AMENDMENT TO H.R. 1549
OFFERED BY MR. PALLONE OF NEW JERSEY

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF FUNDING FOR REOPENING ENROLLMENT UNDER THE PREEXISTING CONDITION INSURANCE PROGRAM.

(a) In General.—Subsection (g)(1) of section 1101 of the Patient Protection and Affordable Care Act (42 U.S.C. 18001) is amended by striking “Such funds” and inserting the following: “In addition to the funds appropriated under the previous sentence, there is appropriated to the Secretary, out of any moneys in the Treasury not otherwise appropriated, $2,800,000,000 to pay claims (and administrative costs) described in such sentence. Funds appropriated under this paragraph”.

(b) Reopening Program Enrollment.—The Secretary of Health and Human Services shall resume taking applications for participation under the temporary high-risk health insurance program under such section 1101, but only to the extent consistent with the limitation imposed under subsection (g)(4) of such section.
(c) CONSTRUCTION.—Nothing in this section shall be construed as changing the application of subsection (g)(3) of such section (relating to termination of authority).

SEC. 2. IMMEDIATE ACCESS TO HEALTH CARE FOR SICK AMERICANS.

(a) IN GENERAL.—Section 1101(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18001(d)) is amended—

(1) in paragraph (1), by adding at the end “and”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to individuals applying for coverage through the high risk insurance pool program on or after the date of the enactment of this Act.

SEC. 3. INCREASE IN RATE OF EXCISE TAX ON CIGARETTES.

(a) IN GENERAL.—Section 5701(b)(1) of the Internal Revenue Code of 1986 is amended by inserting “($52.33 per thousand in the case of cigarettes removed after December 31, 2013 and before January 1, 2024)” after “$50.33 per thousand”.

(b) FLOOR STOCKS TAXES.—
(1) IMPOSITION OF TAX.—On cigarettes described in section 5701(b)(1) of the Internal Revenue Code of 1986 manufactured in or imported into the United States which are removed before January 1, 2014, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of such Code on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on January 1, 2014, for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigarettes referred to in paragraph (1) on January 1, 2014, to which any tax imposed by paragraph (1) applies shall be liable for such tax.
(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before May 1, 2014.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on July 1, 2013, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).
(5) DEFINITIONS. — For purposes of this subsection—

(A) IN GENERAL. — Any term used in this subsection which is also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(B) SECRETARY. — The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(6) CONTROLLED GROUPS. — Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE. — All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.
(c) **Effective Date.**—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2013.