

AMENDMENT NO. _____ Calendar No. _____

Purpose: To make improvements to the Independent Medicare Advisory Board.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

H. R. 3590

To amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. ROCKEFELLER (for himself, Mr. LIEBERMAN, and Mr. WHITEHOUSE) to the amendment (No. 2786) proposed by Mr. REID

Viz:

1 On page 1053, between lines 2 and 3, insert the following:
2

3 **SEC. 3403A. IMPROVEMENTS TO THE INDEPENDENT MEDICARE ADVISORY BOARD.**
4

5 Section 1899A of the Social Security Act, as added
6 by section 3403, is amended—

7 (1) in subsection (c)—

1 (A) in paragraph (2)(A), by striking clause
2 (iii) and inserting the following new clause:

3 “(iii) As appropriate, the proposal
4 may include recommendations to adjust
5 payments with respect to all providers of
6 services (as defined in section 1861(u))
7 and suppliers (as defined in section
8 1861(d)).”;

9 (B) in paragraph (3)(A)(ii)—

10 (i) in subclause (I), by inserting “or”
11 at the end;

12 (ii) in subclause (II), by striking “;
13 or” at the end and inserting a period; and

14 (iii) by striking subclause (III);

15 (C) in paragraph (7)(C), by striking clause
16 (i) and inserting the following new clause:

17 “(i) in the case of implementation
18 year 2015 or any subsequent implementa-
19 tion year, 1.5 percent; and”;

20 (D) by striking paragraph (8);

21 (2) in subsection (e), by striking “August 15”
22 each place it appears and inserting “June 1”;

23 (3) in subsection (f)(3)(B), by striking “or advi-
24 sory reports to Congress” and inserting “, advisory
25 reports, or other reports”;

1 (4) by redesignating subsections (g) through
2 (m) as subsections (i) through (o), respectively; and

3 (5) by adding at the end the following new sub-
4 sections:

5 “(g) PROPOSALS IN NON-DETERMINATION YEARS.—

6 “(1) IN GENERAL.—In any proposal year in
7 which the Board is not required to transmit a pro-
8 posal to the President by reason of the application
9 of subclause (I) or (II) of subsection (c)(3)(A)(ii),
10 the Board shall transmit a proposal under this sec-
11 tion to the President on January 15 of the year. Ex-
12 cept as provided in paragraph (2), such a proposal
13 shall be treated as a proposal under this section and
14 all of the provisions of this section with respect to
15 proposals, including the requirements under para-
16 graphs (2) and (4) of subsection (c) and the re-
17 quired Congressional consideration under subsection
18 (d), shall apply to the proposal.

19 “(2) EXCEPTIONS.—The following rules shall
20 apply to a proposal transmitted pursuant to para-
21 graph (1):

22 “(A) RECOMMENDATIONS FOR ACHIEVING
23 TARGET.—The requirement under subsection
24 (c)(2)(A)(i) shall not apply.

1 “(B) REQUIRED INFORMATION.—The pro-
2 posal shall not include—

3 “(i) recommendations described in
4 subsection (c)(2)(A)(i), pursuant to sub-
5 section (c)(3)(B)(i); or

6 “(ii) an actuarial opinion by the Chief
7 Actuary of the Centers for Medicare &
8 Medicaid Services certifying that the pro-
9 posal meets the requirements of subsection
10 (c)(2)(A)(i), pursuant to subsection
11 (c)(3)(B)(iii);

12 “(C) CONTINGENT SECRETARIAL PRO-
13 POSAL.—The Secretary shall not submit a pro-
14 posal if the Board fails to submit a proposal
15 pursuant to subsection (c)(5).

16 “(D) CONGRESSIONAL CONSIDERATION.—

17 “(i) Subparagraphs (A) and (B) of
18 subsection (d)(3) shall be applied by sub-
19 stituting ‘subsection (c)(2)(C)’ for ‘sub-
20 paragraphs (A)(i) and (C) of subsection
21 (c)(2)’.

22 “(ii) Subparagraphs (D) and (E) of
23 subsection (d)(3) and subsection
24 (d)(4)(B)(v) shall be applied by requiring a

1 simple majority rather than three-fifths of
2 the Members duly chosen and sworn.

3 “(iii) Subsection (d)(4)(B)(iv) shall
4 not apply.

5 “(iv) Subsection (d)(4)(C)(v)(II) shall
6 be applied by substituting ‘subsection
7 (c)(2)(C)’ for ‘subparagraphs (A)(i) and
8 (C) of subsection (c)(2)’.

9 “(v) Subsection (d)(4)(E)(iv)(II) shall
10 be applied by substituting ‘subsection
11 (c)(2)(C)’ for ‘subparagraphs (A)(i) and
12 (C) of subsection (c)(2)’.

13 “(E) SECRETARIAL IMPLEMENTATION.—
14 Subsection (e) shall not apply and the Secretary
15 shall not implement the recommendations con-
16 tained in the proposal unless the Secretary oth-
17 erwise has the authority to implement such rec-
18 ommendations.

19 “(h) ANNUAL REPORT WITH RECOMMENDATIONS
20 WITH RESPECT TO THE PRIVATE SECTOR.—

21 “(1) IN GENERAL.—Not later than July 1,
22 2014, and January 15, 2015, and annually there-
23 after, the Board shall submit to Congress, the Sec-
24 retary, and the Medicaid and CHIP Payment and

1 Access Commission a report that includes rec-
2 ommendations on—

3 “(A) requirements under the program
4 under this title (or requirements included in the
5 proposal submitted under this section in the
6 year); and

7 “(B) in the case of any report submitted in
8 a year after a determination year (beginning
9 with determination year 2017) in which the
10 Chief Actuary of the Centers for Medicare &
11 Medicaid Services has made a determination de-
12 scribed in subclause (I) or (II) of subsection
13 (c)(3)(A)(ii), other requirements determined ap-
14 propriate by the Board;

15 that should be included in the requirements estab-
16 lished under section 1311(c) of the Patient Protec-
17 tion and Affordable Care Act for a health plan to be
18 certified as a qualified health plan, such as require-
19 ments that improve the health care delivery system
20 and health outcomes (including by promoting inte-
21 grated care, care coordination, prevention and
22 wellness, and quality and efficiency), decrease health
23 care spending, and other appropriate improvements

24 “(2) INCORPORATION INTO CERTIFICATION RE-
25 QUIREMENTS.—

1 “(A) IN GENERAL.—The Secretary shall
2 review the recommendations contained in the
3 report submitted to the Secretary by the Board
4 under paragraph (1). The Secretary may, if de-
5 termined appropriate, incorporate such rec-
6 ommendations into the requirements for certifi-
7 cation under such section 1311(c).

8 “(B) REPORT TO CONGRESS.—Not later
9 than December 31, 2014, and June 15, 2015,
10 and annually thereafter, the Secretary shall
11 submit to Congress a report on the application
12 of subparagraph (A). Such report shall include,
13 with respect to each recommendation contained
14 in a report submitted by the Board in that
15 year, a description of whether or not the Sec-
16 retary incorporated the recommendation into
17 the requirements for certification under such
18 section 1311(c), and if not, the reasons why.

19 “(3) MACPAC.—The Medicaid and CHIP Pay-
20 ment and Access Commission shall—

21 “(A) review whether or not recommenda-
22 tions contained in a report submitted to the
23 Commission by the Board under paragraph (1)
24 would improve the Medicaid program under
25 title XIX and the Children’s Health Insurance

1 Program under title XXI if implemented under
2 such programs; and

3 “(B) include in the Commission’s annual
4 report to Congress the results of such review.”.