

PART A—TEXT OF AMENDMENT TO THE HOUSE AMENDMENT TO
THE SENATE AMENDMENT TO H.R. 34 CONSIDERED AS ADOPTED

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**AMENDMENT TO
RULES COMMITTEE PRINT 114-67
OFFERED BY M. Upton**

Page 11, line 3, strike "SECTION" and insert "SEC."

Page 12, line 7, strike "\$372,000,000" and insert "\$352,000,000".

Page 12, line 9, strike "\$526,000,000" and insert "\$496,000,000".

Page 12, line 11, strike "\$721,000,000" and insert "\$711,000,000".

Page 12, line 13, strike "\$507,000,000" and insert "\$492,000,000".

Page 12, line 15, strike "\$424,000,000" and insert "\$404,000,000".

Page 12, line 23, strike "\$107,000,000" and insert "\$127,000,000".

Page 12, line 25, strike "\$151,000,000" and insert "\$226,000,000".

Page 14, line 21, strike "\$1,400,000,000" and insert "\$1,455,000,000".

Page 14, line 22, strike "\$0" and insert "\$40,000,000".

Page 14, line 24, strike "\$114,000,000" and insert "\$100,000,000".

Page 15, line 2, strike "\$23,000,000" and insert "\$186,000,000".

Page 15, line 4, strike "\$136,000,000" and insert "\$149,000,000".

Page 15, line 5, strike "\$78,000,000" and insert "\$109,000,000".

Page 15, line 7, strike "\$245,000,000" and insert "\$150,000,000".

Page 15, line 9, strike "\$580,000,000" and insert "\$419,000,000".

Page 15, line 11, strike "\$180,000,000" and insert "\$235,000,000".

Page 15, line 13, strike "\$30,000,000" and insert "\$36,000,000".

Page 15, line 15, strike "\$14,000,000" and insert "\$31,000,000".

Page 15, line 19, strike "\$1,564,000,000" and insert "\$1,511,000,000".

Page 15, line 20, strike "\$0" and insert "\$10,000,000".

Page 15, line 22, strike "\$124,000,000" and insert "\$86,000,000".

Page 15, line 24, strike "\$25,000,000" and insert "\$115,000,000".

Page 16, line 2, strike "\$135,000,000" and insert "\$140,000,000".

Page 16, line 3, strike "\$83,000,000" and insert "\$100,000,000".

Page 16, line 5, strike "\$251,000,000" and insert "\$152,000,000".

Page 16, line 7, strike "\$505,000,000" and insert "\$450,000,000".

Page 16, line 9, strike "\$227,000,000" and insert "\$172,000,000".

Page 16, line 11, strike "\$77,000,000" and insert "\$91,000,000".

Page 16, line 13, strike "\$137,000,000" and insert "\$195,000,000".

Page 16, line 22, strike "\$1,802,000,000" and insert "\$1,800,000,000".

Page 16, line 25, strike "\$372,000,000" and insert "\$300,000,000".

Page 17, line 2, strike "\$278,000,000" and insert "\$300,000,000".

Page 17, line 4, strike "\$663,000,000" and insert "\$400,000,000".

Page 17, line 6, strike "\$226,000,000" and insert "\$195,000,000".

Page 17, line 8, strike "\$263,000,000" and insert "\$195,000,000".

Page 17, after line 8, insert the following:

- 1 (vi) For fiscal year 2022,
- 2 \$194,000,000.
- 3 (vii) For fiscal year 2023,
- 4 \$216,000,000.

Page 17, line 21, strike "\$0" and insert "\$2,000,000".

Page 17, line 23, strike "through 2020" and insert "and 2019".

Page 17, after line 23, insert the following:

1 (iii) For fiscal year 2020, \$8,000,000.

Page 17, line 24, redesignate clause (iii) as clause (iv).

Page 22, line 6, strike "2018 through 2026" and insert "2017 through 2025".

Beginning on page 22, line 9, redesignate clauses (i) through (ix) as clauses (ii) through (x), respectively.

Page 22, after line 8, insert the following:

2 (i) For fiscal year 2017, \$20,000,000.

Page 22, line 9, strike "\$30,000,000" and insert "\$60,000,000".

Page 22, line 11, strike "\$60,000,000" and insert "\$70,000,000".

Page 22, line 13, strike "\$60,000,000" and insert "\$75,000,000".

Page 22, line 15, strike "\$50,000,000" and insert "\$70,000,000".

Page 22, line 22, strike "\$75,000,000" and insert "\$55,000,000".

Page 22, strike lines 23 and 24.

Page 23, lines 8 and 9, strike “2018 through 2026” and insert “2017 through 2025”.

Page 23, lines 17 and 18, strike “2018 through 2026” and insert “2017 through 2025”.

Page 25, line 5, strike “2018 through 2026” and insert “2017 through 2025”.

Page 26, line 1, strike “2018 through 2026” and insert “2017 through 2025”.

Page 26, lines 5 and 6, strike “2019 through 2027” and insert “2018 through 2026”.

Page 27, line 16, strike “2026” and insert “2025”.

Page 24, line 12, strike “title III” and all that follows through line 16 and insert the following “title III of this Act and section 1014 of the Federal Food, Drug, and Cosmetic Act, as added by section 3073 of this Act.”.

Page 30, line 4, strike “may” and insert “shall”.

Page 119, line 25, strike “may” and insert “shall”.

Page 120, line 10, strike “may” and insert “shall”.

Page 120, line 15, strike “as appropriate,”.

Page 120, line 17, insert “all” after “related to”.

Page 122, strike lines 10 through 12, and insert the following:

1 (3) MEMBERSHIP.—The members of the work-
2 ing group shall represent a diversity of scientific dis-
3 ciplines and views and shall be composed of the fol-
4 lowing members:

5 (A) FEDERAL MEMBERS.—Seven Federal
6 members, consisting of one or more representa-
7 tives of each of the following:

8 (i) The Office of the Assistant Sec-
9 retary for Health.

10 (ii) The Food and Drug Administra-
11 tion.

12 (iii) The Centers for Disease Control
13 and Prevention.

14 (iv) The National Institutes of
15 Health.

16 (v) Such other agencies and offices of
17 the Department of Health and Human
18 Services as the Secretary determines ap-
19 propriate.

20 (B) NON-FEDERAL PUBLIC MEMBERS.—
21 Seven non-Federal public members, consisting
22 of representatives of the following categories:

1 (i) Physicians and other medical pro-
2 viders with experience in diagnosing and
3 treating tick-borne diseases.

4 (ii) Scientists or researchers with ex-
5 pertise.

6 (iii) Patients and their family mem-
7 bers.

8 (iv) Nonprofit organizations that ad-
9 vocate for patients with respect to tick-
10 borne diseases.

11 (v) Other individuals whose expertise
12 is determined by the Secretary to be bene-
13 ficial to the functioning of the Working
14 Group.

Page 122, line 18, strike “paragraph (6)” and insert
“paragraph (7)”.

Page 123, after line 5, insert the following:

15 (6) APPLICABILITY OF FACa.—The Working
16 Group shall be treated as an advisory committee
17 subject to the Federal Advisory Committee Act (5
18 U.S.C. App.).

Page 123, line 6, redesignate paragraph (6) as para-
graph (7).

Page 130, line 22, insert “authorities in” before “the European Union”.

Page 172, beginning on line 18, amend paragraph (2) to read as follows:

1 (2) INSTITUTIONAL REVIEW BOARD DE-
2 FINED.—In this section, the term “institutional re-
3 view board” has the meaning that applies to the
4 term “institutional review board” under the HHS
5 Human Subject Regulations.

Page 211, line 9, strike “of the Public” and insert “or the Public”.

Page 224, line 8, strike “(1)(B)” and insert “(1)(A)”.

Page 269, line 24, strike “fix” and insert “set”.

Beginning on page 407, line 1, strike section 4009 (and redesignate sections 4010 through 4013 as sections 4009 through 4012, respectively).

Page 424, lines 23 and 24, strike “the State, consistent with subparagraph (B),” and insert “the State, not later than 30 days after the effective date of such termination,”.

Page 446, line 17, strike “4012” and insert “4011”.

Page 603, line 3, insert “recovery support services and programming and” after “include”.

Beginning on page 736, line 11, amend section 14017 to read as follows:

1 **SEC. 14017. CODIFICATION OF DUE PROCESS FOR DETER-**
2 **MINATIONS BY SECRETARY OF VETERANS AF-**
3 **FAIRS OF MENTAL CAPACITY OF BENE-**
4 **FICIARIES.**

5 (a) **IN GENERAL.**—Chapter 55 of title 38, United
6 States Code, is amended by inserting after section 5501
7 the following new section:

8 **“§ 5501A. Beneficiaries’ rights in mental competence**
9 **determinations**

10 “The Secretary may not make an adverse determina-
11 tion concerning the mental capacity of a beneficiary to
12 manage monetary benefits paid to or for the beneficiary
13 by the Secretary under this title unless such beneficiary
14 has been provided all of the following, subject to the proce-
15 dures and timelines prescribed by the Secretary for deter-
16 minations of incompetency:

17 “(1) Notice of the proposed adverse determina-
18 tion and the supporting evidence.

19 “(2) An opportunity to request a hearing.

20 “(3) An opportunity to present evidence, includ-
21 ing an opinion from a medical professional or other

1 person, on the capacity of the beneficiary to manage
2 monetary benefits paid to or for the beneficiary by
3 the Secretary under this title.

4 “(4) An opportunity to be represented at no ex-
5 pense to the Government (including by counsel) at
6 any such hearing and to bring a medical professional
7 or other person to provide relevant testimony at any
8 such hearing.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter 55 is amended by insert-
11 ing after the item relating to section 5501 the following
12 new item:

“5501A. Beneficiaries’ rights in mental competence determinations”.

13 (c) EFFECTIVE DATE.—Section 5501A of title 38,
14 United States Code, as added by subsection (a), shall
15 apply to determinations made by the Secretary of Vet-
16 erans Affairs on or after the date of the enactment of this
17 Act.

Page 771, line 4, strike “Section 7(b)(1)(B)(iii)”
and insert “Section 7(b)(1)(B)”.

Page 771, line 7, strike “Public Law 122–240” and
insert “Public Law 112–240”.

Page 771, line 10, insert “in clause (iii)” after “is
amended”.

Page 806, line 17, and page 807, line 24, strike
“1903(i)(2)(D)” and insert “1903(i)(2)(E)”.

Page 840, beginning on line 4, strike division D.

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