

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code, as amended by this Act, is amended by adding at the end the following new item:

“Sec. 4980J. Excess medical inflation cap.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2012.

**SA 2893.** Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill 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; which was ordered to lie on the table; as follows:

On page 923, between lines 7 and 8, insert the following:

**SEC. 3211. IMPROVEMENTS TO TRANSITIONAL EXTRA BENEFITS UNDER MEDICARE ADVANTAGE.**

Section 1853(p) of the Social Security Act, as added by section 3201, is amended—

(1) in paragraph (3)—

(A) by redesignating subparagraph (C) as subparagraph (D);

(B) in subparagraph (D), as so redesignated, by striking “(A) or (B)” and inserting “(A), (B), or (C)”;

(C) by inserting after subparagraph (B) the following new subparagraph:

“(C) A county where the percentage of Medicare Advantage eligible beneficiaries in the county who are enrolled in an MA plan for the year is greater than 45 percent (as determined by the Secretary).”;

(2) in paragraph (5), by striking “\$5,000,000,000” and inserting “\$7,500,000,000”.

**SA 2894.** Mr. BROWN (for himself, Mr. SCHUMER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill 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; which was ordered to lie on the table; as follows:

On page 938, strike lines 17, 18, and 19 and insert the following:

“(A) IN GENERAL.—The term ‘discounted price’ means—

“(i) in the case of an applicable drug that is a biologic product, 75 percent of the negotiated price of the applicable drug of the manufacturer; and

“(ii) in the case of any other applicable drug, 50 percent of the negotiated price of the applicable drug of the manufacturer.

**SA 2895.** Mr. BROWN (for himself, Mr. SCHUMER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill 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; which was ordered to lie on the table; as follows:

On page 1906, between lines 5 and 6, insert the following:

(1) BIOLOGICAL PRODUCT EXCLUSIVITY PERIOD.—

(1) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 351 of the Public Health Service Act (as amended by subsections (a) and (g)), is further amended—

(A) in subsection (k)(7), by striking subparagraph (A) and inserting the following:

“(A) EFFECTIVE DATE OF BIOSIMILAR APPLICATION APPROVAL.—

“(i) IN GENERAL.—Approval of an application under this subsection may not be made effective by the Secretary until the earlier of—

“(I) the date that is 12 years after the date on which the reference product was first licensed under subsection (a); or

“(II) the date on which the Secretary determines that the gross sales in the United States of the reference product equals or exceeds \$3,500,000,000.

“(ii) ANNUAL REPORTING.—As a condition for receiving the period of exclusivity described in clause (i), a person who receives a license for a biological product under subsection (a) shall, not later than January 31 of each year, report to the Secretary the amount of the annual gross sales in the United States in the preceding calendar year for such biological product.”;

(B) in subsection (m)(2)(A), by striking “12 years and 6 months rather than 12 years” and inserting “the date that is 6 months after the date described in subsection (k)(7)(A)(i) rather than the date described in such subsection.”.

(2) CONFORMING AMENDMENT.—Section 7002(h)(2) of this Act is amended by striking “the 12-year period described in subsection (k)(7) of such section 351” and inserting “the period of exclusivity described in subsection (k)(7)(A)(i) of such section 351”.

**SA 2896.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill 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; which was ordered to lie on the table; as follows:

On page 128, between lines 6 and 7, insert the following:

(e) MEDICAL LOSS RATIO.—The Secretary shall develop a definition for the term “medical loss ratio”, and provide standards for such term, including methods for calculating loss ratios and determinations of what constitutes an administrative cost.

**SEC. 1305. HEALTH INSURANCE REPORT CARDS.**

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall develop a standardized health insurance report card.

(b) STANDARDS.—The report card described in subsection (a) shall provide measures of the performance of qualified health plans with regard to—

- (1) the adequacy of the provider network;
- (2) the timeliness and accuracy of payment of claims, measured with regard to claims overall and claims associated with selected health conditions and medical services;
- (3) appeals and grievance procedures;
- (4) adherence to fair marketing practices;
- (5) satisfaction of minimum medical loss ratios;
- (6) non-discrimination on the basis of health status;
- (7) quality measures, as determined by the Secretary;

(8) renewal rate increases; and

(9) other factors, as the Secretary determines appropriate.

(c) DATA COLLECTION.—The Secretary shall, in cooperation with State insurance regulators, collect data for the purpose of determining the performance of qualified health plans with regard to the standards described in subsection (b).

(d) REPORT CARDS.—The data collected under subsection (c) shall be compiled into a standardized health insurance report card, described in subsection (a), and shall be made available to consumers for the purpose of facilitating health plan comparison and choice, including by making such report cards available through the Internet portal established under section 1103(a).

(e) USE OF HEALTH PLAN REPORT CARDS BY THE SECRETARY.—The Secretary—

(1) may use the data collected under subsection (c) for administrative purposes;

(2) shall use such data to determine unreasonable increases in premiums for health insurance coverage, which may trigger action by the Secretary, such as imposing premium rebates or other sanctions, as appropriate; and

(3) may share such data with State insurance regulators, the Secretary of the Treasury, and the Secretary of Labor, for purposes of oversight and enforcement of the requirements under this title, including sharing such data with administrators of the Exchanges and using such data in negotiations with health insurance issuers over the terms of participation in such Exchanges.

**SA 2897.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill 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; which was ordered to lie on the table; as follows:

On page 1529, between lines 2 and 3, insert the following:

**SEC. 1572. INCREASED FUNDING FOR WORK-FORCE PROGRAMS; LIMITATION ON DEDUCTION FOR DIRECT TO CONSUMER ADVERTISING EXPENSES FOR PRESCRIPTION PHARMACEUTICALS.**

(a) LIMITATION ON DEDUCTION FOR DIRECT TO CONSUMER ADVERTISING EXPENSES FOR PRESCRIPTION PHARMACEUTICALS.—

(1) IN GENERAL.—Section 274 of the Internal Revenue Code of 1986 (relating to disallowance of certain entertainment, etc., expenses) is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

“(o) LIMITATION ON DEDUCTION FOR DIRECT TO CONSUMER ADVERTISING EXPENSES FOR PRESCRIPTION PHARMACEUTICALS.—The amount allowable as a deduction under this chapter for expenses relating to direct to consumer advertising in any media of prescription pharmaceuticals shall not exceed 30 percent of the amount of such expenses which would (but for this paragraph) be allowable as a deduction under this chapter.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2009, in taxable years ending after such date.

(b) HEALTH PROFESSIONALS TRAINING FOR DIVERSITY.—Section 740(a) of the Public Health Service Act, as amended by section 5402, is further amended by striking “\$51,000,000” and inserting “\$100,000,000”.