

112TH CONGRESS
1ST SESSION

H. R. 1041

To amend title XVIII of the Social Security Act to repeal the Medicare competitive acquisition program for durable medical equipment and prosthetics, orthotics, and supplies (DMEPOS).

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2011

Mr. THOMPSON of Pennsylvania (for himself and Mr. ALTMIRE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to repeal the Medicare competitive acquisition program for durable medical equipment and prosthetics, orthotics, and supplies (DMEPOS).

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness in Medicare
5 Bidding Act” or “FIMBA”.

1 **SEC. 2. REPEAL OF MEDICARE DMEPOS COMPETITIVE AC-**
2 **QUISITION PROGRAM.**

3 (a) IN GENERAL.—Section 1847 of the Social Secu-
4 rity Act (42 U.S.C. 1395w-3) is repealed.

5 (b) EFFECTIVE DATE.—

6 (1) IN GENERAL.—The repeal made by sub-
7 section (a) shall take effect on the date of the enact-
8 ment of this Act.

9 (2) IMPACT ON CURRENT CONTRACTS.—In the
10 case of any contract awarded under section 1847 of
11 the Social Security Act before the date of the repeal
12 of such section—

13 (A) the contract is terminated;

14 (B) no payment shall be made under title
15 XVIII of such Act on or after the date of the
16 enactment of this Act based on such a contract;
17 and

18 (C) to the extent that any damages may be
19 applicable as a result of the termination of such
20 contracts, such damages shall be payable from
21 the Federal Supplementary Medical Insurance
22 Trust Fund under section 1841 of such Act.

23 (3) CONSTRUCTION.—Nothing in this sub-
24 section shall be construed to provide an independent
25 cause of action or right to administrative or judicial

1 review with regard to the termination provided
2 under this subsection.

3 **SEC. 3. OFFSET THROUGH RESCISSION OF UNSPENT FED-**
4 **ERAL FUNDS.**

5 (a) IN GENERAL.—Of the unobligated balances of all
6 discretionary appropriations, \$20,000,000,000 is hereby
7 rescinded.

8 (b) IMPLEMENTATION.—The Director of the Office of
9 Management and Budget shall determine and identify
10 each account, program, project, and activity to which the
11 rescission under subsection (a) shall apply and the amount
12 of such rescission that shall apply to each such account,
13 program, project, and activity. Not later than 60 days
14 after the date of the enactment of this Act, the Director
15 of the Office of Management and Budget shall submit a
16 report to the Secretary of the Treasury and Congress of
17 the accounts, programs, projects, and activities and
18 amounts determined and identified for rescission under
19 the preceding sentence.

20 (c) EXCEPTION.—This section shall not apply to any
21 account of the Department of Defense or the Department
22 of Veterans Affairs.

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