



PUBLIC LAW 114-74—NOV. 2, 2015

BIPARTISAN BUDGET ACT OF 2015

Public Law 114–74
114th Congress

An Act

Nov. 2, 2015
[H.R. 1314]

To amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

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

Bipartisan
Budget Act
of 2015.

26 USC 1 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Bipartisan Budget Act of 2015”.

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

Sec. 1. Short title; table of contents.

TITLE I—BUDGET ENFORCEMENT

Sec. 101. Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.

Sec. 102. Authority for fiscal year 2017 budget resolution in the Senate.

TITLE II—AGRICULTURE

Sec. 201. Standard Reinsurance Agreement.

TITLE III—COMMERCE

Sec. 301. Debt collection improvements.

TITLE IV—STRATEGIC PETROLEUM RESERVE

Sec. 401. Strategic Petroleum Reserve test drawdown and sale notification and definition change.

Sec. 402. Strategic Petroleum Reserve mission readiness optimization.

Sec. 403. Strategic Petroleum Reserve drawdown and sale.

Sec. 404. Energy Security and Infrastructure Modernization Fund.

TITLE V—PENSIONS

Sec. 501. Single employer plan annual premium rates.

Sec. 502. Pension Payment Acceleration.

Sec. 503. Mortality tables.

Sec. 504. Extension of current funding stabilization percentages to 2018, 2019, and 2020.

TITLE VI—HEALTH CARE

Sec. 601. Maintaining 2016 Medicare part B premium and deductible levels consistent with actuarially fair rates.

Sec. 602. Applying the Medicaid additional rebate requirement to generic drugs.

Sec. 603. Treatment of off-campus outpatient departments of a provider.

Sec. 604. Repeal of automatic enrollment requirement.

TITLE VII—JUDICIARY

Sec. 701. Civil monetary penalty inflation adjustments.

Sec. 702. Crime Victims Fund.

Sec. 703. Assets Forfeiture Fund.

TITLE VIII—SOCIAL SECURITY

Sec. 801. Short title.

Definition.

“(A) APPLICABLE ITEMS AND SERVICES.—For purposes of paragraph (1)(B)(v) and this paragraph, the term ‘applicable items and services’ means items and services other than items and services furnished by a dedicated emergency department (as defined in section 489.24(b) of title 42 of the Code of Federal Regulations).

“(B) OFF-CAMPUS OUTPATIENT DEPARTMENT OF A PROVIDER.—

Definition.

“(i) IN GENERAL.—For purposes of paragraph (1)(B)(v) and this paragraph, subject to clause (ii), the term ‘off-campus outpatient department of a provider’ means a department of a provider (as defined in section 413.65(a)(2) of title 42 of the Code of Federal Regulations, as in effect as of the date of the enactment of this paragraph) that is not located—

“(I) on the campus (as defined in such section 413.65(a)(2)) of such provider; or

“(II) within the distance (described in such definition of campus) from a remote location of a hospital facility (as defined in such section 413.65(a)(2)).

“(ii) EXCEPTION.—For purposes of paragraph (1)(B)(v) and this paragraph, the term ‘off-campus outpatient department of a provider’ shall not include a department of a provider (as so defined) that was billing under this subsection with respect to covered OPD services furnished prior to the date of the enactment of this paragraph.

“(C) AVAILABILITY OF PAYMENT UNDER OTHER PAYMENT SYSTEMS.—Payments for applicable items and services furnished by an off-campus outpatient department of a provider that are described in paragraph (1)(B)(v) shall be made under the applicable payment system under this part (other than under this subsection) if the requirements for such payment are otherwise met.

“(D) INFORMATION NEEDED FOR IMPLEMENTATION.—Each hospital shall provide to the Secretary such information as the Secretary determines appropriate to implement this paragraph and paragraph (1)(B)(v) (which may include reporting of information on a hospital claim using a code or modifier and reporting information about off-campus outpatient departments of a provider on the enrollment form described in section 1866(j)).

“(E) LIMITATIONS.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the following:

“(i) The determination of the applicable items and services under subparagraph (A) and applicable payment systems under subparagraph (C).

“(ii) The determination of whether a department of a provider meets the term described in subparagraph (B).

“(iii) Any information that hospitals are required to report pursuant to subparagraph (D).”.

SEC. 604. REPEAL OF AUTOMATIC ENROLLMENT REQUIREMENT.

The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended by repealing section 18A (as added by section 1511 of the Patient Protection and Affordable Care Act (Public Law 111-148)).

29 USC 218a.

TITLE VII—JUDICIARY**SEC. 701. CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS.**

(a) **SHORT TITLE.**—This section may be cited as the “Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015”.

(b) **AMENDMENTS.**—The Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) is amended—

(1) in section 4—

(A) by striking the matter preceding paragraph (1) and inserting the following:

“(a) **IN GENERAL.**—Not later than July 1, 2016, and not later than January 15 of every year thereafter, and subject to subsections (c) and (d), the head of each agency shall—”;

(B) in paragraph (1)—

(i) by striking “by regulation adjust” and inserting “in accordance with subsection (b), adjust”; and

(ii) by striking “, the Tariff Act of 1930, the Occupational Safety and Health Act of 1970, or the Social Security Act” and inserting “ or the Tariff Act of 1930”;

(C) in paragraph (2), by striking “such regulation” and inserting “such adjustment”; and

(D) by adding at the end the following:

“(b) **PROCEDURES FOR ADJUSTMENTS.**—

“(1) **CATCH UP ADJUSTMENT.**—For the first adjustment made under subsection (a) after the date of enactment of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015—

“(A) the head of an agency shall adjust civil monetary penalties through an interim final rulemaking; and

“(B) the adjustment shall take effect not later than August 1, 2016.

“(2) **SUBSEQUENT ADJUSTMENTS.**—For the second adjustment made under subsection (a) after the date of enactment of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and each adjustment thereafter, the head of an agency shall adjust civil monetary penalties and shall make the adjustment notwithstanding section 553 of title 5, United States Code.

“(c) **EXCEPTION.**—For the first adjustment made under subsection (a) after the date of enactment of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the head of an agency may adjust the amount of a civil monetary penalty by less than the otherwise required amount if—

“(1) the head of the agency, after publishing a notice of proposed rulemaking and providing an opportunity for comment, determines in a final rule that—

“(A) increasing the civil monetary penalty by the otherwise required amount will have a negative economic impact; or

Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.
28 USC 1 note.
28 USC 2461 note.

Deadlines.

Regulations.

Effective date.
Deadline.

Publication.
Notice.
Public comments.
Determination.
Regulations.