENT AMOUNTS.—The Secretary of
 8 Health and Human Services shall not take into ac-
 9 count any reductions in payment amounts which
 10 have been or may be effected under this part, for
 11 purposes of computing any adjustments to payment
 12 rates under such title XVIII, specifically including—

13 “(A) the part C growth percentage under
 14 section 1853(e)(6);

15 “(B) the part D annual growth rate under
 16 section 1860D–2(b)(6); and

17 “(C) application of risk corridors to part D
 18 payment rates under section 1860D–15(e).”;

19 and

20 (6) by adding after paragraph (6), as redesign-
 21 nated, the following:

22 “(7) EXEMPTIONS FROM SEQUESTRATION.—In
 23 addition to the programs and activities specified in
 24 section 255, the following shall be exempt from se-
 25 questration under this part:

1 “(A) PART D LOW-INCOME SUBSIDIES.—
 2 Premium and cost-sharing subsidies under sec-
 3 tion 1860D–14 of the Social Security Act.

4 “(B) PART D CATASTROPHIC SUBSIDY.—
 5 Payments under section 1860D–15(b) and
 6 (e)(2)(B) of the Social Security Act.

7 “(C) QUALIFIED INDIVIDUAL (QI) PRE-
 8 MIUMS.—Payments to States for coverage of
 9 Medicare cost-sharing for certain low-income
 10 Medicare beneficiaries under section 1933 of
 11 the Social Security Act.”.

12 **SEC. 10. EXEMPT PROGRAMS AND ACTIVITIES.**

13 (a) DESIGNATIONS.—Section 255 of BBEDCA is
 14 amended by redesignating subsection (i) as (j) and strik-
 15 ing “1998” and inserting in lieu thereof “2010”.

16 (b) SOCIAL SECURITY, VETERANS PROGRAMS, NET
 17 INTEREST, AND TAX CREDITS.—Subsections (a) through
 18 (d) of section 255 of BBEDCA are amended to read as
 19 follows:

20 “(a) SOCIAL SECURITY BENEFITS AND TIER I RAIL-
 21 ROAD RETIREMENT BENEFITS.—Benefits payable under
 22 the old-age, survivors, and disability insurance program
 23 established under title II of the Social Security Act (42
 24 U.S.C. 401 et seq.), and benefits payable under section
 25 231b(a), 231b(f)(2), 231c(a), and 231c(f) of title 45

1 United States Code, shall be exempt from reduction under
2 any order issued under this part.

3 “(b) VETERANS PROGRAMS.—The following program
4 shall be exempt from reduction under any order issued
5 under this part—

6 “All programs administered by the Department
7 of Veterans Affairs.

8 “Special Benefits for Certain World War II
9 Veterans (28–0401–0–1–701).

10 “(c) NET INTEREST.—No reduction of payments for
11 net interest (all of major functional category 900) shall
12 be made under any order issued under this part.

13 “(d) REFUNDABLE INCOME TAX CREDITS.—Pay-
14 ments to individuals made pursuant to provisions of the
15 Internal Revenue Code of 1986 establishing refundable
16 tax credits shall be exempt from reduction under any order
17 issued under this part.”.

18 (c) OTHER PROGRAMS AND ACTIVITIES, LOW-IN-
19 COME PROGRAMS, AND ECONOMIC RECOVERY PRO-
20 GRAMS.—Subsections (g) and (h) of section 255 of
21 BBEDCA are amended to read as follows:

22 “(g) OTHER PROGRAMS AND ACTIVITIES.—

23 “(1)(A) The following budget accounts and ac-
24 tivities shall be exempt from reduction under any
25 order issued under this part:

1 “Activities resulting from private dona-
2 tions, bequests, or voluntary contributions to
3 the Government.

4 “Activities financed by voluntary payments
5 to the Government for goods or services to be
6 provided for such payments.

7 “Administration of Territories, Northern
8 Mariana Islands Covenant grants (14-0412-0-
9 1-808).

10 “Advances to the Unemployment Trust
11 Fund and Other Funds (16-0327-0-1-600).

12 “Black Lung Disability Trust Fund Refi-
13 nancing (16-0329-0-1-601).

14 “Bonneville Power Administration Fund
15 and borrowing authority established pursuant
16 to section 13 of Public Law 93-454 (1974), as
17 amended (89-4045-0-3-271).

18 “Claims, Judgments, and Relief Acts (20-
19 1895-0-1-808).

20 “Compact of Free Association (14-0415-
21 0-1-808).

22 “Compensation of the President (11-
23 0209-01-1-802).

24 “Comptroller of the Currency, Assessment
25 Funds (20-8413-0-8-373).

1 “Continuing Fund, Southeastern Power
2 Administration (89-5653-0-2-271).

3 “Continuing Fund, Southwestern Power
4 Administration (89-5649-0-2-271).

5 “Dual Benefits Payments Account (60-
6 0111-0-1-601).

7 “Emergency Fund, Western Area Power
8 Administration (89-5069-0-2-271).

9 “Exchange Stabilization Fund (20-4444-
10 0-3-155).

11 “Federal Deposit Insurance Corporation,
12 Deposit Insurance Fund (51-4596-4-4-373).

13 “Federal Deposit Insurance Corporation,
14 FSLIC Resolution Fund (51-4065-0-3-373).

15 “Federal Deposit Insurance Corporation,
16 Noninterest Bearing Transaction Account
17 Guarantee (51-4458-0-3-373).

18 “Federal Deposit Insurance Corporation,
19 Senior Unsecured Debt Guarantee (51-4457-
20 0-3-373).

21 “Federal Housing Finance Agency, Admin-
22 istrative Expenses (95-5532-0-2-371).

23 “Federal Payment to the District of Co-
24 lumbia Judicial Retirement and Survivors An-
25 nuity Fund (20-1713-0-1-752).

1 “Federal Payment to the District of Co-
2 lumbia Pension Fund (20-1714-0-1-601).

3 “Federal Payments to the Railroad Retire-
4 ment Accounts (60-0113-0-1-601).

5 “Federal Reserve Bank Reimbursement
6 Fund (20-1884-0-1-803).

7 “Financial Agent Services (20-1802-0-1-
8 803).

9 “Foreign Military Sales Trust Fund (11-
10 8242-0-7-155).

11 “Hazardous Waste Management, Con-
12 servation Reserve Program (12-4336-0-3-
13 999).

14 “Host Nation Support Fund for Relocation
15 (97-8337-0-7-051).

16 “Internal Revenue Collections for Puerto
17 Rico (20-5737-0-2-806).

18 “Intragovernmental funds, including those
19 from which the outlays are derived primarily
20 from resources paid in from other government
21 accounts, except to the extent such funds are
22 augmented by direct appropriations for the fis-
23 cal year during which an order is in effect.

24 “Medical Facilities Guarantee and Loan
25 Fund (75-9931-0-3-551).

1 “National Credit Union Administration,
2 Central Liquidity Facility (25-4470-0-3-373).

3 “National Credit Union Administration,
4 Corporate Credit Union Share Guarantee Pro-
5 gram (25-4476-0-3-376).

6 “National Credit Union Administration,
7 Credit Union Homeowners Affordability Relief
8 Program (25-4473-0-3-371).

9 “National Credit Union Administration,
10 Credit Union Share Insurance Fund (25-4468-
11 0-3-373).

12 “National Credit Union Administration,
13 Credit Union System Investment Program (25-
14 4474-0-3-376).

15 “National Credit Union Administration,
16 Operating fund (25-4056-0-3-373).

17 “National Credit Union Administration,
18 Share Insurance Fund Corporate Debt Guar-
19 antee Program (25-4469-0-3-376).

20 “National Credit Union Administration,
21 U.S. Central Federal Credit Union Capital Pro-
22 gram (25-4475-0-3-376).

23 “Office of Thrift Supervision (20-4108-0-
24 3-373).

1 “Panama Canal Commission Compensation
2 Fund (16–5155–0–2–602).

3 “Payment of Vietnam and USS Pueblo
4 prisoner-of-war claims within the Salaries and
5 Expenses, Foreign Claims Settlement account
6 (15–0100–0–1–153).

7 “Payment to Civil Service Retirement and
8 Disability Fund (24–0200–0–1–805).

9 “Payment to Department of Defense Medi-
10 care-Eligible Retiree Health Care Fund (97–
11 0850–0–1–054).

12 “Payment to Judiciary Trust Funds (10–
13 0941–0–1–752).

14 “Payment to Military Retirement Fund
15 (97–0040–0–1–054).

16 “Payment to the Foreign Service Retire-
17 ment and Disability Fund (19–0540–0–1–153).

18 “Payments to Copyright Owners (03–
19 5175–0–2–376).

20 “Payments to Health Care Trust Funds
21 (75–0580–0–1–571).

22 “Payment to Radiation Exposure Com-
23 pensation Trust Fund (15–0333–0–1–054).

24 “Payments to Social Security Trust Funds
25 (28–0404–0–1–651).

1 “Payments to the United States Terri-
2 tories, Fiscal Assistance (14-0418-0-1-806).

3 “Payments to trust funds from excise
4 taxes or other receipts properly creditable to
5 such trust funds.

6 “Payments to widows and heirs of de-
7 ceased Members of Congress (00-0215-0-1-
8 801).

9 “Postal Service Fund (18-4020-0-3-372).

10 “Radiation Exposure Compensation Trust
11 Fund (15-8116-0-1-054).

12 “Reimbursement to Federal Reserve Banks
13 (20-0562-0-1-803).

14 “Salaries of Article III judges.

15 “Soldiers and Airmen’s Home, payment of
16 claims (84-8930-0-7-705).

17 “Tennessee Valley Authority Fund, except
18 nonpower programs and activities (64-4110-0-
19 3-999).

20 “Tribal and Indian trust accounts within
21 the Department of the Interior which fund
22 prior legal obligations of the Government or
23 which are established pursuant to Acts of Con-
24 gress regarding Federal management of tribal
25 real property or other fiduciary responsibilities,

1 including but not limited to Tribal Special
2 Fund (14-5265-0-2-452), Tribal Trust Fund
3 (14-8030-0-7-452), White Earth Settlement
4 (14-2204-0-1-452), and Indian Water Rights
5 and Habitat Acquisition (14-5505-0-2-303).

6 “United Mine Workers of America 1992
7 Benefit Plan (95-8260-0-7-551).

8 “United Mine Workers of America 1993
9 Benefit Plan (95-8535-0-7-551).

10 “United Mine Workers of America Com-
11 bined Benefit Fund (95-8295-0-7-551).

12 “United States Enrichment Corporation
13 Fund (95-4054-0-3-271).

14 “Universal Service Fund (27-5183-0-2-
15 376).

16 “Vaccine Injury Compensation (75-0320-
17 0-1-551).

18 “Vaccine Injury Compensation Program
19 Trust Fund (20-8175-0-7-551).

20 “(B) The following Federal retirement and dis-
21 ability accounts and activities shall be exempt from
22 reduction under any order issued under this part:

23 “Black Lung Disability Trust Fund (20-
24 8144-0-7-601).

1 “Central Intelligence Agency Retirement
2 and Disability System Fund (56-3400-0-1-
3 054).

4 “Civil Service Retirement and Disability
5 Fund (24-8135-0-7-602).

6 “Comptrollers general retirement system
7 (05-0107-0-1-801).

8 “Contributions to U.S. Park Police annu-
9 ity benefits, Other Permanent Appropriations
10 (14-9924-0-2-303).

11 “Court of Appeals for Veterans Claims Re-
12 tirement Fund (95-8290-0-7-705).

13 “Department of Defense Medicare-Eligible
14 Retiree Health Care Fund (97-5472-0-2-551).

15 “District of Columbia Federal Pension
16 Fund (20-5511-0-2-601).

17 “District of Columbia Judicial Retirement
18 and Survivors Annuity Fund (20-8212-0-7-
19 602).

20 “Energy Employees Occupational Illness
21 Compensation Fund (16-1523-0-1-053).

22 “Foreign National Employees Separation
23 Pay (97-8165-0-7-051).

1 “Foreign Service National Defined Con-
2 tributions Retirement Fund (19-5497-0-2-
3 602).

4 “Foreign Service National Separation Li-
5 ability Trust Fund (19-8340-0-7-602).

6 “Foreign Service Retirement and Dis-
7 ability Fund (19-8186-0-7-602).

8 “Government Payment for Annuitants,
9 Employees Health Benefits (24-0206-0-1-
10 551).

11 “Government Payment for Annuitants,
12 Employee Life Insurance (24-0500-0-1-602).

13 “Judicial Officers’ Retirement Fund (10-
14 8122-0-7-602).

15 “Judicial Survivors’ Annuities Fund (10-
16 8110-0-7-602).

17 “Military Retirement Fund (97-8097-0-
18 7-602).

19 “National Railroad Retirement Investment
20 Trust (60-8118-0-7-601).

21 “National Oceanic and Atmospheric Ad-
22 ministration retirement (13-1450-0-1-306).

23 “Pensions for former Presidents (47-
24 0105-0-1-802).

1 “Postal Service Retiree Health Benefits
2 Fund (24–5391–0–2–551).

3 “Public Safety Officer Benefits (15–0403–
4 0–1–754).

5 “Rail Industry Pension Fund (60–8011–
6 0–7–601).

7 “Retired Pay, Coast Guard (70–0602–0–
8 1–403).

9 “Retirement Pay and Medical Benefits for
10 Commissioned Officers, Public Health Service
11 (75–0379–0–1–551).

12 “Special Benefits for Disabled Coal Miners
13 (16–0169–0–1–601).

14 “Special Benefits, Federal Employees’
15 Compensation Act (16–1521–0–1–600).

16 “Special Workers Compensation Expenses
17 (16–9971–0–7–601).

18 “Tax Court Judges Survivors Annuity
19 Fund (23–8115–0–7–602).

20 “United States Court of Federal Claims
21 Judges’ Retirement Fund (10–8124–0–7–602).

22 “United States Secret Service, DC Annuity
23 (70–0400–0–1–751).

24 “Voluntary Separation Incentive Fund
25 (97–8335–0–7–051).

1 “(2) Prior legal obligations of the Government
2 in the following budget accounts and activities shall
3 be exempt from any order issued under this part:

4 “Biomass Energy Development (20–0114–
5 0–1–271).

6 “Check Forgery Insurance Fund (20–
7 4109–0–3–803).

8 “Credit liquidating accounts.

9 “Credit reestimates.

10 “Employees Life Insurance Fund (24–
11 8424–0–8–602).

12 “Federal Aviation Insurance Revolving
13 Fund (69–4120–0–3–402).

14 “Federal Crop Insurance Corporation
15 Fund (12–4085–0–3–351).

16 “Federal Emergency Management Agency,
17 National Flood Insurance Fund (58–4236–0–
18 3–453).

19 “Federal Home Loan Mortgage Corpora-
20 tion (Freddie Mac).

21 “Federal National Mortgage Corporation
22 (Fannie Mae).

23 “Geothermal resources development fund
24 (89–0206–0–1–271).

1 “Low-Rent Public Housing—Loans and
2 Other Expenses (86–4098–0–3–604).

3 “Maritime Administration, War Risk In-
4 surance Revolving Fund (69–4302–0–3–403).

5 “Natural Resource Damage Assessment
6 Fund (14–1618–0–1–302).

7 “Overseas Private Investment Corporation,
8 Noncredit Account (71–4184–0–3–151).

9 “Pension Benefit Guaranty Corporation
10 Fund (16–4204–0–3–601).

11 “San Joaquin Restoration Fund (14–
12 5537–0–2–301).

13 “Servicemembers’ Group Life Insurance
14 Fund (36–4009–0–3–701).

15 “Terrorism Insurance Program (20–0123–
16 0–1–376).

17 “(h) LOW-INCOME PROGRAMS.—The following pro-
18 grams shall be exempt from reduction under any order
19 issued under this part:

20 “Academic Competitiveness/Smart Grant Pro-
21 gram (91–0205–0–1–502).

22 “Child Care Entitlement to States (75–1550–
23 0–1–609).

24 “Child Enrollment Contingency Fund (75–
25 5551–0–2–551).

1 “Child Nutrition Programs (with the exception
2 of special milk programs) (12–3539–0–1–605).

3 “Children’s Health Insurance Fund (75–0515–
4 0–1–551).

5 “Commodity Supplemental Food Program (12–
6 3507–0–1–605).

7 “Contingency Fund (75–1522–0–1–609).

8 “Family Support Programs (75–1501–0–1–
9 609).

10 “Federal Pell Grants under section 401 Title
11 IV of the Higher Education Act.

12 “Grants to States for Medicaid (75–0512–0–1–
13 551).

14 “Payments for Foster Care and Permanency
15 (75–1545–0–1–609).

16 “Supplemental Nutrition Assistance Program
17 (12–3505–0–1–605).

18 “Supplemental Security Income Program (28–
19 0406–0–1–609).

20 “Temporary Assistance for Needy Families
21 (75–1552–0–1–609).”.

22 (d) ECONOMIC RECOVERY PROGRAMS.—Section 255
23 of BBEDCA is amended by adding the following after
24 subsection (h):

1 “(i) ECONOMIC RECOVERY PROGRAMS.—The fol-
 2 lowing programs shall be exempt from reduction under
 3 any order issued under this part:

4 “All programs enacted in, or increases in pro-
 5 grams provided by, the American Recovery and Re-
 6 investment Act of 2009.

7 “Exchange Stabilization Fund-Money Market
 8 Mutual Fund Guaranty Facility (20–4274–0–3–
 9 376).

10 “Financial Stabilization Reserve (20–0131–4–
 11 1–376).

12 “GSE Mortgage-Backed Securities Purchase
 13 Program Account (20–0126–0–1–371).

14 “GSE Preferred Stock Purchase Agreements
 15 (20–0125–0–1–371).

16 “Office of Financial Stability (20–0128–0–1–
 17 376).

18 “Special Inspector General for the Troubled
 19 Asset Relief Program (20–0133–0–1–376).

20 “Troubled Asset Relief Program Account (20–
 21 0132–0–1–376).

22 “Troubled Asset Relief Program Equity Pur-
 23 chase Program (20–0134–0–1–376).

- 1 “Troubled Asset Relief Program, Home Afford-
- 2 able Modification Program (20–0136–0–1–604).”.

