

Thompson (MS)	Valadao	Weber (TX)
Thompson (PA)	Veasey	Wittman
Tiberi	Velázquez	Woodall
Tipton	Visclosky	Yoder
Upton	Walberg	Young (AK)

ANSWERED "PRESENT"—2

Gohmert

Owens

NOT VOTING—20

Aderholt	Doyle	McIntyre
Bishop (UT)	Duckworth	Miller, Gary
Brady (TX)	Franks (AZ)	Negrete McLeod
Braley (IA)	Gingrey (GA)	Nolan
Capps	Grijalva	Schwartz
Capuano	Hall	Turner
Diaz-Balart	McCarthy (NY)	

□ 1524

So the Journal was approved.

The result of the vote was announced as above recorded.

ACHIEVING A BETTER LIFE EXPERIENCE ACT OF 2014

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 766, I call up the bill (H.R. 647) to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to H. Res. 766, in lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means, printed in the bill, the amendment in the nature of a substitute printed in part B of House Report 113-643 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) **SHORT TITLE.**—This Act may be cited as the "Achieving a Better Life Experience Act of 2014" or the "ABLE Act of 2014".

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; etc.

TITLE I—QUALIFIED ABLE PROGRAMS

Sec. 101. Purposes.

Sec. 102. Qualified ABLE programs.

Sec. 103. Treatment of ABLE accounts under certain Federal programs.

Sec. 104. Treatment of able accounts in bankruptcy.

Sec. 105. Investment direction rule for 529 plans.

TITLE II—OFFSETS

Sec. 201. Correction to workers compensation offset age.

Sec. 202. Accelerated application of relative value targets for misvalued services in the Medicare physician fee schedule.

Sec. 203. Consistent treatment of vacuum erection systems in Medicare Parts B and D.

Sec. 204. One-year delay of implementation of oral-only policy under Medicare ESRD prospective payment system.

Sec. 205. Modification relating to Inland Waterways Trust Fund financing rate.

Sec. 206. Certified professional employer organizations.

Sec. 207. Exclusion of dividends from controlled foreign corporations from the definition of personal holding company income for purposes of the personal holding company rules.

Sec. 208. Inflation adjustment for certain civil penalties under the Internal Revenue Code of 1986.

Sec. 209. Increase in continuous levy.

TITLE I—QUALIFIED ABLE PROGRAMS

SEC. 101. PURPOSES.

The purposes of this title are as follows:

(1) To encourage and assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities to maintain health, independence, and quality of life.

(2) To provide secure funding for disability-related expenses on behalf of designated beneficiaries with disabilities that will supplement, but not supplant, benefits provided through private insurance, the Medicaid program under title XIX of the Social Security Act, the supplemental security income program under title XVI of such Act, the beneficiary's employment, and other sources.

SEC. 102. QUALIFIED ABLE PROGRAMS.

(a) **IN GENERAL.**—Subchapter F of chapter 1 is amended by inserting after section 529 the following new section:

"SEC. 529A. QUALIFIED ABLE PROGRAMS.

"(a) **GENERAL RULE.**—A qualified ABLE program shall be exempt from taxation under this subtitle. Notwithstanding the preceding sentence, such program shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations).

"(b) **QUALIFIED ABLE PROGRAM.**—For purposes of this section—

"(1) **IN GENERAL.**—The term 'qualified ABLE program' means a program established and maintained by a State, or agency or instrumentality thereof—

"(A) under which a person may make contributions for a taxable year, for the benefit of an individual who is an eligible individual for such taxable year, to an ABLE account which is established for the purpose of meeting the qualified disability expenses of the designated beneficiary of the account,

"(B) which limits a designated beneficiary to 1 ABLE account for purposes of this section,

"(C) which allows for the establishment of an ABLE account only for a designated beneficiary who is a resident of such State or a resident of a contracting State, and

"(D) which meets the other requirements of this section.

"(2) **CASH CONTRIBUTIONS.**—A program shall not be treated as a qualified ABLE program unless it provides that no contribution will be accepted—

"(A) unless it is in cash, or

"(B) except in the case of contributions under subsection (c)(1)(C), if such contribution to an ABLE account would result in aggregate contributions from all contributors to the ABLE account for the taxable year exceeding the amount in effect under section 2503(b) for the calendar year in which the taxable year begins.

For purposes of this paragraph, rules similar to the rules of section 408(d)(4) (determined without regard to subparagraph (B) thereof) shall apply.

"(3) **SEPARATE ACCOUNTING.**—A program shall not be treated as a qualified ABLE program unless it provides separate accounting for each designated beneficiary.

"(4) **LIMITED INVESTMENT DIRECTION.**—A program shall not be treated as a qualified ABLE program unless it provides that any designated beneficiary under such program may, directly or indirectly, direct the investment of any contributions to the program (or any earnings thereon) no more than 2 times in any calendar year.

"(5) **NO PLEDGING OF INTEREST AS SECURITY.**—A program shall not be treated as a qualified ABLE program if it allows any interest in the program or any portion thereof to be used as security for a loan.

"(6) **PROHIBITION ON EXCESS CONTRIBUTIONS.**—A program shall not be treated as a qualified ABLE program unless it provides adequate safeguards to prevent aggregate contributions on behalf of a designated beneficiary in excess of the limit established by the State under section 529(b)(6). For purposes of the preceding sentence, aggregate contributions include contributions under any prior qualified ABLE program of any State or agency or instrumentality thereof.

"(c) **TAX TREATMENT.**—

"(1) **DISTRIBUTIONS.**—

"(A) **IN GENERAL.**—Any distribution under a qualified ABLE program shall be includible in the gross income of the distributee in the manner as provided under section 72 to the extent not excluded from gross income under any other provision of this chapter.

"(B) **DISTRIBUTIONS FOR QUALIFIED DISABILITY EXPENSES.**—For purposes of this paragraph, if distributions from a qualified ABLE program—

"(i) do not exceed the qualified disability expenses of the designated beneficiary, no amount shall be includible in gross income, and

"(ii) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

"(C) **CHANGE IN DESIGNATED BENEFICIARIES OR PROGRAMS.**—

"(i) **ROLLOVERS FROM ABLE ACCOUNTS.**—Subparagraph (A) shall not apply to any amount paid or distributed from an ABLE account to the extent that the amount received is paid, not later than the 60th day after the date of such payment or distribution, into another ABLE account for the benefit of the same designated beneficiary or an eligible individual who is a family member of the designated beneficiary.

"(ii) **CHANGE IN DESIGNATED BENEFICIARIES.**—Any change in the designated beneficiary of an interest in a qualified ABLE program during a taxable year shall not be treated as a distribution for purposes of subparagraph (A) if the new beneficiary is an eligible individual for such taxable year and a member of the family of the former beneficiary.

"(iii) **LIMITATION ON CERTAIN ROLLOVERS.**—Clause (i) shall not apply to any transfer if such transfer occurs within 12 months from the date of a previous transfer to any qualified ABLE program for the benefit of the designated beneficiary.

"(D) **OPERATING RULES.**—For purposes of applying section 72—

"(i) except to the extent provided by the Secretary, all distributions during a taxable year shall be treated as one distribution, and

"(ii) except to the extent provided by the Secretary, the value of the contract, income on the contract, and investment in the contract shall be computed as of the close of the calendar year in which the taxable year begins.

"(2) **GIFT TAX RULES.**—For purposes of chapters 12 and 13—

"(A) **CONTRIBUTIONS.**—Any contribution to a qualified ABLE program on behalf of any designated beneficiary—

"(i) shall be treated as a completed gift to such designated beneficiary which is not a future interest in property, and

"(ii) shall not be treated as a qualified transfer under section 2503(e).

“(B) TREATMENT OF DISTRIBUTIONS.—In no event shall a distribution from an ABLÉ account to such account's designated beneficiary be treated as a taxable gift.

“(C) TREATMENT OF TRANSFER TO NEW DESIGNATED BENEFICIARY.—The taxes imposed by chapters 12 and 13 shall not apply to a transfer by reason of a change in the designated beneficiary under subsection (c)(1)(C).

“(3) ADDITIONAL TAX FOR DISTRIBUTIONS NOT USED FOR DISABILITY EXPENSES.—

“(A) IN GENERAL.—The tax imposed by this chapter for any taxable year on any taxpayer who receives a distribution from a qualified ABLÉ program which is includible in gross income shall be increased by 10 percent of the amount which is so includible.

“(B) EXCEPTION.—Subparagraph (A) shall not apply if the payment or distribution is made to a beneficiary (or to the estate of the designated beneficiary) on or after the death of the designated beneficiary.

“(C) CONTRIBUTIONS RETURNED BEFORE CERTAIN DATE.—Subparagraph (A) shall not apply to the distribution of any contribution made during a taxable year on behalf of the designated beneficiary if—

“(i) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such designated beneficiary's return for such taxable year, and

“(ii) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in clause (ii) shall be included in gross income for the taxable year in which such excess contribution was made.

“(4) LOSS OF ABLÉ ACCOUNT TREATMENT.—If an ABLÉ account is established for a designated beneficiary, no account subsequently established for such beneficiary shall be treated as an ABLÉ account. The preceding sentence shall not apply in the case of an account established for purposes of a rollover described in paragraph (1)(C)(i) of this section if the transferor account is closed as of the end of the 60th day referred to in paragraph (1)(C)(i).

“(d) REPORTS.—

“(1) IN GENERAL.—Each officer or employee having control of the qualified ABLÉ program or their designee shall make such reports regarding such program to the Secretary and to designated beneficiaries with respect to contributions, distributions, the return of excess contributions, and such other matters as the Secretary may require.

“(2) CERTAIN AGGREGATED INFORMATION.—For research purposes, the Secretary shall make available to the public reports containing aggregate information, by diagnosis and other relevant characteristics, on contributions and distributions from the qualified ABLÉ program. In carrying out the preceding sentence an item may not be made available to the public if such item can be associated with, or otherwise identify, directly or indirectly, a particular individual.

“(3) NOTICE OF ESTABLISHMENT OF ABLÉ ACCOUNT.—A qualified ABLÉ program shall submit a notice to the Secretary upon the establishment of an ABLÉ account. Such notice shall contain the name and State of residence of the designated beneficiary and such other information as the Secretary may require.

“(4) ELECTRONIC DISTRIBUTION STATEMENTS.—For purposes of section 4 of the Achieving a Better Life Experience Act of 2014, States shall submit electronically on a monthly basis to the Commissioner of Social Security, in the manner specified by the Commissioner, statements on relevant distributions and account balances from all ABLÉ accounts.

“(5) REQUIREMENTS.—The reports and notices required by paragraphs (1), (2), and (3) shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by the Secretary.

“(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) ELIGIBLE INDIVIDUAL.—An individual is an eligible individual for a taxable year if during such taxable year—

“(A) the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained age 26, or

“(B) a disability certification with respect to such individual is filed with the Secretary for such taxable year.

“(2) DISABILITY CERTIFICATION.—

“(A) IN GENERAL.—The term ‘disability certification’ means, with respect to an individual, a certification to the satisfaction of the Secretary by the individual or the parent or guardian of the individual that—

“(i) certifies that—

“(I) the individual has a medically determinable physical or mental impairment, which results in marked and severe functional limitations, and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months, or is blind (within the meaning of section 1614(a)(2) of the Social Security Act), and

“(II) such blindness or disability occurred before the date on which the individual attained age 26, and

“(ii) includes a copy of the individual's diagnosis relating to the individual's relevant impairment or impairments, signed by a physician meeting the criteria of section 1861(r)(1) of the Social Security Act.

“(B) RESTRICTION ON USE OF CERTIFICATION.—No inference may be drawn from a disability certification for purposes of establishing eligibility for benefits under title II, XVI, or XIX of the Social Security Act.

“(3) DESIGNATED BENEFICIARY.—The term ‘designated beneficiary’ in connection with an ABLÉ account established under a qualified ABLÉ program means the eligible individual who established an ABLÉ account and is the owner of such account.

“(4) MEMBER OF FAMILY.—The term ‘member of the family’ means, with respect to any designated beneficiary, an individual who bears a relationship to such beneficiary which is described in subparagraph section 152(d)(2)(B). For purposes of the preceding sentence, a rule similar to the rule of section 152(f)(1)(B) shall apply.

“(5) QUALIFIED DISABILITY EXPENSES.—The term ‘qualified disability expenses’ means any expenses related to the eligible individual's blindness or disability which are made for the benefit of an eligible individual who is the designated beneficiary, including the following expenses: education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management and administrative services, legal fees, expenses for oversight and monitoring, funeral and burial expenses, and other expenses, which are approved by the Secretary under regulations and consistent with the purposes of this section.

“(6) ABLÉ ACCOUNT.—The term ‘ABLÉ account’ means an account established by an eligible individual, owned by such eligible individual, and maintained under a qualified ABLÉ program.

“(7) CONTRACTING STATE.—The term ‘contracting State’ means a State without a qualified ABLÉ program which has entered into a contract with a State with a qualified ABLÉ program to provide residents of the contracting State access to a qualified ABLÉ program.

“(f) TRANSFER TO STATE.—Subject to any outstanding payments due for qualified disability expenses, upon the death of the designated beneficiary, all amounts remaining in the qualified ABLÉ account not in excess of the amount equal to the total medical assistance paid for the designated beneficiary after the establishment of

the account, net of any premiums paid from the account or paid by or on behalf of the beneficiary to a Medicaid Buy-In program under any State Medicaid plan established under title XIX of the Social Security Act, shall be distributed to such State upon filing of a claim for payment by such State. For purposes of this paragraph, the State shall be a creditor of an ABLÉ account and not a beneficiary. Subsection (c)(3) shall not apply to a distribution under the preceding sentence.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this section, including regulations—

“(1) to enforce the 1 ABLÉ account per eligible individual limit,

“(2) providing for the information required to be presented to open an ABLÉ account,

“(3) to generally define qualified disability expenses,

“(4) developed in consultation with the Commissioner of Social Security, relating to disability certifications and determinations of disability, including those conditions deemed to meet the requirements of subsection (e)(1)(B),

“(5) to prevent fraud and abuse with respect to amounts claimed as qualified disability expenses,

“(6) under chapters 11, 12, and 13 of this title, and

“(7) to allow for transfers from one ABLÉ account to another ABLÉ account.”.

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) IN GENERAL.—Subsection (a) of section 4973 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking “or” at the end of paragraph (4), by inserting “or” at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

“(6) an ABLÉ account (within the meaning of section 529A).”.

(2) EXCESS CONTRIBUTION.—Section 4973 is amended by adding at the end the following new subsection:

“(h) EXCESS CONTRIBUTIONS TO ABLÉ ACCOUNT.—For purposes of this section—

“(1) IN GENERAL.—In the case of an ABLÉ account (within the meaning of section 529A), the term ‘excess contributions’ means the amount by which the amount contributed for the taxable year to such account (other than contributions under section 529A(c)(1)(C)) exceeds the contribution limit under section 529A(b)(2)(B).

“(2) SPECIAL RULE.—For purposes of this subsection, any contribution which is distributed out of the ABLÉ account in a distribution to which the last sentence of section 529A(b)(2) applies shall be treated as an amount not contributed.”.

(c) PENALTY FOR FAILURE TO FILE REPORTS.—Section 6693(a)(2) is amended by striking “and” at the end of subparagraph (D), by redesignating subparagraph (E) as subparagraph (F), and by inserting after subparagraph (D) the following:

“(E) section 529A(d) (relating to qualified ABLÉ programs), and”.

(d) RECORDS.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(1) in clause (viii), by striking “or” at the end;

(2) in clause (ix), by adding “or” at the end; and

(3) by adding at the end the following new clause:

“(x) matches performed pursuant to section 3(d)(4) of the Achieving a Better Life Experience Act of 2014.”.

(e) OTHER CONFORMING AMENDMENTS.—

(1) Section 26(b)(2) is amended by striking “and” at the end of subparagraph (W), by striking the period at the end of subparagraph (X) and inserting “, and”, and by inserting after subparagraph (X) the following:

“(Y) section 529A(c)(3)(A) (relating to additional tax on ABLÉ account distributions not used for qualified disability expenses).”.

(2) Section 877A is amended—

(A) in subsection (e)(2) by inserting “a qualified ABLE program (as defined in section 529A),” after “529),” and

(B) in subsection (g)(6) by inserting “529A(c)(3),” after “529(c)(6).”

(3) Section 4965(c) is amended by striking “or” at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting “, or”, and by inserting after paragraph (7) the following new paragraph:

“(8) a program described in section 529A.”

(4) The heading for part VIII of subchapter F of chapter 1 is amended by striking “HIGHER EDUCATION” and inserting “CERTAIN”.

(5) The item in the table of parts for subchapter F of chapter 1 relating to part VIII is amended to read as follows:

“PART VIII. CERTAIN SAVINGS ENTITIES.”

(6) The table of sections for part VIII of subchapter F of chapter 1 is amended by inserting after the item relating to section 529 the following new item:

“Sec. 529A. Qualified ABLE programs.”

(7) Paragraph (4) of section 1027(g) of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5517(g)(4)) is amended by inserting “, 529A” after “529”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2014.

(2) REGULATIONS.—The Secretary of the Treasury (or the Secretary’s designee) shall promulgate the regulations or other guidance required under section 529A(g) of the Internal Revenue Code of 1986, as added by subsection (a), not later than 6 months after the date of the enactment of this Act.

SEC. 103. TREATMENT OF ABLE ACCOUNTS UNDER CERTAIN FEDERAL PROGRAMS.

(a) ACCOUNT FUNDS DISREGARDED FOR PURPOSES OF CERTAIN OTHER MEANS-TESTED FEDERAL PROGRAMS.—Notwithstanding any other provision of Federal law that requires consideration of 1 or more financial circumstances of an individual, for the purpose of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such provision to be provided to or for the benefit of such individual, any amount (including earnings thereon) in the ABLE account (within the meaning of section 529A of the Internal Revenue Code of 1986) of such individual, any contributions to the ABLE account of the individual, and any distribution for qualified disability expenses (as defined in subsection (e)(5) of such section) shall be disregarded for such purpose with respect to any period during which such individual maintains, makes contributions to, or receives distributions from such ABLE account, except that, in the case of the supplemental security income program under title XVI of the Social Security Act—

(1) a distribution for housing expenses (within the meaning of such subsection) shall not be so disregarded, and

(2) in the case of such program, any amount (including such earnings) in such ABLE account shall be considered a resource of the designated beneficiary to the extent that such amount exceeds \$100,000.

(b) SUSPENSION OF SSI BENEFITS DURING PERIODS OF EXCESSIVE ACCOUNT FUNDS.—

(1) IN GENERAL.—The benefits of an individual under the supplemental security income program under title XVI of the Social Security Act shall not be terminated, but shall be suspended, by reason of excess resources of the individual attributable to an amount in the ABLE account (within the meaning of section 529A of the Internal Revenue Code of 1986) of the individual not disregarded under subsection (a) of this section.

(2) NO IMPACT ON MEDICAID ELIGIBILITY.—An individual who would be receiving payment of

such supplemental security income benefits but for the application of paragraph (1) shall be treated for purposes of title XIX of the Social Security Act as if the individual continued to be receiving payment of such benefits.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 104. TREATMENT OF ABLE ACCOUNTS IN BANKRUPTCY.

(a) EXCLUSION FROM PROPERTY OF THE ESTATE.—Section 541(b) of the title 11, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting a semicolon and “or”; and

(3) by inserting after paragraph (9) the following:

“(10) funds placed in an account of a qualified ABLE program (as defined in section 529A(b) of the Internal Revenue Code of 1986) not later than 365 days before the date of the filing of the petition in a case under this title, but—

“(A) only if the designated beneficiary of such account was a child, stepchild, grandchild, or stepgrandchild of the debtor for the taxable year for which funds were placed in such account;

“(B) only to the extent that such funds—

“(i) are not pledged or promised to any entity in connection with any extension of credit; and

“(ii) are not excess contributions (as described in section 4973(h) of the Internal Revenue Code of 1986); and

“(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed \$6,225.”

(b) DEBTOR’S MONTHLY EXPENSES.—Section 707(b)(2)(A)(ii)(II) of title 11, United States Code, is amended by adding at the end “Such monthly expenses may include, if applicable, contributions to an account of a qualified ABLE program to the extent such contributions are not excess contributions (as described in section 4973(h) of the Internal Revenue Code of 1986) and if the designated beneficiary of such account is a child, stepchild, grandchild, or stepgrandchild of the debtor.”

(c) RECORD OF DEBTOR’S INTEREST.—Section 521(c) of title 11, United States Code, is amended by inserting “, an interest in an account in a qualified ABLE program (as defined in section 529A(b) of such Code),” after “Internal Revenue Code of 1986)”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to cases commenced under title 11, United States Code, on or after the date of the enactment of this Act.

SEC. 105. INVESTMENT DIRECTION RULE FOR 529 PLANS.

(a) AMENDMENTS RELATING TO INVESTMENT DIRECTION RULE FOR 529 PLANS.—

(1) Paragraph (4) of section 529(b) is amended by striking “may not directly or indirectly” and all that follows and inserting “may, directly or indirectly, direct the investment of any contributions to the program (or any earnings thereon) no more than 2 times in any calendar year.”

(2) The heading of paragraph (4) of section 529(b) is amended by striking “NO” and inserting “LIMITED”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2014.

TITLE II—OFFSETS

SEC. 201. CORRECTION TO WORKERS COMPENSATION OFFSET AGE.

(a) RETIREMENT AGE.—Section 224(a) of the Social Security Act (42 U.S.C. 424a(a)) is amended, in the matter preceding paragraph (1), by striking “the age of 65” and inserting “retirement age (as defined in section 216(l)(1)).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any

individual who attains 65 years of age on or after the date that is 12 months after the date of the enactment of this Act.

SEC. 202. ACCELERATED APPLICATION OF RELATIVE VALUE TARGETS FOR MISVALUED SERVICES IN THE MEDICARE PHYSICIAN FEE SCHEDULE.

Section 1848(c) of the Social Security Act (42 U.S.C. 1395w–4(c)) is amended—

(1) in subclause (VIII) of paragraph (2)(B)(v), as added by section 220(d)(2) of the Protecting Access to Medicare Act of 2014 (Public Law 113–93)—

(A) by striking “2017” and inserting “2016”; and

(B) by redesignating such subclause as subclause (IX);

(2) in paragraph (2)(O)—

(A) in the matter preceding clause (i), by striking “2017 through 2020” and inserting “2016 through 2018”; and

(B) in clause (iii), by striking “2017” and inserting “2016”; and

(C) in clause (v), by inserting “(or, for 2016, 1.0 percent)” after “0.5 percent”; and

(3) in paragraph (7), by striking “2017” and inserting “2016”.

SEC. 203. EXISTENT TREATMENT OF VACUUM ERECTION SYSTEMS IN MEDICARE PARTS B AND D.

Section 1834(a)(1) of the Social Security Act (42 U.S.C. 1395m(a)(1)) is amended by adding at the end the following new subparagraph:

“(I) TREATMENT OF VACUUM ERECTION SYSTEMS.—Effective for items and services furnished on and after July 1, 2015, vacuum erection systems described as prosthetic devices described in section 1861(s)(8) shall be treated in the same manner as erectile dysfunction drugs are treated for purposes of section 1860D–2(e)(2)(A).”

SEC. 204. ONE-YEAR DELAY OF IMPLEMENTATION OF ORAL-ONLY POLICY UNDER MEDICARE ESRD PROSPECTIVE PAYMENT SYSTEM.

Section 632(b)(1) of the American Taxpayer Relief Act of 2012 (42 U.S.C. 1395rr note), as amended by section 217(a)(1) of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), is amended by striking “2024” and inserting “2025”.

SEC. 205. MODIFICATION RELATING TO INLAND WATERWAYS TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Section 4042(b)(2)(A) is amended to read as follows:

“(A) The Inland Waterways Trust Fund financing rate is 29 cents per gallon.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel used after March 31, 2015.

SEC. 206. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

(a) EMPLOYMENT TAXES.—Chapter 25 is amended by adding at the end the following new section:

“SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

“(a) GENERAL RULES.—For purposes of the taxes, and other obligations, imposed by this subtitle—

“(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

“(2) the exemptions, exclusions, definitions, and other rules which are based on type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

“(b) SUCCESSOR EMPLOYER STATUS.—For purposes of sections 3121(a)(1), 3231(e)(2)(C), and 3306(b)(1)—

“(1) a certified professional employer organization entering into a service contract with a

customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

“(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

“(c) **LIABILITY OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION.**—Solely for purposes of its liability for the taxes and other obligations imposed by this subtitle—

“(1) a certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (f)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

“(2) the exemptions, exclusions, definitions, and other rules which are based on type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

“(d) **TREATMENT OF CREDITS.**—

“(1) **IN GENERAL.**—For purposes of any credit specified in paragraph (2)—

“(A) such credit with respect to a work site employee performing services for the customer applies to the customer, not the certified professional employer organization,

“(B) the customer, and not the certified professional employer organization, shall take into account wages and employment taxes—

“(i) paid by the certified professional employer organization with respect to the work site employee, and

“(ii) for which the certified professional employer organization receives payment from the customer, and

“(C) the certified professional employer organization shall furnish the customer and the Secretary with any information necessary for the customer to claim such credit.

“(2) **CREDITS SPECIFIED.**—A credit is specified in this paragraph if such credit is allowed under—

“(A) section 41 (credit for increasing research activity),

“(B) section 45A (Indian employment credit),

“(C) section 45B (credit for portion of employer social security taxes paid with respect to employee cash tips),

“(D) section 45C (clinical testing expenses for certain drugs for rare diseases or conditions),

“(E) section 45R (employee health insurance expenses of small employers),

“(F) section 51 (work opportunity credit),

“(G) section 1396 (empowerment zone employment credit), and

“(H) any other section as provided by the Secretary.

“(e) **SPECIAL RULE FOR RELATED PARTY.**—This section shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting ‘10 percent’ for ‘50 percent’.

“(f) **SPECIAL RULE FOR CERTAIN INDIVIDUALS.**—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer’s trade or business (including a partner in a partnership that is a customer) is not a work site employee with respect to remuneration paid by a certified professional employer organization.

“(g) **REPORTING REQUIREMENTS AND OBLIGATIONS.**—The Secretary shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with this title by certified professional employer orga-

nizations or persons that have been so certified. Such rules shall include—

“(1) notification of the Secretary in such manner as the Secretary shall prescribe in the case of the commencement or termination of a service contract described in section 7705(e)(2) between such a person and a customer, and the employer identification number of such customer,

“(2) such information as the Secretary determines necessary for the customer to claim the credits identified in subsection (d) and the manner in which such information is to be provided, as prescribed by the Secretary, and

“(3) such other information as the Secretary determines is essential to promote compliance with respect to the credits identified in subsection (d) and section 3302, and

shall be designed in a manner which streamlines, to the extent possible, the application of requirements of this section and section 7705, the exchange of information between a certified professional employer organization and its customers, and the reporting and recordkeeping obligations of the certified professional employer organization.

“(h) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”

(b) **CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION DEFINED.**—Chapter 79 is amended by adding at the end the following new section:

“SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

“(a) **IN GENERAL.**—For purposes of this title, the term ‘certified professional employer organization’ means a person who applies to be treated as a certified professional employer organization for purposes of section 3511 and has been certified by the Secretary as meeting the requirements of subsection (b).

“(b) **CERTIFICATION REQUIREMENTS.**—A person meets the requirements of this subsection if such person—

“(1) demonstrates that such person (and any owner, officer, and other persons as may be specified in regulations) meets such requirements as the Secretary shall establish, including requirements with respect to tax status, background, experience, business location, and annual financial audits,

“(2) agrees that it will satisfy the bond and independent financial review requirements of subsection (c) on an ongoing basis,

“(3) agrees that it will satisfy such reporting obligations as may be imposed by the Secretary,

“(4) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

“(5) agrees to verify on such periodic basis as the Secretary may prescribe that it continues to meet the requirements of this subsection, and

“(6) agrees to notify the Secretary in writing within such time as the Secretary may prescribe of any change that materially affects the continuing accuracy of any agreement or information that was previously made or provided under this subsection.

“(c) **BOND AND INDEPENDENT FINANCIAL REVIEW.**—

“(1) **IN GENERAL.**—An organization meets the requirements of this paragraph if such organization—

“(A) meets the bond requirements of paragraph (2), and

“(B) meets the independent financial review requirements of paragraph (3).

“(2) **BOND.**—

“(A) **IN GENERAL.**—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) that is in an amount at least equal to the amount specified in subparagraph (B).

“(B) **AMOUNT OF BOND.**—For the period April 1 of any calendar year through March 31 of the

following calendar year, the amount of the bond required is equal to the greater of—

“(i) 5 percent of the organization’s liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed \$1,000,000), or

“(ii) \$50,000.

“(3) **INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.**—A certified professional employer organization meets the requirements of this paragraph if such organization—

“(A) has, as of the most recent audit date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant as to whether the certified professional employer organization’s financial statements are presented fairly in accordance with generally accepted accounting principles, and

“(B) provides to the Secretary an assertion regarding Federal employment tax payments and an examination level attestation on such assertion from an independent certified public accountant not later than the last day of the second month beginning after the end of each calendar quarter.

Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

“(4) **CONTROLLED GROUP RULES.**—For purposes of the requirements of paragraphs (2) and (3), all certified professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

“(5) **FAILURE TO FILE ASSERTION AND ATTESTATION.**—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

“(6) **AUDIT DATE.**—For purposes of paragraph (3)(A), the audit date shall be six months after the completion of the organization’s fiscal year.

“(d) **SUSPENSION AND REVOCATION AUTHORITY.**—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the agreements or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

“(e) **WORK SITE EMPLOYEE.**—For purposes of this title—

“(1) **IN GENERAL.**—The term ‘work site employee’ means, with respect to a certified professional employer organization, an individual who—

“(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

“(B) performs services at a work site meeting the requirements of paragraph (3).

“(2) **SERVICE CONTRACT REQUIREMENTS.**—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

“(A) assume responsibility for payment of wages to such individual, without regard to the receipt or adequacy of payment from the customer for such services,

“(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to such individual’s wages, without regard to the receipt or adequacy of payment from the customer for such services,

“(C) assume responsibility for any employee benefits which the service contract may require the certified professional employer organization to provide, without regard to the receipt or adequacy of payment from the customer for such benefits,

“(D) assume responsibility for recruiting, hiring, and firing workers in addition to the customer’s responsibility for recruiting, hiring, and firing workers,

“(E) maintain employee records relating to such individual, and

“(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

“(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

“(f) PUBLIC DISCLOSURE.—The Secretary shall make available to the public the name and address of—

“(1) each person certified as a professional employer organization under subsection (a), and

“(2) each person whose certification as a professional employer organization is suspended or revoked under subsection (d).

“(g) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

“(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”

(c) CONFORMING AMENDMENTS.—

(1) Section 3302 is amended by adding at the end the following new subsection:

“(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a customer of such organization, makes a contribution to the State’s unemployment fund with respect to wages paid to a work site employee, such certified professional employer organization shall be eligible for the credits available under this section with respect to such contribution.”

(2) Section 3303(a) is amended—

(A) by striking the period at the end of paragraph (3) and inserting “; and” and by inserting after paragraph (3) the following new paragraph:

“(4) if the taxpayer is a certified professional employer organization (as defined in section 7705) that is treated as the employer under section 3511, such certified professional employer organization is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.”, and

(B) in the last sentence—

(i) by striking “paragraphs (1), (2), and (3)” and inserting “paragraphs (1), (2), (3), and (4)”, and

(ii) by striking “paragraph (1), (2), or (3)” and inserting “paragraph (1), (2), (3), or (4)”.

(3) Section 6053(c) is amended by adding at the end the following new paragraph:

“(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this subsection, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional

employer organization shall furnish to the customer and the Secretary any information the Secretary prescribes as necessary to complete such reporting no later than such time as the Secretary shall prescribe.”

(4) Section 6652 is amended by adding at the end the following new subsection:

“(n) FAILURE TO MAKE REPORTS REQUIRED UNDER SECTIONS 3511, 6053(c)(8), AND 7705.—In the case of a failure to make a report required under section 3511, 6053(c)(8), or 7705 which contains the information required by such section on the date prescribed therefor (determined with regard to any extension of time for filing), there shall be paid (on notice and demand by the Secretary and in the same manner as tax) by the person failing to make such report, an amount equal to \$50 for each report with respect to which there was such a failure. In the case of any failure due to negligence or intentional disregard the preceding sentence shall be applied by substituting ‘\$100’ for ‘\$50’.”

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 25 is amended by adding at the end the following new item:

“Sec. 3511. Certified professional employer organizations.”

(2) The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

“Sec. 7705. Certified professional employer organizations.”

(f) USER FEES.—Section 7528(b) is amended by adding at the end the following new paragraph:

“(4) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The fee charged under the program in connection with the certification by the Secretary of a professional employer organization under section 7705 shall be an annual fee not to exceed \$1,000 per year.”

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to wages for services performed on or after January 1 of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) CERTIFICATION PROGRAM.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986, as added by subsection (b), not later than 6 months before the effective date determined under paragraph (1).

(h) NO INFERENCE.—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by this section), or

(2) for purposes of any other provision of law.

SEC. 207. EXCLUSION OF DIVIDENDS FROM CONTROLLED FOREIGN CORPORATIONS FROM THE DEFINITION OF PERSONAL HOLDING COMPANY INCOME FOR PURPOSES OF THE PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Section 543(a)(1) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and

(2) by inserting after subparagraph (B) the following:

“(C) dividends received by a United States shareholder (as defined in section 951(b)) from a controlled foreign corporation (as defined in section 957(a)).”

(b) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years ending on or after the date of the enactment of this Act.

SEC. 208. INFLATION ADJUSTMENT FOR CERTAIN CIVIL PENALTIES UNDER THE INTERNAL REVENUE CODE OF 1986.

(a) FAILURE TO FILE TAX RETURN OR PAY TAX.—Section 6651 is amended by adding at the end the following new subsection:

“(i) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—In the case of any return required to be filed in a calendar year beginning after 2014, the \$135 dollar amount under subsection (a) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1) is not a multiple of \$5, such amount shall be rounded to the next lowest multiple of \$5.”

(b) FAILURE TO FILE CERTAIN INFORMATION RETURNS, REGISTRATION STATEMENTS, ETC.—

(1) IN GENERAL.—Section 6652(c) is amended by adding at the end the following new paragraph:

“(6) ADJUSTMENT FOR INFLATION.—

“(A) IN GENERAL.—In the case of any failure relating to a return required to be filed in a calendar year beginning after 2014, each of the dollar amounts under paragraphs (1), (2), and (3) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount adjusted under subparagraph (A)—

“(i) is not less than \$5,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(ii) is not described in clause (i) and is not a multiple of \$5, such amount shall be rounded to the next lowest multiple of \$5.”

(2) CONFORMING AMENDMENTS.—

(A) The last sentence of section 6652(c)(1)(A) is amended by striking “the first sentence of this subparagraph shall be applied by substituting ‘\$100’ for ‘\$20’ and” and inserting “in applying the first sentence of this subparagraph, the amount of the penalty for each day during which a failure continues shall be \$100 in lieu of the amount otherwise specified, and”.

(B) Section 6652(c)(2)(C)(ii) is amended by striking “the first sentence of paragraph (1)(A)” and all that follows and inserting “in applying the first sentence of paragraph (1)(A), the amount of the penalty for each day during which a failure continues shall be \$100 in lieu of the amount otherwise specified, and in lieu of applying the second sentence of paragraph (1)(A), the maximum penalty under paragraph (1)(A) shall not exceed \$50,000, and”.

(c) OTHER ASSESSABLE PENALTIES WITH RESPECT TO THE PREPARATION OF TAX RETURNS FOR OTHER PERSONS.—Section 6695 is amended by adding at the end the following new subsection:

“(h) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—In the case of any failure relating to a return or claim for refund filed in a calendar year beginning after 2014, each of the dollar amounts under subsections (a), (b), (c), (d), (e), (f), and (g) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2013’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under subparagraph (A)—

“(A) is not less than \$5,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in clause (i) and is not a multiple of \$5, such amount shall be rounded to the next lowest multiple of \$5.”

(d) FAILURE TO FILE PARTNERSHIP RETURN.—Section 6698 is amended by adding at the end the following new subsection:

“(e) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—In the case of any return required to be filed in a calendar year beginning after 2014, the \$195 dollar amount under subsection (b)(1) shall be increased by such dollar

amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2013' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) ROUNDING.—If any amount adjusted under paragraph (1) is not a multiple of \$5, such amount shall be rounded to the next lowest multiple of \$5."

(e) FAILURE TO FILE S CORPORATION RETURN.—Section 6699 is amended by adding at the end the following new subsection:

"(e) ADJUSTMENT FOR INFLATION.—

"(1) IN GENERAL.—In the case of any return required to be filed in a calendar year beginning after 2014, the \$195 dollar amount under subsection (b)(1) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2013' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) ROUNDING.—If any amount adjusted under paragraph (1) is not a multiple of \$5, such amount shall be rounded to the next lowest multiple of \$5."

(f) FAILURE TO FILE CORRECT INFORMATION RETURNS.—Section 6721(f)(1) is amended by striking "For each fifth calendar year beginning after 2012" and inserting "In the case of any failure relating to a return required to be filed in a calendar year beginning after 2014".

(g) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—Section 6722(f)(1) is amended by striking "For each fifth calendar year beginning after 2012" and inserting "In the case of any failure relating to a statement required to be furnished in a calendar year beginning after 2014".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after December 31, 2014.

SEC. 209. INCREASE IN CONTINUOUS LEVY.

(a) IN GENERAL.—Paragraph (3) of section 6331(h) is amended by striking the period at the end and inserting "and by substituting '30 percent' for '15 percent' in the case of any specified payment due to a Medicare provider or supplier under title XVIII of the Social Security Act."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 647.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, many of us know the joys and responsibilities of being a parent. We spend years ensuring our children have the skills and education to reach their full potential as they grow and enter adulthood.

Many of these everyday responsibilities parents face can and often do increase tremendously when they have a child with a disability. Today, we have an opportunity to ease some of those challenges.

The Achieving a Better Life Experience Act, commonly known as the ABLE Act, will allow those with disabilities and their caregivers to have the stability and security of knowing that they can save and provide for their education, housing, and medical expenses in the future.

In short, the ABLE Act lets those with disabilities set up tax-free savings accounts to help them manage the costs of medical care, housing, transportation, and continued education. This will allow those who are on Medicaid and SSI to work, earn, and save more while still receiving these important benefits.

It is important to note that these savings accounts will be available to all individuals with disabilities and their caretakers, not just those on Medicaid and SSI.

This is a commonsense bill that will aid those with disabilities and their caretakers so they can live more fulfilling, happy lives and have the ability to provide for a better future.

□ 1530

At the same time, this will not burden taxpayers since the cost of the ABLE Act is fully offset by the savings provisions in this bill. These offsets are a balanced and fair mix of savings provisions that all Members should be able to support.

This bill is supported by more than 70 leading organizations and health care professionals, including the American Association of People with Disabilities, the Autism Society of America, Autism Speaks, the Brain Injury Association of America, Easter Seals, the National Association of Councils on Developmental Disabilities, the National Disability Institute, the National Down Syndrome Society, the National Federation of the Blind, and The Arc.

They support this bill because they know it will help more disabled individuals help themselves. That is all I can ask for—that is all anyone can ask for—and it is something I am pleased this legislation provides. This is why the ABLE Act has 380 cosponsors in the House and 74 cosponsors in the Senate.

I want to particularly thank the sponsor of this legislation, my good friend from Florida, Representative ANDER CRENSHAW, as well as Representatives SESSIONS, MCMORRIS RODGERS, and VAN HOLLEN for their diligence in helping us bring this legislation to the floor today.

Mr. Speaker, it is not every day that we have a chance to clear major hurdles in front of people who simply need a hand up. That is what this bill does, and I encourage all Members to support it.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

With this bill, we can help millions of Americans who are living with disabilities become more financially secure. Just as families today can open tax-free accounts to save for the future

costs of college for their children, this legislation would make it easier for families to save money for disability-related expenses like transportation, housing, and health prevention and wellness. The ABLE Act aims to ease the financial burden on these individuals and their families.

I applaud the efforts of Congressmen CRENSHAW, VAN HOLLEN, SESSIONS, and you, Chairman CAMP, among others.

The CBO estimates the cost of the bill will be \$2 billion over 10 years. The bill is paid for through \$638 million in revenue offsets and \$1.4 billion in spending cuts.

There has been active bipartisan work on paying for this bill, and there is broad agreement on the revenue offsets. There is some opposition to the Medicare offsets included in the bill because the legislation uses Medicare savings for nonhealth purposes.

We have challenges ahead, including important work on SGR. I understand the concern about Medicare offsets. I think it is important as we proceed on this bill to stress that it must not be considered a precedent for using Medicare savings to pay for unrelated costs associated with tax changes.

The ABLE Act provides much-needed relief, as we have said, to families and their children with disabilities. This is an important step forward for them in a very personal way. I support its passage.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. CRENSHAW), who is the sponsor of the bill.

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding the time.

Let me first just say thank you to Chairman CAMP, the chairman of the Ways and Means Committee, for his hard work in bringing this bill out of the Ways and Means Committee with a unanimous vote. I thank him and his staff who have worked long and hard to bring this bill to the floor today.

On a personal note, as Chairman CAMP leaves the Congress this year, I want to express my thanks and gratitude for his friendship over the years and for his leadership not only for the people of Michigan, but for the people of America. You will be missed.

Mr. Speaker, when we talk about the ABLE Act, I think that this is a great example of what can be accomplished when people work together. People say we don't always work together, but here is a case where people have come together—Democrats and Republicans, the House working with the Senate—for the common good of the people of America.

I think all of us probably know somebody, either a family member or maybe a friend of the family—somebody—who has a disability. It might be Down syndrome, or it might be autism, or it might be some other disability, but sometimes, I don't think we understand the difficulty and the challenges

that those individuals and their families face. They are beyond our comprehension sometimes because we are lucky in the way that we can live.

The ABLE Act seeks to address that inequity. It seeks to help those people who so often society overlooks or maybe the government overlooks. The ABLE Act is very simple, it is very straightforward, it is understandable, and we have come to this after 8 years of hard work.

When I first filed the bill in 2006, there were very few cosponsors of this legislation, but over the years, an awful lot of people on both sides of the aisle have worked long and hard to make this legislation better. Some of the individuals who have these disabilities come to Washington every year. They have gone out, and they have talked to their individual Representatives.

That is one of the reasons we have 380 cosponsors in the House. It is because those individuals have gone to an office and have sat down and have said, "This is something that would make a difference in my life." And those Members have said, "We want to help." The same thing has happened in the Senate.

You heard Chairman CAMP talk about how that takes place. Individuals with disabilities can create a tax-free savings account, put their own money in that account, and have a chance to actually save for their futures.

Those dollars grow tax free, and as long as they are used for qualified expenses, such as medical expenses or maybe educational or job training expenses, they can use those proceeds. We already allow folks to help themselves by setting up tax-free savings accounts to save for college. It is called a 529.

We allow people to save for their retirements through a tax-free savings account called an IRA or a 401(k), and we allow people to save for their health insurance by the creation of health savings accounts. It only seems fair to me and to all of us that we would provide the same sort of treatment to those individuals who are less fortunate than we are.

Now, we have a situation in which the ABLE accounts will open a door to a bright future to millions of Americans. It will give those individuals a chance to realize their hopes and their dreams, to be part of the American Dream, and to be able to achieve their full potential.

I can't think of anything that is more rewarding. I can't think of any greater privilege than to speak out for people who can't always speak for themselves. This ABLE Act will bring justice, and it will bring peace of mind to millions of American families who live with disabilities every day. I think that is something worth fighting for.

Mr. LEVIN. Mr. Speaker, it is now my real pleasure to yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), another person like Mr. CRENSHAW and others who have been working so hard on this issue for a long time.

Mr. VAN HOLLEN. Mr. Speaker, let me start by thanking my colleague, Ranking Member LEVIN, for yielding but, most importantly, for his partnership on this important bipartisan legislation.

I also want to thank my colleagues on the other side of the aisle. Chairman CAMP, thank you for all of your efforts and diligence in getting us to this point. To our fellow cosponsors—Congressman CRENSHAW, Congresswoman McMORRIS RODGERS, Congressman SESSIONS, and others—thank you for all you have done to get us to this point.

To our colleagues on the other side of the Capitol, Senator BOB CASEY and Senator RICHARD BURR, this has been a team effort.

Mr. Speaker, like Congressman CRENSHAW, I want to especially recognize and honor those families from across the country who actually worked so hard over so many years to get us to this point. Many of those families are in the gallery today. Others are watching from around the country.

At a time when there is deep cynicism about the ability or lack of ability of Congress and the government to function, they broke through that cynicism and are an example to others of what we can do and can accomplish by working together.

Because of their efforts, as we heard, we have 380 cosponsors, Republicans and Democrats, in the House and 74 United States Senators, Republicans and Democrats. With that broad bipartisan and bicameral support, everyone worked together to get to this point.

We have heard what this does. It provides an opportunity for families with kids or other members of the families with disabilities to put aside a little money, tax free, to help defray some of the extra medical costs that are incurred by those families.

It is a benefit available to families who are sending their kids to college, and we should make sure that we provide that kind of benefit to families who are trying to make sure their loved ones are cared for.

That is what this does. It is about equity. It is about fairness. It is about making sure that every child has the opportunity to reach his or her full potential. It is a time-honored American value, and that is why this has attracted such broad support.

Mr. Speaker, no single piece of legislation—nothing we can do here—can single-handedly eliminate the additional medical and financial burdens faced by families living and loving and caring for their children with disabilities every day, but this act, this ABLE Act, can help ease that financial burden and can help assist families in some small way in ensuring that their children receive the love and care they deserve.

I thank my colleagues for coming together on this important effort, and I hope it gets through the Senate and to the President's desk, where it can be signed soon.

Thank you, Mr. Chairman, and thank you, everybody, for being a part of this effort.

The SPEAKER pro tempore (Mr. YODER). The Chair would remind all Members that the rules require Members to refrain from referencing occupants in the gallery.

Mr. CAMP. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington State (Mrs. McMORRIS RODGERS), the distinguished chair of the House Republican Conference.

Mrs. McMORRIS RODGERS. Thank you very much, Mr. Chairman, and thank you for your tremendous leadership.

To my colleagues on both sides of the aisle in the House and in the Senate, I thank them for their tremendous support.

Mr. Speaker, I join in rising in strong support of H.R. 647, the Achieving a Better Life Experience Act, the ABLE Act, which will help millions of Americans and families save for their futures.

Today is the day we have been waiting for, for a long time, and I am so proud to stand here with my colleagues, with the advocates who are here, with the families across the Nation who have spent countless days, weeks, years pushing us across the finish line.

For me, personally, this bill is about a little boy who was diagnosed with Down syndrome 3 days after he was born. His diagnosis came with a list of future complications: endless doctors' visits and therapy sessions, potential heart defects, even early Alzheimer's.

Seven years later, as the mom of that little boy, nothing has given me greater joy than watching Cole grow and the tremendous impact that he is already having on this world.

When Cole was born, my husband and I were told don't put any assets in his name because he may need to qualify for one of these programs in the future. That is the wrong message to send to parents who are ready to save—who are ready to sacrifice—to ensure that their children have an opportunity for a better life.

The ABLE Act is going to change this. It is going to empower individuals with disabilities and empower their families through tax-free savings accounts to save for college, retirement, and other future expenses.

As a part of America's new Congress, we are here to advance real solutions, solutions to make people's lives better, solutions that will empower all Americans no matter where you come from, no matter how much money to your name, or what challenges you face.

The ABLE Act is one of the many ways that we are going to do that. It is going to empower millions, including my son Cole, with the opportunity for a better life.

I encourage my colleagues on both sides of the aisle to support H.R. 647.

Mr. LEVIN. Mr. Speaker, I now yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT), another distinguished member of our committee.

□ 1545

(Mr. McDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I want to begin by being very clear. I support the ABLE Act itself. It is a compassionate bill that seeks to expand the common good by providing tax-free savings accounts for disabled Americans. If we were voting on that bill today, I would strongly support it. But the ABLE Act isn't the issue here. The issue is how we are going to pay for it. And the proposal we are considering today is just one that jeopardizes the future of our safety net.

Newt Gingrich talked about wanting to have Medicare wither on the vine. That has always been the desire of the Republicans. So today we are setting out on an unprecedented and dangerous course in the funding of this bill.

In a last-minute development, the Congress is now considering using cuts to Medicare to offset the cost of this legislation, taking away from the old people and giving it to these folks. That is their idea of a balanced act.

There has been no serious debate. There has never been a hearing and no thoughtful discussion of the implications of this proposal. If we vote to make these cuts, we will take the first step down a slippery slope that directly undermines the social safety net.

I have checked with the experts in the nonpartisan Congressional Research Service and couldn't find one example in which Congress has used Medicare as a piggy bank to pay for a tax bill. And that is what this bill is, basically, a tax exemption. It is a good idea, but are we going to use Medicare to pay for it? Because, mark my words, when it comes time to offer another tax break, my colleagues on the other side will come after Medicare again; and the next time, the cut will be deeper and easier because we did it today.

I believe that we should not be a part of beginning to rip Medicare at the very bottom. It looks like just a little bit. And they will say, oh, it is only a tiny bit, and it is not going to affect anybody. But you are establishing a precedent that you will hear again on this floor. For that reason, I intend to vote "no."

AARP,

Washington, DC, December 3, 2014.

DEAR REPRESENTATIVE: As the largest non-profit, nonpartisan organization representing the interests of Americans age 50 and older and their families, AARP urges you to reject using Medicare savings as an offset to pay for non-healthcare programs, including the cost of the Achieving a Better Life Experience (ABLE) Act of 2014.

AARP has consistently advocated against using permanent reductions in Medicare to pay for other unrelated government spending. While we agree it is important to help individuals with disabilities maintain health, independence, and quality of life, we oppose using Medicare savings to finance tax expenditures or other non-healthcare programs.

The ABLE Act establishes tax-exempt savings plans for persons with disabilities, mak-

ing it much easier for them and their families to save for future expenses. Although ABLE accounts are only available for individuals under the age of 26, the savings accrued will help with living expenses as the person ages. This is especially important because at ages 50-64, adults with disabilities are less than half as likely to be employed as those without disabilities.

However, establishing the ABLE program should not be achieved by tapping into Medicare savings. This is especially true at a time when Medicare faces its own long term funding needs, and when Congress will shortly need to find savings to pay for either permanent Medicare SGR reform or another temporary "doc fix" in 2015. We urge you to remove Medicare offsets from the ABLE Act.

Sincerely,

NANCY A. LEAMOND,
Executive Vice President,
State & National Group.

Mr. CAMP. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Washington State (Mr. REICHERT), a member of the Ways and Means Committee and chairman of the Human Resources Subcommittee.

I also ask unanimous consent that the gentleman from Washington control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. REICHERT. Mr. Speaker, I thank Chairman CAMP for yielding and for all of his hard work on this legislation and for bringing it forward today.

I thank the gentleman from Florida (Mr. CRENSHAW), too, for his hard work.

Mr. Speaker, I rise today in strong support of H.R. 647, as amended, also known as the ABLE Act. And we have heard what ABLE stands for, but let me just repeat it very slowly so people can understand really what this is about: achieving better life experience for people who have special needs and who are disabled.

We all strive to have better lives, but some people in this world need a little help, and that is what we are doing today. Some people might disagree with some of the ways we are going about this. The bottom line is we are helping people that need a little special help, a little extra help from us, and we are going to step up and do that.

This is a bipartisan piece of legislation. It is designed to help those individuals with disabilities overcome the hurdles that they often face holding a job and trying to live independently.

Here is the problem: if someone with a disability works and achieves even a modest level of savings, they lose their assets to certain safety net programs, such as Medicaid and SSI. This can discourage individuals from pursuing work opportunities and gaining the independence that comes through work.

Here is the solution: this legislation today. This is the solution, Mr. Speaker. It helps individuals, regardless of disability, to achieve the best possible quality of life by ensuring continued access to essential safety net programs as well as tax-free savings accounts, al-

lowing them to pursue independence and community involvement.

These ABLE accounts would be used to cover a wide variety of expenses related to addressing and overcoming the disabilities, and they would grow tax-free. These costs quickly add up, as needs can range from uncovered health care needs, education costs, housing needs, transportation costs, assistive technology, speech-generating devices and other technology, and personal support services.

This bill is critical because it allows individuals with ABLE accounts to maintain their eligibility for benefits while working and saving more for their future needs. ABLE account balances and withdrawals are completely excluded for purposes of Medicaid; and under the SSI program, the first \$100,000 in account balances would be excluded from being counted as resources, meaning disabled individuals could save far more than today, while remaining eligible for benefits along the way.

This bill is about real people—we have heard some of the stories already this afternoon—real people who have real hopes and real dreams, dreams of being able to support themselves and plan for the future, dreams for a better life, and people like my godson, Kyle.

Now, Kyle today is 20 years old, but Kyle weighs 60 pounds and is in a wheelchair. Kyle was diagnosed at 18 months old with cancer. He can't speak. Up to this point, Kyle has only been able to save \$2,000. And once you reach that \$2,000 level, that is it. If you go over that, you don't get the benefits. Imagine if you were the parents of Kyle, trying to save for his future, to maybe get a speech device so Mom and Dad can hear Kyle say "I love you," because he hasn't been able to say that. Imagine not being able to hear your child say, "I love you, Mom. I love you, Dad."

This savings account allows people to save that money for their children, to buy that technology, to get that wheelchair that costs \$20,000. Some of us who are able-bodied and don't understand the disability that people live with every day, you see a wheelchair and there is no cost attached. We see people in wheelchairs, \$20,000 and more for people who can only use maybe their index finger and a thumb to operate the toggle switch on a wheelchair so they can go from point A to point B.

I am proud to be Kyle's godfather. When you wheel Kyle into a room, he lights up the room, and we want to give him a better life. That is what this bill does.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. REICHERT. Mr. Speaker, I yield myself an additional 30 seconds.

I would like to thank the cosponsors of this bill, the 379 Members. But more than anyone, I would really like to especially thank the families that have been working on this for years. It has been an honor to visit with them, to

get to know them, and to get to know their families.

I urge a “yes” vote on this legislation.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I now yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I think everyone here would agree that the goals of the ABLE Act are worthy. The bill's title stands for achieving better life experience, and it would allow for the creation of tax-free savings accounts to benefit individuals with disabilities. These accounts would provide a way for families raising children with disabilities to set aside savings for their child's care.

What I am concerned about is the offsets. The bill before us today uses Medicare cuts to pay for a tax break. Medicare is a program that seniors and people with disabilities depend upon for their health care, and we should not be cutting Medicare to pay for this bill.

Meanwhile, we all know that our efforts to permanently repeal and replace the SGR in the lameduck are, unfortunately, falling flat. And while I hope we can still pass SGR this month, if it does not get done, we are going to have a Medicare bill that will cost tens of billions of dollars in March, and Republicans will force us to pay for every last dime, and here we are, using \$1.2 billion in health offsets for non-health bills.

In addition to the Medicare offsets, there are other offsets included in this bill that are troublesome. The provision on certified professional employer organizations could have a negative effect on worker rights, including collective bargaining and organizing and worker protections.

I say again, the goals of the ABLE Act are laudable. I hope that our Senate colleagues will send the bill back to us without these offensive offsets so that we can enact a good law that we can all be proud of.

Mr. REICHERT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM), a distinguished member of the Ways and Means Committee.

Mr. ROSKAM. Mr. Speaker, I thank the gentleman for yielding.

Imagine that sense when you get the word that a new baby has been diagnosed with something that was completely unanticipated. That has been a situation that has been present in the lives of constituents, family, friends, and those of us who are nearby.

I think there is a hopefulness today, Mr. Speaker, about what we are talking about. And there are so many people that have run for office with the idea of trying to get something done, the notion that you have this strong of a voice all coming together saying, “You know what? We may not be able to agree about what time of day it is in this Congress, but we can agree that we all ought to come together to help those who are unable to help them-

selves or to help those who want to care for the ones who are around them. So it is also a good lesson to learn about the tenacity of Americans who have decided to substantively engage this place over a period of years.

A number of minutes ago, we heard from the gentleman from Florida, Representative CRENSHAW, who talked about introducing this back in 2006. He was tenacious, and he was joined by others, and they pushed and they pushed. Now they have accomplished something, and we are on the verge of, actually, a great moment.

So I am here to celebrate. I am here to celebrate with my colleagues who took the initiative. I am here to celebrate others who came alongside. But most of all, Mr. Speaker, we are here to celebrate the lives of those who are being supported by this act.

Mr. LEVIN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlelady from the District of Columbia, ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Speaker, I have been working with Mr. CRENSHAW, with Senator CASEY, and I congratulate them on this bill. But I want to say how deeply I regret that there are extraneous provisions in the bill concerning worker protections and offsets that keep it from being the bipartisan bill that it means to be, or else we wouldn't have seen virtually the whole House on the bill. So I have come to speak for the underlying bill and to hope that those provisions will somehow be swept aside and we can have the bill that I think most who signed on thought they were signing.

We talk on both sides of the aisle, as well we should, about personal responsibility, but what we have been doing until this time was leaving the disabled dependent on their own parents or on charities without any way to liberate themselves from others. I think about the parents of 20-year-old autistic brothers who kept them locked up and had no way to liberate them or to care for them.

Most woeful is dependence on charities who, themselves, get tax exemptions to take care of people who need them, and they do an excellent job. But, if we are going to give a tax break to people who take care of disabled people, surely there should be a tax benefit for them to take care of themselves.

And just consider this: most disabled people, truly disabled people, are unable to find jobs of any kind; but if they do, they will not be the kinds of jobs normally that leave them able to open savings accounts, prepare for their own retirement, and the rest. So even if they were able to be employed, they still, of course, must look to other sources of income.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LEVIN. I yield the gentlelady an additional 2 minutes.

Ms. NORTON. That is why this bill, in many ways, is so sensitive. It

doesn't supplant any of the assistance that is necessary, like Medicaid and their own insurance that they may have or SSI.

My own daughter, Katherine Felicia Norton, was the Global Down Syndrome ambassador this year. Katherine will probably not need one of these savings accounts. But I am here this afternoon to speak for all of those who do—and there are millions in our country—and to thank particularly the sponsors for what they are trying to do with this bill.

I thank my good friend for yielding to me.

□ 1600

Mr. REICHERT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HOLDING), who is a cosponsor of the bill.

Mr. HOLDING. Mr. Speaker, I thank the gentleman for the time.

Earlier today I had the privilege of meeting with Kenneth Kelty and his mother, Jacqueline. They are from my district, and this is a family who would benefit directly from the ABLE Act and who shared their support of this important bill with me just this afternoon. Kenneth recently graduated from the University Participant Program at Western Carolina University, a program that allows students with disabilities to study side-by-side with other students at the university. In Kenneth's words, it was “a chance to do all the same things as everyone else with nothing holding us back.” Kenneth joined a fraternity, had a good time, learned a lot, was able to come back, has a job.

Mr. Speaker, just as the University Participant Program helps people with disabilities like Kenneth, so will this bipartisan ABLE Act. This bill will allow tax-free savings accounts for expenses such as housing, education, employment training. Similar to a 529 program college savings account, these accounts will help provide families with some peace of mind when trying to save for their children's long-term expenses.

So, Mr. Speaker, I encourage my colleagues to support the ABLE Act.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the manager, Mr. LEVIN, for his kindness, as well as the manager for the majority, Mr. CRENSHAW, and Mr. VAN HOLLEN, and the many others who, along with myself, cosponsored this legislation.

It is very moving to have a moment of family on the floor of the House as I listen to Members recount their individual stories of those in their families and those of us who encounter our constituents with wonderful, beautiful children, many of whom fit squarely in this relief that is being given.

As I watched two twins grow up who are prized and special in our community, I could just imagine what their

mother and their late father would say about this opportunity. This legislation, H.R. 647, squarely answers our concerns.

I want to get to two points that I think are so important. We hear it all the time: it seems as if these are rich people trying to get money, but they are not. They may be working families and middle class families, and to be able to not deny them eligibility for Medicaid when there are severe health issues that many of these young people and children face, and also for them to be able to have SSI, which is sometimes a lifeline, to be able to put aside this savings that will help them in education and transportation—I hear it so often, training for employment; any of us who have dealt with Goodwill and seen what Goodwill does with young people whose parents bring them there—yet they need other ways of being able to respond, and they should not be denied higher education.

This bill allows the savings to be part of the higher education efforts that these parents want for their children, and sometimes the ability for independence with primary residence, what it says is that these young people, as they grow, have developmental possibilities and opportunities, and that there are no throwaway children, there are no throwaway young people.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LEVIN. Mr. Speaker, I yield the gentlewoman an additional 1 minute.

Ms. JACKSON LEE. I thank the gentleman. There are no throwaway young people, and we should not throw them away.

I agree with my colleagues who have mentioned items that we would hope would be reframed, if you will, impacting workers' conditions and rights, provisions that may, in fact, impact Medicare. None of us who have committed ourselves to the strength of Medicare want to see that undermined. But I will say that the goodness of this legislation for my neighbors and my constituents whom I personally know, individuals whom I personally know—this is a lifeline.

I am very glad to speak on H.R. 647 for the lifeline that it provides for people who deserve it, and they do not in any way have the need or the desire to see the opportunities for their children and their young people be determined only by the limitations of their ability to provide for them.

This is an account. It is more than a savings account. It is a lifeline account to help give every American, no matter who they are, this equal opportunity and particularly those with disabilities.

Mr. REICHERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard a lot of stories today about people in need, about people with disabilities and special needs, and we have had some names attached to those stories, which really touches the hearts of those peo-

ple that know those individuals, and I hope touches the hearts of the Members here in this Chamber when they hear the stories of people in need who need that special attention.

One key challenge for disabled individuals is that their access to certain safety net programs can be lost if they work. I want to just repeat that. It can be lost if they work and achieve even a modest level of savings. To overcome that challenge, the ABLE Act would help more individuals with disabilities save and live independently without losing access to critical programs like Medicaid and SSI.

Now, starting in 2015, States could create an ABLE program under which individuals with disabilities could start an ABLE account modeled after current section 529 savings accounts. Anyone—parents, grandparents, and other family members, and friends—could contribute to that account, which would grow tax free. Then when they need to withdraw from that account, those withdrawals would be tax free if spent on a wide variety of expenses related to helping them address and overcome their disability. That includes expenses like uncovered health care, education costs, housing needs, transportation costs, assistive technology, and others that I have mentioned earlier.

ABLE ACCOUNT DETAILS

One key challenge for disabled individuals is that their access to certain safety-net programs can be lost if they work and achieve even a modest level of savings.

To overcome that challenge, the ABLE Act would help more individuals with disabilities save and live independently without losing access to critical programs like Medicaid and SSI.

Starting in 2015, States could create an ABLE program, under which individuals with disabilities could start an ABLE account, modeled after current Section 529 savings accounts.

Anyone—parents, grandparents, and other family and friends—could contribute to their ABLE account, which would grow tax-free.

Then when they need to withdraw from the account, those withdrawals would be tax free if spent on a wide variety of expenses related to helping them address and overcome their disability.

That includes expenses like uncovered health care, education costs, housing needs, transportation costs, assistive technology, and personal support services.

Critically, individuals with ABLE accounts could maintain their eligibility for means-tested benefits while working and saving more for their future needs.

ABLE account balances and withdrawals are completely excluded for purposes of Medicaid.

And under the SSI program, the first \$100,000 in account balances would be excluded from being counted as resources, meaning disabled individuals could save far more than today while remaining eligible for benefits along the way.

This change will go a long way to easing the minds of disabled individuals and those around them.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Let me ask my colleague if he is ready to close?

Mr. REICHERT. I am waiting for one other speaker. If the gentleman has another speaker, it would be helpful.

Mr. LEVIN. I do not.

Mr. REICHERT. I guess we are ready to close then, Mr. Speaker.

Mr. LEVIN. Okay. I would like to give your colleague a chance, but shall we proceed? Is that okay?

Mr. REICHERT. Yes, we are prepared to close.

Mr. LEVIN. Okay. I can do so very briefly. I think we face a somewhat unusual situation here. We have an opportunity to help people who have some very major challenges, including challenges related to their health, and so on balance I think there is a need for us to act, and so therefore I support this bill.

I just want us to remember, in a sense, the unusual opportunity that we have here to help millions of people who are living with disabilities that affect their lives, including their basic health status.

I yield back the balance of our time.

Mr. REICHERT. Mr. Speaker, I yield myself the remaining time.

I thank the gentleman for his comments and words of support and, again, thank all 379 cosponsors of this bipartisan bill. I thank the Senate, which has worked with the Members of the House on this bill, making it a bicameral bill, and I think it is also important, Mr. Speaker, to point out the outside support that this bill has garnered.

Let me just name a few of those: the American Association of People With Disabilities, Autism Society of America, Autism Speaks, the Brain Injury Association of America, Easter Seals, National Association of Councils on Developmental Disabilities, National Disability Institute, National Down Syndrome Society, National Federation of the Blind, and the Arc, and that is just to name a few of the outside organizations and groups that support this legislation.

Again, this is important legislation designed to help individuals with disabilities overcome the hurdles that they often face in holding a job and living independently, and I appreciate again the comments of the ranking member, Mr. LEVIN, and urge my colleagues to support this bill.

I yield back the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of the ABLE Act. I would like to commend the efforts of my colleagues Representative ANDER CRENSHAW and Representative CHRIS VAN HOLLEN for their leadership and steadfast commitment to moving this legislation forward. This is truly a great bipartisan effort that will help families across this country and I've been proud to join the hundreds of members of Congress who support it as a cosponsor.

For years, I have heard from constituents like Andrew and Tamara Selinger from West Hartford, who have advocated not only on behalf of their own family, but for families across

Connecticut and the country. Their two children have Fragile X syndrome and all they are asking for are the same opportunities for their children that other families have with the 529 plan, to have a savings mechanism that would enhance their lives and pay for non-covered medical expenses, while not minimizing the services that they receive. I have heard from people like Bob and Rosie Shea and Shannon Knall from our local Autism Speaks chapter and many others from families and groups advocating on behalf of individuals with disabilities, who have spoken so passionately about why this legislation is so important.

In spite of the partisan rancor that often dominates this building, this bill shows that we can come together in a meaningful way to act in a positive manner on behalf of the American people. It is truly inspiring how many advocates and families have made their voice heard on this legislation and I urge my colleagues to support this bill and finally get it across the finish line on behalf of families across this country.

Mr. PRICE of Georgia. Mr. Speaker, I strongly support the ABLE Act and its intent to promote greater independence and freedoms to disabled and handicapped Americans. However, I have great concerns with the policy that is being used to pay for this legislation because it would seek to further decrease Medicare reimbursement for physicians—an action that could threaten seniors' access to health care.

Since the passage of the Medicare Modernization Act of 2003 and the creation of the sustainable growth rate (SGR) formula, Congress has passed 17 “doc-fixes” to prevent further cuts to physicians providing care for our seniors. Each year, the entire medical community must pick up the tab to prevent the disastrous cuts that would be implemented if the SGR was to take effect. The result? Medicare reimbursement for physicians has decreased by 17% when adjusted for inflation, while the cost of care continues to rise.

In the most recent “doc fix” passed in March of this year, a controversial provision required the annual re-evaluation of codes matching 0.5% of total physician spending from 2017 through 2020. If this target is not met, the difference would be taken in the form of an across the board cut. The proposed offset included in the ABLE Act would shift these targets forward and compress them, requiring CMS to identify misvalued services equal to at least 1% of total physician spending in 2016, and 0.5% in 2017 and 2018. Moving the target to 2016 and frontloading it to require the identification of 1% of total physician spending in the first year would make it extremely difficult to meet the target.

However, CMS has no intention of implementing this law. In the 2015 Medicare Fee Schedule Final Rule, CMS finalized a proposal to transition 10- and 90-day global period codes to 0-day global period codes in 2017, and 2018, respectively, yet CMS has not developed a methodology for how that transition will be made. This is a major overhaul of close to half of the currently existing CPT codes and will dramatically reform how physicians are paid. Because CMS has not yet developed a methodology for how this transition will occur, the nature of the impact is currently unknown, leading to further instability in physician payments. CMS notes in the Rule that due to the work necessary to make this change, they will

not have resources to review certain other potentially misvalued services for the “next several years”, almost certainly resulting in an across the board cut to all physicians caring for Medicare patients.

This continuous pursuit by our Congress and CMS to re-evaluate codes within the physician fee schedule will be detrimental to the medical community and to ensuring access for our Medicare beneficiaries. A 1% cut may not sound like much, but when taken in conjunction with the combined maximum penalties for not meeting the PQRS, physician value-based payment modifier, and EHR programs, the total potential cut faced by physicians will be -9% in 2016, and -11.5% in 2017. This does not even take into account the cuts required by the unresolved SGR.

Despite these concerns, I will support the ABLE Act today with the hope that my colleagues on both sides of the aisle will commit themselves in the new Congress to securing the Medicare program for all Americans.

Mr. PAULSEN. Mr. Speaker, more than 37 million people in the United States have a disability, including more than 500,000 in Minnesota. For parents raising a child with a disability, it is both emotionally and financially draining.

While, individuals with disabilities are living longer and more productive lives than ever before, they still face barriers to finding and holding employment, living independently, and taking care of their daily needs. We can make it easier for these families to bear this financial burden.

The bipartisan ABLE Act, or Achieving a Better Life Experience, will give individuals with disabilities new opportunities for them to save and pay for the costs of their disabilities. Using an ABLE account, they and their families are able to put aside money tax free and then use it to cover qualified expenses such as health, education, housing, and transportation.

For eight years, this legislation has been proposed, talked about, and pending in Congress. I became an early advocate for the ABLE Act when I was first elected to the House. It is supported by more than 70 health care and disability organizations. Now's the time to get this across the finish line and pass the ABLE Act to help families and individuals most in need.

Ms. DUCKWORTH. Mr. Speaker, as a proud cosponsor of H.R. 647, the ABLE Act, I urge all of my colleagues to vote in favor of this legislation today. If enacted, it would allow Americans living with a disability and their families to establish tax-exempt financial accounts so they can finance qualified expenses including education, housing, transportation, employment support, medical care and other personal necessities. Critically, it would not jeopardize eligibility for other important federal benefits like Medicaid and Social Security.

As a disabled American myself, I understand the financial strain a disability can have on individuals and their families. Not only do disabled Americans often face higher costs and lower incomes, but they are currently penalized for saving for their future. The ABLE Act will allow millions of Americans with disabilities to invest in their futures, live fulfilling lives and become more independent and less reliant on public benefits. It will empower them to build a better economic future for themselves and their families.

Disabled Americans deserve every opportunity to achieve their dreams. I urge the House to pass this important legislation as quickly as possible.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to express my strong support for the Achieving a Better Life Experience Act or “the ABLE Act,” legislation I cosponsored that is designed to improve the quality of life for individuals with disabilities by assisting in long-term financial planning.

As the founder and co-chair of the Coalition for Autism Research and Education, I understand the financial demands of raising a child with support needs. Education, housing, transportation, employment support, medical care, and other life expenses can quickly add up for persons with disabilities.

A study published this year in the *Journal of the American Medical Association (JAMA) Pediatrics* found that the lifetime cost for an individual with ASD averages \$1.4 million. These costs jump to \$2.4 million when autism involves intellectual disability—an estimated 40 percent of individuals with autism also have intellectual disability.

Unfortunately, under current law, saving more than \$2,000 jeopardizes access to services and supports, such as Social Security and Medicaid. If enacted, the ABLE Act—which establishes tax-exempt accounts, similar to the current 529 Education Savings Plans—will no longer force parents to choose between saving for their child's future and sacrificing the assistance their child requires.

I commend Speaker BOEHNER for bringing this bill to the floor today. It is especially timely for the autism community as we continue to address the looming crisis of aging out. Every year, 50,000 age-out of their support system and into a society that disincentivizes employment and financial security. Enactment of my legislation—the Autism CARES Act—earlier this year began the conversation of how to better address the needs of individuals with ASD who are aging out and we have much work to do.

The ABLE Act is a step in the right direction. While I have concerns regarding the Medicare physician services offsets, ABLE accounts are a sensible and fiscally responsible tool that will benefit some of the most vulnerable members of our society. It is a smart piece of legislation to assist families in saving and planning for the long-term needs of individuals with disabilities and a more secure future. I urge my colleagues to support this bill.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 766, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. REICHERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

TAX INCREASE PREVENTION ACT
OF 2014

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 766, I call up the bill (H.R. 5771) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions and make technical corrections, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 766, the amendment printed in part A of House Report 113-643 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Tax Increase Prevention Act of 2014”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

**TITLE I—CERTAIN EXPIRING
PROVISIONS****Subtitle A—Individual Tax Extenders**

- Sec. 101. Extension of deduction for certain expenses of elementary and secondary school teachers.
- Sec. 102. Extension of exclusion from gross income of discharge of qualified principal residence indebtedness.
- Sec. 103. Extension of parity for employer-provided mass transit and parking benefits.
- Sec. 104. Extension of mortgage insurance premiums treated as qualified residence interest.
- Sec. 105. Extension of deduction of State and local general sales taxes.
- Sec. 106. Extension of special rule for contributions of capital gain real property made for conservation purposes.
- Sec. 107. Extension of above-the-line deduction for qualified tuition and related expenses.
- Sec. 108. Extension of tax-free distributions from individual retirement plans for charitable purposes.

Subtitle B—Business Tax Extenders

- Sec. 111. Extension of research credit.
- Sec. 112. Extension of temporary minimum low-income housing tax credit rate for non-federally subsidized buildings.
- Sec. 113. Extension of military housing allowance exclusion for determining whether a tenant in certain counties is low-income.
- Sec. 114. Extension of Indian employment tax credit.
- Sec. 115. Extension of new markets tax credit.
- Sec. 116. Extension of railroad track maintenance credit.
- Sec. 117. Extension of mine rescue team training credit.

- Sec. 118. Extension of employer wage credit for employees who are active duty members of the uniformed services.
- Sec. 119. Extension of work opportunity tax credit.
- Sec. 120. Extension of qualified zone academy bonds.
- Sec. 121. Extension of classification of certain race horses as 3-year property.
- Sec. 122. Extension of 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
- Sec. 123. Extension of 7-year recovery period for motorsports entertainment complexes.
- Sec. 124. Extension of accelerated depreciation for business property on an Indian reservation.
- Sec. 125. Extension of bonus depreciation.
- Sec. 126. Extension of enhanced charitable deduction for contributions of food inventory.
- Sec. 127. Extension of increased expensing limitations and treatment of certain real property as section 179 property.
- Sec. 128. Extension of election to expense mine safety equipment.
- Sec. 129. Extension of special expensing rules for certain film and television productions.
- Sec. 130. Extension of deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
- Sec. 131. Extension of modification of tax treatment of certain payments to controlling exempt organizations.
- Sec. 132. Extension of treatment of certain dividends of regulated investment companies.
- Sec. 133. Extension of RIC qualified investment entity treatment under FIRPTA.
- Sec. 134. Extension of subpart F exception for active financing income.
- Sec. 135. Extension of look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
- Sec. 136. Extension of temporary exclusion of 100 percent of gain on certain small business stock.
- Sec. 137. Extension of basis adjustment to stock of S corporations making charitable contributions of property.
- Sec. 138. Extension of reduction in S-corporation recognition period for built-in gains tax.
- Sec. 139. Extension of empowerment zone tax incentives.
- Sec. 140. Extension of temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
- Sec. 141. Extension of American Samoa economic development credit.

Subtitle C—Energy Tax Extenders

- Sec. 151. Extension of credit for nonbusiness energy property.
- Sec. 152. Extension of second generation biofuel producer credit.
- Sec. 153. Extension of incentives for biodiesel and renewable diesel.
- Sec. 154. Extension of production credit for Indian coal facilities placed in service before 2009.
- Sec. 155. Extension of credits with respect to facilities producing energy from certain renewable resources.

- Sec. 156. Extension of credit for energy-efficient new homes.
 - Sec. 157. Extension of special allowance for second generation biofuel plant property.
 - Sec. 158. Extension of energy efficient commercial buildings deduction.
 - Sec. 159. Extension of special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
 - Sec. 160. Extension of excise tax credits relating to certain fuels.
 - Sec. 161. Extension of credit for alternative fuel vehicle refueling property.
- Subtitle D—Extenders Relating to Multiemployer Defined Benefit Pension Plans
- Sec. 171. Extension of automatic extension of amortization periods.
 - Sec. 172. Extension of shortfall funding method and endangered and critical rules.

TITLE II—TECHNICAL CORRECTIONS

- Sec. 201. Short title.
- Sec. 202. Amendments relating to American Taxpayer Relief Act of 2012.
- Sec. 203. Amendment relating to Middle Class Tax Relief and Job Creation Act of 2012.
- Sec. 204. Amendment relating to FAA Modernization and Reform Act of 2012.
- Sec. 205. Amendments relating to Regulated Investment Company Modernization Act of 2010.
- Sec. 206. Amendments relating to Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.
- Sec. 207. Amendments relating to Creating Small Business Jobs Act of 2010.
- Sec. 208. Clerical amendment relating to Hiring Incentives to Restore Employment Act.
- Sec. 209. Amendments relating to American Recovery and Reinvestment Tax Act of 2009.
- Sec. 210. Amendments relating to Energy Improvement and Extension Act of 2008.
- Sec. 211. Amendments relating to Tax Extenders and Alternative Minimum Tax Relief Act of 2008.
- Sec. 212. Clerical amendments relating to Housing Assistance Tax Act of 2008.
- Sec. 213. Amendments and provision relating to Heroes Earnings Assistance and Relief Tax Act of 2008.
- Sec. 214. Amendments relating to Economic Stimulus Act of 2008.
- Sec. 215. Amendments relating to Tax Technical Corrections Act of 2007.
- Sec. 216. Amendment relating to Tax Relief and Health Care Act of 2006.
- Sec. 217. Amendment relating to Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users.
- Sec. 218. Amendments relating to Energy Tax Incentives Act of 2005.
- Sec. 219. Amendments relating to American Jobs Creation Act of 2004.
- Sec. 220. Other clerical corrections.
- Sec. 221. Deadwood provisions.

**TITLE III—JOINT COMMITTEE ON
TAXATION**

- Sec. 301. Increased refund and credit threshold for Joint Committee on Taxation review of C corporation return.

TITLE IV—BUDGETARY EFFECTS

- Sec. 401. Budgetary effects.