

113TH CONGRESS  
1ST SESSION

# S. 11

To provide a comprehensive deficit reduction plan, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2013

Mr. CORKER (for himself and Mr. ALEXANDER) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To provide a comprehensive deficit reduction plan, and for  
other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Fiscal Sustainability Act of 2013”.

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

Sec. 1. Short title; table of contents.

### TITLE I—MEDICAID

Sec. 1101. Comprehensive Medicaid Waivers.

Sec. 1102. Phased-in elimination of allowable provider taxes under Medicaid.

### TITLE II—MEDICARE

Subtitle A—Medicare Total Health Program; Medicare Fee-for-Service  
Program Reforms; Reports

Sec. 2000. Short title; purpose.

PART I—MEDICARE TOTAL HEALTH PROGRAM

Sec. 2001. Establishment of Medicare Total Health program.

“Subpart 2—Medicare Total Health Program

“Sec. 1860C–1. Eligibility, enrollment, and information.

“Sec. 1860C–2. Total Health plan benefits.

“Sec. 1860C–3. Access to a choice of qualified Total Health benefits plans.

“Sec. 1860C–4. Beneficiary protections for Total Health plan enrollees.

“Sec. 1860C–5. Total Health regions; submission of bids; Total Health plan approval.

“Sec. 1860C–6. Requirements for and contracts with Total Health sponsors.

“Sec. 1860C–7. Total Health premiums.

“Sec. 1860C–8. Premium and cost-sharing support for Total Health eligible individuals.

“Sec. 1860C–9. Exemption for MSA plans.

“Sec. 1860C–10. Special rules for employer-sponsored programs.

“Sec. 1860C–11. Coordination with State Medicaid programs.

“Sec. 1860C–12. Definitions and miscellaneous provisions.

Sec. 2002. Replacement of part B premium with Medicare Total Health program plan premium; other technical and conforming amendments.

PART II—MEDICARE FEE-FOR-SERVICE REFORMS

Sec. 2011. Medicare protection against high out-of-pocket expenditures for fee-for-service benefits.

Sec. 2012. Unified Medicare deductible.

Sec. 2013. Uniform Medicare coinsurance rate.

Sec. 2014. Prohibition on first-dollar coverage under Medigap policies and development of new standards for Medigap policies.

PART III—ANNUAL REPORT TO CONGRESS

Sec. 2021. Annual report to Congress.

Subtitle B—Elimination of Exemption of Medicare Payments to Physicians  
Under Statutory PAYGO

Sec. 2101. Elimination of exemption of Medicare payments to physicians under statutory PAYGO.

Subtitle C—Adjustments to Medicare Part B and D Premiums for High-  
Income Beneficiaries

Sec. 2201. Adjustments to Medicare part B and D premiums for high-income beneficiaries.

Subtitle D—Increase in the Medicare Eligibility Age

Sec. 2301. Increase in the Medicare eligibility age.

Subtitle E—Other Provisions

- Sec. 2401. Limitation on Medicare payments for direct graduate medical education (DGME).
- Sec. 2402. Reduction in Medicare indirect graduate medical education (IME) payments.
- Sec. 2403. Acceleration of application of productivity adjustment to Medicare home health prospective payment amounts.
- Sec. 2404. Acceleration of rebasing of Medicare home health prospective payment amounts.
- Sec. 2405. Reduction of bad debt treated as an allowable cost.

TITLE III—SOCIAL SECURITY

- Sec. 3101. Adjustments to bend points in determining primary insurance amount.
- Sec. 3102. Adjustment to calculation of benefit computation years.
- Sec. 3103. Minimum Social Security benefit.
- Sec. 3104. Increase in benefits starting 20 years after initial eligibility.
- Sec. 3105. Adjustment to normal and early retirement ages.
- Sec. 3106. Application of actuarial reduction for disabled beneficiaries who attain early retirement age.
- Sec. 3107. Option to collect up to one-half of old-age insurance benefit at age 62.
- Sec. 3108. Coverage of newly hired State and local employees.
- Sec. 3109. Inclusion in annual Social Security account statement of estimated present value of taxes and benefits for Social Security and Medicare and projected deficit as a percent of lifetime earnings.
- Sec. 3110. Retirement information campaign.

TITLE IV—CONVERSION TO CHAINED CPI

- Sec. 4101. Conversion to Chained CPI.

**TITLE I—MEDICAID**

**SEC. 1101. COMPREHENSIVE MEDICAID WAIVERS.**

Section 1115 of the Social Security Act (42 U.S.C. 1315) is amended by adding at the end the following:

“(g) COMPREHENSIVE MEDICAID WAIVERS.—

“(1) AUTHORITY.—

“(A) IN GENERAL.—A State may elect to provide medical assistance under title XIX, directly or by contract, to eligible individuals pursuant to a comprehensive Medicaid waiver

1 under this subsection in lieu of providing such  
2 assistance under a State plan approved under  
3 title XIX or a waiver approved under subsection  
4 (d) or extended under subsection (e). A State  
5 shall make such an election by submitting a  
6 waiver application to the Secretary for certifi-  
7 cation that the application satisfies the require-  
8 ments of paragraph (2).

9 “(B) WAIVER OF STATE MEDICAID PRO-  
10 GRAM REQUIREMENTS.—Any requirements ap-  
11 plicable under this title or title XIX that would  
12 prevent a State from carrying out a comprehen-  
13 sive Medicaid waiver in accordance with the  
14 State’s certified application and the require-  
15 ments of this subsection are deemed waived.

16 “(C) SHARED SAVINGS BONUS.—A State  
17 conducting a comprehensive Medicaid waiver  
18 under this subsection shall be eligible for a  
19 shared savings bonus in accordance with para-  
20 graph (4).

21 “(D) OPTION TO INCLUDE CHIP-ELIGIBLE  
22 INDIVIDUALS.—A State may elect to treat indi-  
23 viduals eligible for child health assistance under  
24 the State child health plan under title XXI as  
25 eligible individuals under a comprehensive Med-

1       icaid waiver. The waiver application and deter-  
 2       mination of the aggregate spending cap for the  
 3       State for the waiver period shall take into ac-  
 4       count the inclusion of such individuals in the  
 5       comprehensive Medicaid waiver. Any require-  
 6       ments applicable under this title, title XIX, or  
 7       title XXI that would prevent a State from in-  
 8       cluding such individuals in the comprehensive  
 9       Medicaid waiver in accordance with the State's  
 10      certified application and the requirements of  
 11      this subsection are deemed waived.

12       “(2) COMPREHENSIVE MEDICAID WAIVER AP-  
 13      PLICATION.—An application for a comprehensive  
 14      Medicaid waiver under this subsection shall contain  
 15      the following:

16           “(A) GENERAL DESCRIPTION OF PRO-  
 17      POSED BENEFIT DELIVERY MODELS, ELIGI-  
 18      BILITY CRITERIA, AND BENEFITS.—A brief de-  
 19      scription, which may be in outline form, of the  
 20      eligibility criteria and medical assistance to be  
 21      provided that includes the methods for delivery  
 22      of such assistance, the criteria for the deter-  
 23      mination of eligibility for such assistance, and  
 24      the amount, duration, and scope of such assist-  
 25      ance, including a description of the amount (if

any) of premiums, deductibles, coinsurance, or other cost-sharing.

“(B) HEDIS MEASURES TO EVALUATE PERFORMANCE.—

“(i) IN GENERAL.—A description of not less than 20 of the standard Medicaid Healthcare Effectiveness Data and Information Set (HEDIS) measures established by the National Committee for Quality Assurance selected by the State to annually evaluate the quality and cost-effectiveness of the medical assistance provided under the waiver, and for each such measure (and, if applicable, the distinct rates associated with the measure), the baseline data and the target performance goal applicable for each such measure or rate. The State shall select HEDIS measures that are closely aligned with the health care items and services that are provided to eligible individuals as medical assistance under the waiver.

“(ii) EVALUATION.—The description under this subparagraph shall specify the independent entity that the State will use

1 to evaluate the waiver. The State shall pro-  
 2 vide an assurance that the State will sub-  
 3 mit a copy of the annual evaluation to the  
 4 Secretary.

5 “(C) PROGRAM INTEGRITY.—A brief de-  
 6 scription of the State’s program to prevent  
 7 waste, fraud, and abuse under the waiver.

8 “(D) AGGREGATE SPENDING CAP.—An as-  
 9 surance that the State agrees—

10 “(i) to establish categories that accu-  
 11 rately account for each of the distinct pop-  
 12 ulation groups that will qualify as eligible  
 13 individuals under the waiver (such as chil-  
 14 dren, parents, pregnant women, and the  
 15 blind or disabled) based on such criteria as  
 16 are determined appropriate by the State  
 17 (referred to in this subsection as a ‘popu-  
 18 lation category’);

19 “(ii) to provide the Secretary with all  
 20 data relevant to the determination of the  
 21 aggregate spending cap for the State for  
 22 the waiver period, as determined by the  
 23 Secretary under paragraph (3)(B); and

24 “(iii) with respect to each period for  
 25 which the waiver is approved, to not re-

1           ceive any Federal payments from the Sec-  
 2           retary for amounts expended during such  
 3           period that exceed the aggregate spending  
 4           cap.

5           “(3) DETERMINATION OF AGGREGATE SPEND-  
 6           ING CAP.—

7           “(A) ESTABLISHMENT OF SPENDING TEM-  
 8           PLATE.—

9           “(i) IN GENERAL.—The Secretary, in  
 10          coordination with the Director of the Of-  
 11          fice of Management and Budget (referred  
 12          to in this subsection as the ‘Director’),  
 13          shall establish a template for determining,  
 14          with respect to each State, the aggregate  
 15          spending cap for each period for which the  
 16          State conducts a comprehensive Medicaid  
 17          waiver under this subsection. The Sec-  
 18          retary shall—

19               “(I) publish a proposed template  
 20               not later than 60 days after the date  
 21               of enactment of this subsection;

22               “(II) provide for a period for  
 23               public comment on the proposed tem-  
 24               plate; and



1 “(III) promulgate a final tem-  
 2 plate not later than 120 days after  
 3 such date of enactment.

4 “(ii) REVISIONS.—

5 “(I) IN GENERAL.—Subject to  
 6 subclause (II), the Secretary, in co-  
 7 ordination with the Director, shall re-  
 8 vise the template, as appropriate, not  
 9 less than every 5 years pursuant to a  
 10 process that allows for public com-  
 11 ment prior to publication of the re-  
 12 vised template.

13 “(II) TECHNICAL CHANGES.—  
 14 The Secretary or the Director may  
 15 make any necessary technical or con-  
 16 forming changes to the template at  
 17 such times and in such manner as is  
 18 determined appropriate.

19 “(B) DETERMINATION OF AGGREGATE  
 20 SPENDING CAP FOR EACH STATE.—

21 “(i) IN GENERAL.—Subject to sub-  
 22 paragraph (C), the aggregate spending cap  
 23 applicable to a State for a waiver period  
 24 shall be equal to 99 percent of the amount  
 25 determined under clause (ii).

1 “(ii) TOTAL AMOUNT OF PROJECTED  
2 FEDERAL PAYMENTS.—The amount de-  
3 scribed in this clause is equal to the sum  
4 of—

5 “(I) the total amount of Federal  
6 payments that would otherwise be  
7 made to the State during the waiver  
8 period with respect to any dispropor-  
9 tionate share payment adjustment  
10 made under section 1923; and

11 “(II) the sum of the amounts de-  
12 termined under clause (iii) for each  
13 population category.

14 “(iii) PROJECTED FEDERAL PAY-  
15 MENTS FOR MEDICAL ASSISTANCE PRO-  
16 VIDED TO POPULATION CATEGORIES.—For  
17 purposes of clause (ii)(II), the Secretary  
18 and the Director shall calculate the  
19 amount of projected expenditures for the  
20 provision of medical assistance to eligible  
21 individuals in each population category  
22 during the waiver period (as determined  
23 based upon the population categories es-  
24 tablished and the data provided by the  
25 State pursuant to paragraph (2)(D), as

1 well as the annual baseline estimates sup-  
2 plied by the Director and such other data  
3 as is determined appropriate by the Sec-  
4 retary), which shall be equal to the product  
5 of—

6 “(I) subject to clause (iv), the  
7 monthly per capita amount of Federal  
8 payments that were made to the State  
9 under the State plan under title XIX  
10 (or under a waiver approved under  
11 subsection (d) or extended under sub-  
12 section (e)) for an individual in such  
13 population category during the fiscal  
14 year prior to the State application for  
15 the waiver (referred to in this para-  
16 graph as the ‘population category per  
17 capita baseline’);

18 “(II) the number of individuals  
19 within such population category that  
20 are projected to be eligible to receive  
21 medical assistance during the waiver  
22 period; and

23 “(III) the number of months in  
24 the waiver period.

“(iv) POPULATION CATEGORIES WITH  
 NO BASELINE DATA.—For purposes of any  
 determination under clause (iii)(I) for a  
 population category that lacks sufficient  
 data to calculate the population category  
 per capita baseline and that consists of in-  
 dividuals for which the State would other-  
 wise be required to provide medical assist-  
 ance to pursuant to section  
 1902(a)(10)(A)(i)(VIII), the population  
 category per capita baseline shall be equal  
 to the monthly per capita amount of Fed-  
 eral payments that would otherwise have  
 been made to the State under the State  
 plan under title XIX (or under a waiver  
 approved under subsection (d) or extended  
 under subsection (e)) during the preceding  
 fiscal year for an individual who is under  
 65 years of age, not pregnant, not entitled  
 to, or enrolled for, benefits under part A of  
 title XVIII, or enrolled for benefits under  
 part B of title XVIII.

“(v) BUDGET NEUTRALITY.—In no  
 event shall the aggregate spending cap es-  
 tablished for a State for a waiver period

1 allow for Federal payments to the State  
 2 during the waiver period that exceed the  
 3 amount of Federal payments to the State  
 4 that would have been made during that pe-  
 5 riod if the State had not elected to conduct  
 6 a comprehensive Medicaid waiver under  
 7 this subsection during the period.

8 “(C) ADJUSTMENT OF AGGREGATE SPEND-  
 9 ING CAP FOR HIGH UNEMPLOYMENT.—For pur-  
 10 poses of subparagraph (B)(i), if the average  
 11 monthly unemployment rate (as defined in  
 12 paragraph (8)(A)) for a State exceeds 10 per-  
 13 cent for any consecutive period of at least 6  
 14 months occurring during the waiver period, the  
 15 aggregate spending cap applicable to the State  
 16 for such waiver period shall be equal to 100  
 17 percent of the amount determined under sub-  
 18 paragraph (B)(ii).

19 “(4) SHARED SAVINGS BONUSES.—

20 “(A) IN GENERAL.—The Secretary shall  
 21 annually pay each State conducting a com-  
 22 prehensive Medicaid waiver under this sub-  
 23 section an amount equal to 25 percent of the  
 24 waiver savings determined with respect to a

1 State and a waiver period under subparagraph  
2 (C).

3 “(B) DEDICATED TO HEALTH CARE.—A  
4 State that receives a payment under this para-  
5 graph shall spend not less than 80 percent of  
6 the payment on health care services or health-  
7 related activities for eligible individuals.

8 “(C) DETERMINATION OF WAIVER SAV-  
9 INGS.—The Secretary and the Director shall es-  
10 tablish a process for determining with respect  
11 to a State and a waiver period the amount of  
12 savings achieved by a State for the period. The  
13 process shall take into account the difference  
14 between the aggregate spending cap applicable  
15 to the State for the waiver period and the total  
16 amount expended by the State under the waiver  
17 for the period.

18 “(D) PAYMENT; RETROSPECTIVE ADJUST-  
19 MENT.—The Secretary shall make annual pay-  
20 ments under this paragraph on the basis of  
21 claims submitted by the State for expenses paid  
22 by the State for medical assistance provided  
23 under the waiver, and such other investigation  
24 as the Secretary or the Director may find nec-  
25 essary, and may reduce or increase the pay-

ments as necessary to adjust for prior overpayments or under payments under this paragraph.

“(5) DURATION.—

“(A) IN GENERAL.—A State shall conduct a comprehensive Medicaid waiver under this subsection for a 5-year period. Subject to subparagraph (B), a comprehensive Medicaid waiver may be renewed for additional 3-year periods upon the request of the State, unless within 90 days after receipt of a State request for a renewal of a waiver, the Secretary and the Director determine, based on the State evaluations required under paragraph (2)(B), that the waiver should not be renewed.

“(B) STATE EVALUATIONS AND TARGET PERFORMANCE GOALS.—For purposes of subparagraph (A), the Secretary and the Director may not renew a waiver unless each of the measures or rates selected by the State pursuant to paragraph (2)(B) has improved or remained constant during the waiver period.

“(6) LIMITED SECRETARIAL AUTHORITY; ADMINISTRATIVE AND JUDICIAL REVIEW.—

“(A) CERTIFICATION OF WAIVER APPLICATIONS.—

1           “(i) IN GENERAL.—Except as pro-  
2           vided under clause (ii), the Secretary and  
3           the Director shall have 90 days from re-  
4           ceipt of an application by a State for a  
5           comprehensive Medicaid waiver to certify  
6           the application as satisfying the require-  
7           ments of paragraph (2).

8           “(ii) INQUIRIES.—The Secretary and  
9           the Director may submit a single set of in-  
10          quiries for additional information to the  
11          State during the initial 90-day period de-  
12          scribed under clause (i). If a State receives  
13          a set of inquiries, the State shall have up  
14          to 60 days to respond. The Secretary and  
15          the Director shall have an additional 30-  
16          day period, starting on the date the Sec-  
17          retary receives a State response to a set of  
18          inquiries, to make a final determination as  
19          to whether the State’s waiver application  
20          may be certified as complying with the re-  
21          quirements of paragraph (2).

22          “(iii) FAILURE TO RESPOND BY THE  
23          SECRETARY.—An application by a State  
24          for a comprehensive Medicaid waiver shall  
25          be deemed certified by the Secretary if the



1 Secretary does not submit any inquiries  
2 during the initial 90-day review period.

3 “(iv) EFFECTIVE DATE.—A waiver  
4 that has been certified by the Secretary (or  
5 deemed to be certified) may be effective, at  
6 the discretion of the State, as of the first  
7 day of the calendar quarter in which the  
8 application for the waiver was submitted  
9 by the State.

10 “(B) DENIAL OF WAIVER APPLICATIONS  
11 OR RENEWAL REQUESTS.—

12 “(i) IN GENERAL.—If the Secretary  
13 and the Director determine that an appli-  
14 cation for a comprehensive Medicaid waiv-  
15 er, or a request for extension of an existing  
16 comprehensive Medicaid waiver, does not  
17 satisfy the requirements of paragraph (2),  
18 the Secretary shall notify the State of the  
19 disapproval by written notification, not  
20 later than 10 days following the issuance  
21 of such determination and shall provide a  
22 detailed description of the reasons for the  
23 denial of the waiver to—

1 “(I) the State that submitted the  
2 waiver application or extension re-  
3 quest;

4 “(II) the members of Congress  
5 representing such State; and

6 “(III) the Committee on Finance  
7 of the Senate and the Committee on  
8 Energy and Commerce of the House  
9 of Representatives.

10 “(ii) ADMINISTRATIVE AND JUDICIAL  
11 REVIEW.—

12 “(I) ADMINISTRATIVE REVIEW.—

13 Within 60 days after the date that a  
14 State receives notice of the denial of a  
15 waiver application or extension re-  
16 quest, the State may appeal the deter-  
17 mination to the Departmental Appeals  
18 Board established in the Department  
19 of Health and Human Services. The  
20 Departmental Appeals Board shall  
21 make a final determination with re-  
22 spect to an appeal filed under this  
23 subparagraph not less than 60 days  
24 after the date on which the appeal is  
25 filed.

1                   “(II) JUDICIAL REVIEW.—Within  
2                   60 days after the date of a final deci-  
3                   sion by the Board under subclause (I)  
4                   that is adverse to a State, the State  
5                   may obtain judicial review of the final  
6                   decision by filing an action in the dis-  
7                   trict court of the United States for  
8                   the judicial district in which the prin-  
9                   cipal or headquarters office of the  
10                  State agency responsible for admin-  
11                  istering the State Medicaid program  
12                  is located or the United States Dis-  
13                  trict Court for the District of Colum-  
14                  bia.

15               “(C) REPORTS.—

16               “(i) IN GENERAL.—Not later than 2  
17               years after the date on which the Secretary  
18               and the Director first approve an applica-  
19               tion for a comprehensive Medicaid waiver  
20               under this subsection and every 3 years  
21               thereafter, the Comptroller General of the  
22               United States (referred to in this subpara-  
23               graph as the ‘Comptroller’) shall submit to  
24               the Committee on Finance of the Senate  
25               and the Committee on Energy and Com-

merce of the House of Representatives a report on the waivers certified as of the date of such report. Each report shall include an evaluation of the quality and cost-effectiveness of the comprehensive Medicaid waivers in effect during the reporting period in providing medical assistance to eligible individuals, as well as the financial effort of the waiver on State and Federal budgets.

“(ii) REPORTING OF INFORMATION.—

A State with a comprehensive Medicaid waiver under this subsection shall provide the Comptroller, in such form and manner as the Comptroller may require, with any relevant information regarding the waiver, including total expenditures by the State under the waiver, the number of individuals provided medical assistance under the waiver, and such other information as the Comptroller may require for purposes of preparing the reports required under this subparagraph.

“(7) NON-APPLICATIONS.—A comprehensive

Medicaid waiver shall not apply to—

1           “(A) the pediatric vaccine program under  
2 section 1928; and

3           “(B) limitations on total payments to terri-  
4 tories under section 1108.

5           “(8) OUTREACH AND EDUCATION.—

6           “(A) STATE AWARENESS.—Not later than  
7 30 days after the date of enactment of this sub-  
8 section, the Secretary shall conduct an outreach  
9 and education campaign to States regarding the  
10 availability of comprehensive Medicaid waivers  
11 under this subsection.

12           “(B) PUBLIC NOTICE AND COMMENT.—Be-  
13 fore submitting an application for a comprehen-  
14 sive Medicaid waiver, a State shall make the  
15 proposed application available to the public  
16 through such means as the State determines  
17 appropriate and allow for a reasonable public  
18 comment period of not greater than 30 days.

19           “(C) PUBLIC AWARENESS OF APPROVED  
20 WAIVER.—A State that has been certified for a  
21 comprehensive Medicaid waiver shall conduct an  
22 outreach and education campaign to ensure  
23 that health care providers and eligible individ-  
24 uals within the State are provided with ade-  
25 quate notice regarding the methods and criteria

1 through which the State intends to provide  
 2 medical assistance under the waiver.

3 “(9) DEFINITIONS.—In this subsection:

4 “(A) AVERAGE MONTHLY UNEMPLOYMENT  
 5 RATE.—The term ‘average monthly unemploy-  
 6 ment rate’ means the average of the monthly  
 7 number unemployed in the State, divided by the  
 8 average of the monthly civilian labor force in  
 9 the State, seasonally adjusted, as determined  
 10 based on the most recent monthly publications  
 11 of the Bureau of Labor Statistics of the De-  
 12 partment of Labor.

13 “(B) ELIGIBLE INDIVIDUAL.—The term  
 14 ‘eligible individual’ means, for each year during  
 15 the waiver period—

16 “(i) any individual who, for such year,  
 17 the State would otherwise be required to  
 18 provide medical assistance to pursuant  
 19 to—

20 “(I) section 1902(a)(10)(A)(i);

21 “(II) paragraphs (1) or (4) of  
 22 section 1902(e);

23 “(III) section 1925; or

24 “(IV) section 1931; and

1 “(ii) at the option of the State, any  
 2 individual who, for such year, the State  
 3 would otherwise provide child health assist-  
 4 ance to under the State child health plan  
 5 under title XXI; and

6 “(iii) at the option of the State, any  
 7 individual who is not described in clause (i)  
 8 or (ii) and who satisfies such income, re-  
 9 sources, health status, or other criteria as  
 10 the State may establish.

11 “(C) MEDICAL ASSISTANCE.—The term  
 12 ‘medical assistance’ means—

13 “(i) health care coverage (as deter-  
 14 mined by the State); and

15 “(ii) rehabilitation and other services  
 16 to help eligible individuals attain or retain  
 17 capability for independence or self-care,  
 18 such as home and community-based serv-  
 19 ices.

20 “(D) STATE MEDICAID PROGRAM.—The  
 21 term ‘State Medicaid program’ means the State  
 22 program for medical assistance provided under  
 23 a State plan under title XIX, including any  
 24 waiver that has been approved with respect to  
 25 a State plan prior to an application by the

1 State for a comprehensive Medicaid waiver  
 2 under this subsection.”.

3 **SEC. 1102. PHASED-IN ELIMINATION OF ALLOWABLE PRO-**  
 4 **VIDER TAXES UNDER MEDICAID.**

5 (a) IN GENERAL.—Clause (ii) of section  
 6 1903(w)(4)(C) of the Social Security Act (42 U.S.C.  
 7 1396b(w)(4)(C)) is amended to read as follows:

8 “(ii) For purposes of clause (i), a determination  
 9 of the existence of an indirect guarantee shall be  
 10 made under paragraph (3)(i) of section 433.68(f) of  
 11 title 42, Code of Federal Regulations, as in effect on  
 12 November 1, 2006, except that—

13 “(I) for portions of fiscal years beginning  
 14 on or after January 1, 2008, and before Octo-  
 15 ber 1, 2011, ‘5.5 percent’ shall be substituted  
 16 for ‘6 percent’ each place it appears;

17 “(II) for fiscal years 2012 and 2013, the  
 18 percentage specified under such paragraph shall  
 19 apply;

20 “(III) for fiscal years 2014 through 2022,  
 21 the percentage determined under clause (iii) for  
 22 the fiscal year shall be substituted for ‘6 per-  
 23 cent’ each place it appears; and



1 “(IV) for fiscal year 2023 and each fiscal  
 2 year thereafter, ‘0 percent’ shall be substituted  
 3 for ‘6 percent’ each place it appears.

4 “(iii) For purposes of clause (ii)(III), the per-  
 5 centage determined under this clause shall be equal  
 6 to the percentage applicable under subclause (II) or  
 7 (III) of clause (ii) for the preceding fiscal year, re-  
 8 duced by 0.6 percentage points.”.

9 (b) EFFECTIVE DATE.—The amendment made by  
 10 subsection (a) shall take effect on October 1, 2013.

11 **TITLE II—MEDICARE**  
 12 **Subtitle A—Medicare Total Health**  
 13 **Program; Medicare Fee-for-**  
 14 **Service Program Reforms; Re-**  
 15 **ports**

16 **SEC. 2000. SHORT TITLE; PURPOSE.**

17 (a) SHORT TITLE.—This subtitle may be cited as the  
 18 “Medicare Total Health Act of 2013”.

19 (b) PURPOSE.—The purpose of this subtitle is to  
 20 amend title XVIII of the Social Security Act to improve  
 21 the sustainability of the Medicare program by establishing  
 22 a Total Health system, reforming the Medicare fee-for-  
 23 service program, and for other purposes.

1     **PART I—MEDICARE TOTAL HEALTH PROGRAM**

2     **SEC. 2001. ESTABLISHMENT OF MEDICARE TOTAL HEALTH**  
 3                     **PROGRAM.**

4             (a) SUNSET OF MEDICARE ADVANTAGE PLANS.—  
 5     Section 1851(a)(1) of the Social Security Act (42 U.S.C.  
 6     1395w–21(a)(1)), in the matter preceding subparagraph  
 7     (A), is amended by striking “Subject to” and inserting  
 8     “For plan years beginning prior to January 1, 2017, and  
 9     subject to”.

10            (b) ESTABLISHMENT.—Part C of title XVIII of the  
 11     Social Security Act (42 U.S.C. 1395w–21 et seq.) is  
 12     amended—

13                 (1) in the part heading, by striking  
 14             “**MEDICARE+CHOICE PROGRAM**” and inserting  
 15             “**MEDICARE ADVANTAGE PROGRAM; MEDICARE**  
 16             **TOTAL HEALTH PROGRAM**”;

17                 (2) by inserting before section 1851 the fol-  
 18             lowing:

19             “Subpart 1—Medicare Advantage Program”; and

20                 (3) by adding at the end the following new sub-  
 21             part:

22             “Subpart 2—Medicare Total Health Program

23             “ELIGIBILITY, ENROLLMENT, AND INFORMATION

24             “SEC. 1860C–1. (a) ELIGIBILITY.—

25                 “(1) IN GENERAL.—Notwithstanding section  
 26             1851(a)(1) and subject to the succeeding provisions

1 of this subpart, each Total Health eligible individual  
 2 (as defined in paragraph (3)) may elect to receive  
 3 benefits under this title—

4 “(A) through the original medicare fee-for-  
 5 service program under parts A and B, including  
 6 the option to elect qualified prescription drug  
 7 coverage in accordance with section 1860D–1;  
 8 or

9 “(B) through enrollment in a Total Health  
 10 plan under this subpart.

11 “(2) COVERAGE FIRST EFFECTIVE JANUARY 1,  
 12 2017.—Coverage under the Medicare Total Health  
 13 program shall first be effective on January 1, 2017.

14 “(3) TOTAL HEALTH ELIGIBLE INDIVIDUAL.—  
 15 For purposes of this subpart, the term ‘Total Health  
 16 eligible individual’ means an individual who is enti-  
 17 tled to benefits under part A and enrolled under  
 18 part B who resides in a Total Health region.

19 “(4) TYPES OF TOTAL HEALTH PLANS THAT  
 20 MAY BE AVAILABLE.—A Total Health plan may be  
 21 any of the types of plans of health insurance de-  
 22 scribed in section 1851(a)(2)(A), including a plan  
 23 for special needs individuals described in clause (ii)  
 24 of such section.

1       “(b) ENROLLMENT PROCESS FOR TOTAL HEALTH  
2 PLANS.—

3               “(1) ESTABLISHMENT OF PROCESS.—

4                       “(A) IN GENERAL.—The Secretary shall  
5 establish a process for the enrollment,  
6 disenrollment, termination, and change of en-  
7 rollment of Total Health eligible individuals in  
8 Total Health plans in a manner similar to (and  
9 coordinated with) the process established under  
10 section 1860D–1(b)(1).

11                      “(B) REQUIREMENTS.—Except as other-  
12 wise provided in this subsection, the process es-  
13 tablished under subparagraph (A) shall include  
14 a residency requirement similar to the residency  
15 requirement described in section 1851(b)(1)  
16 and shall take into account the process for exer-  
17 cising choice described in section 1851(c).

18               “(2) INITIAL ENROLLMENT PERIOD.—

19                      “(A) PROGRAM INITIATION.—In the case  
20 of an individual who is a Total Health eligible  
21 individual as of November 15, 2016, there shall  
22 be an initial enrollment period beginning on Oc-  
23 tober 15, 2016, and ending on December 7,  
24 2016.

1           “(B) CONTINUING PERIODS.—In the case  
 2           of an individual who first becomes a Total  
 3           Health eligible individual after November 15,  
 4           2016, there shall be an initial enrollment period  
 5           which is the same as the period under section  
 6           1851(e)(1).

7           “(3) ANNUAL, COORDINATED ELECTION PE-  
 8           RIOD.—

9           “(A) IN GENERAL.—As part of the process  
 10          established under paragraph (1), each indi-  
 11          vidual who is eligible to make an election under  
 12          this section may change such election during an  
 13          annual, coordinated election period.

14          “(B) ANNUAL, COORDINATED ELECTION  
 15          PERIOD.—For purposes of this section, the  
 16          term ‘annual, coordinated election period’  
 17          means, with respect to 2017 and succeeding  
 18          years, the period beginning on October 15 and  
 19          ending on December 7 of the year before such  
 20          year.

21          “(4) SPECIAL ENROLLMENT PERIODS.—The  
 22          Secretary shall establish special enrollment periods  
 23          that are similar to the special enrollment periods es-  
 24          tablished under section 1851(e)(4).

25          “(5) SPECIAL RULE.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the process established under paragraph (1) shall include, in the case of a Total Health eligible individual who has failed to enroll in either the original medicare fee-for-service program option or a Total Health plan prior to the beginning of a plan year (including a full-benefit dual eligible individual (as defined in section 1935(c)(6))), for the enrollment in a Total Health plan with a monthly beneficiary premium under section 1860C–7(a) (taking into account any adjustment under subparagraph (B) or (C) of section 1860C–7(a)(2) and without regard to any adjustment under subparagraph (D) or (E) of such section) that does not exceed the base beneficiary premium computed under section 1860C–7(a)(1).

“(B) SELECTION OF PLAN BY THE SECRETARY.—In selecting a plan for the enrollment of a Total Health eligible individual under subparagraph (A), the Secretary shall first attempt to identify the Total Health plan in which the cost-sharing and health benefits are most similar to the coverage the individual had in the

preceding plan year. If there is more than one such plan available, the Secretary shall enroll such an individual on a random basis among all such plans in the Total Health region. Nothing in the previous sentence shall prevent such an individual from declining or changing such enrollment.

“(C) INDIVIDUALS WHO ARE NOT TOTAL HEALTH ELIGIBLE INDIVIDUALS.—The Secretary shall establish procedures under which individuals who are entitled to, or enrolled for, coverage under part A or enrolled for coverage under part B (but not both), may continue to receive benefits with deductible and coinsurance amounts comparable to the benefits, deductible, and coinsurance amounts they would have received if this subpart had not been enacted.

“(c) PROVIDING INFORMATION TO BENEFICIARIES.—

“(1) IN GENERAL.—The Secretary shall conduct activities that are designed to broadly disseminate information to Total Health eligible individuals (and prospective Total Health eligible individuals) regarding the coverage provided under this subpart. Such activities shall ensure that such information is

1 first made available at least 30 days prior to the ini-  
 2 tial enrollment period described in subsection  
 3 (b)(2)(A).

4 “(2) ACTIVITIES.—The activities conducted  
 5 under paragraph (1) shall be similar to the activities  
 6 described in paragraph (2) of section 1860D–1(c)  
 7 and contain comparative information similar to the  
 8 information described in paragraph (3) of such sec-  
 9 tion.

10 “TOTAL HEALTH PLAN BENEFITS

11 “SEC. 1860C–2. (a) REQUIREMENTS.—

12 “(1) QUALIFIED TOTAL HEALTH BENEFITS.—  
 13 Each Total Health plan shall provide to individuals  
 14 enrolled under this subpart, through providers and  
 15 other persons that meet the applicable requirements  
 16 of this title and part A of title XI, a qualified Total  
 17 Health benefits package and qualified prescription  
 18 drug coverage (described in section 1860D–2(a)).

19 “(2) DEFINITION OF QUALIFIED TOTAL  
 20 HEALTH BENEFITS PACKAGE.—For purposes of this  
 21 subpart, the term ‘qualified Total Health benefits  
 22 package’ means either of the following:

23 “(A) STANDARD HEALTH BENEFITS COV-  
 24 ERAGE WITH ACCESS TO NEGOTIATED  
 25 PRICES.—Standard health benefits coverage (as



defined in subsection (b)) and access to negotiated prices under subsection (d).

“(B) ALTERNATIVE TOTAL HEALTH BENEFITS COVERAGE WITH AT LEAST ACTUARIALLY EQUIVALENT BENEFITS AND ACCESS TO NEGOTIATED PRICES.—Coverage of health benefits which meets the alternative health benefits coverage requirements under subsection (c) and access to negotiated prices under subsection (d), but only if the benefit design of such coverage is approved by the Secretary, as provided under subsection (c).

“(3) PERMITTING SUPPLEMENTAL HEALTH BENEFITS COVERAGE.—

“(A) IN GENERAL.—Subject to subparagraph (B), a qualified Total Health benefits package may include supplemental health benefits coverage consisting of either or both of the following:

“(i) CERTAIN REDUCTIONS IN COST-SHARING.—

“(I) IN GENERAL.—A reduction in the annual deductible or a reduction in the coinsurance percentage, or any combination thereof, insofar as

1           such a reduction or increase increases  
 2           the actuarial value of benefits above  
 3           the actuarial value of a basic Total  
 4           Health benefits package.

5           “(II) CONSTRUCTION.—Nothing  
 6           in this clause shall be construed as af-  
 7           fecting the application of subsection  
 8           (c)(3).

9           “(ii) ADDITIONAL BENEFITS.—Cov-  
 10          erage of any health care item or service  
 11          that is not covered under the original  
 12          medicare fee-for-service program option or  
 13          that is eligible for coverage under part D,  
 14          subject to the approval of the Secretary.

15          “(B) REQUIREMENT FOR AT LEAST ONE  
 16          BASIC BENEFITS PLAN.—A Total Health spon-  
 17          sor may not offer a Total Health plan that pro-  
 18          vides supplemental health benefits coverage  
 19          pursuant to subparagraph (A) in an area unless  
 20          the sponsor also offers a Total Health plan in  
 21          the area that only provides a basic Total Health  
 22          benefits package.

23          “(4) BASIC TOTAL HEALTH BENEFITS PACK-  
 24          AGE.—For purposes of this subpart, the term ‘basic

1       Total Health benefits package’ means either of the  
2       following:

3               “(A) Coverage that meets the requirements  
4               of paragraph (2)(A).

5               “(B) Coverage that meets the requirements  
6               of paragraph (2)(B) but does not have any sup-  
7               plemental health benefits coverage described in  
8               paragraph (3)(A).

9               “(5) APPLICATION OF SECONDARY PAYER PRO-  
10       VISIONS.—The provisions of section 1852(a)(4) shall  
11       apply under this subpart in the same manner as  
12       such provisions applied to a Medicare Advantage  
13       plan.

14              “(6) CONSTRUCTION.—Nothing in this sub-  
15       section shall be construed as changing the computa-  
16       tion of incurred costs under subsection (b)(3).

17       “(b) STANDARD HEALTH BENEFITS COVERAGE.—  
18       For purposes of this subpart, the term ‘standard health  
19       benefits coverage’ means coverage of benefits under the  
20       original medicare fee-for-service program option (as de-  
21       fined in section 1852(a)(1)(B)), including the following re-  
22       quirements:

23              “(1) DEDUCTIBLE.—The coverage has an an-  
24       nual deductible that is equal to the amount of the  
25       unified deductible for the year under section 1899C.

1           “(2) 20 PERCENT COINSURANCE.—The cov-  
 2           erage has coinsurance (for costs above the annual  
 3           deductible specified in paragraph (1) and up to the  
 4           first threshold annual out-of-pocket limit specified in  
 5           paragraph (3)(B)(i)) that is—

6                   “(A) equal to 20 percent; or

7                   “(B) actuarially equivalent (using proc-  
 8                   esses and methods established by the Secretary)  
 9                   to an average expected payment of 20 percent  
 10                  of such costs.

11           “(3) PROTECTION AGAINST HIGH OUT-OF-POCK-  
 12           ET EXPENDITURES.—

13                   “(A) IN GENERAL.—The coverage provides  
 14                   benefits, after the Total Health eligible indi-  
 15                   vidual has incurred costs (as described in sub-  
 16                   paragraph (C)) for health benefits in a year  
 17                   equal to—

18                           “(i) the first threshold annual out-of-  
 19                           pocket limit specified in subparagraph  
 20                           (B)(i) for that year but less than the sec-  
 21                           ond threshold annual out-of-pocket limit  
 22                           specified in subparagraph (B)(ii) for that  
 23                           year, with coinsurance that is equal to 5  
 24                           percent; and

1 “(ii) the second threshold annual out-  
 2 of-pocket limit specified in subparagraph  
 3 (B)(ii) for that year, without coinsurance.

4 “(B) ANNUAL OUT-OF-POCKET LIMITS  
 5 SPECIFIED.—For purposes of this subpart:

6 “(i) FIRST THRESHOLD ANNUAL OUT-  
 7 OF-POCKET LIMIT SPECIFIED.—The ‘first  
 8 threshold annual out-of-pocket limit’ speci-  
 9 fied in this clause is equal to the first  
 10 threshold annual out-of-pocket limit for the  
 11 year specified in section 1899B(b)(1).

12 “(ii) SECOND THRESHOLD ANNUAL  
 13 OUT-OF-POCKET LIMIT SPECIFIED.—The  
 14 ‘second threshold annual out-of-pocket  
 15 limit’ specified in this clause is equal to the  
 16 second threshold annual out-of-pocket limit  
 17 for the year specified in section  
 18 1899B(b)(2).

19 “(C) APPLICATION.—In applying subpara-  
 20 graph (A), incurred costs shall only include  
 21 costs incurred with respect to health benefits  
 22 for the annual deductible described in para-  
 23 graph (1) and for cost-sharing described in  
 24 paragraph (2) or paragraph (3)(A)(i), or for  
 25 benefits that would have otherwise been covered

1 under the plan but for the exhaustion of those  
 2 benefits. Incurred costs do not include any costs  
 3 incurred for health benefits which are not in-  
 4 cluded (or treated as being included) under the  
 5 plan.

6 “(c) ALTERNATIVE TOTAL HEALTH BENEFITS COV-  
 7 ERAGE REQUIREMENTS.—A Total Health plan may pro-  
 8 vide a different benefit design from standard health bene-  
 9 fits coverage so long as the Secretary determines that the  
 10 following requirements are met and the plan applies for,  
 11 and receives, the approval of the Secretary for such benefit  
 12 design:

13 “(1) ASSURING AT LEAST ACTUARIALLY EQUIV-  
 14 ALENT COVERAGE.—

15 “(A) ASSURING EQUIVALENT VALUE OF  
 16 TOTAL COVERAGE.—The actuarial value of the  
 17 total coverage is at least equal to the actuarial  
 18 value of standard health benefits coverage.

19 “(B) ASSURING EQUIVALENT UNSUB-  
 20 SIDIZED VALUE OF COVERAGE.—The unsub-  
 21 sidized value of the coverage is at least equal to  
 22 the unsubsidized value of standard health bene-  
 23 fits coverage. For purposes of this subpara-  
 24 graph, the unsubsidized value of coverage is the  
 25 amount by which the actuarial value of the cov-

1           erage exceeds the subsidy payments with re-  
2           spect to such coverage.

3                   “(C) ASSURING STANDARD PAYMENT FOR  
4           COSTS BELOW FIRST THRESHOLD ANNUAL OUT-  
5           OF-POCKET LIMIT.—The coverage is designed,  
6           based upon an actuarially representative pat-  
7           tern of utilization, to provide for the payment,  
8           with respect to costs incurred up to the first  
9           threshold annual out-of-pocket limit specified in  
10          subsection (b)(3)(B)(i), of an amount equal to  
11          at least the product of—

12                   “(i) the amount by which the costs in-  
13           curred exceed the deductible described in  
14           subsection (b)(1) for the year; and

15                   “(ii) 100 percent minus the coinsur-  
16           ance percentage specified in subsection  
17           (b)(2).

18                   “(2) APPROVAL OF BENEFIT PACKAGE.—The  
19           benefit package is approved by the Secretary as con-  
20           taining a comparable range of benefits to standard  
21           health benefits coverage and meets such other re-  
22           quirements of this subpart as the Secretary may  
23           specify.

24                   “(3) MAXIMUM REQUIRED DEDUCTIBLE.—The  
25           deductible under the coverage shall not exceed the

1 deductible amount specified under subsection (b)(1)  
 2 for the year.

3 “(4) SAME PROTECTION AGAINST HIGH OUT-OF-  
 4 POCKET EXPENDITURES.—The coverage provides the  
 5 coverage required under subsection (b)(3).

6 “(d) ACCESS TO NEGOTIATED PRICES.—

7 “(1) ACCESS.—

8 “(A) IN GENERAL.—Under a qualified  
 9 Total Health benefits package offered by a  
 10 Total Health sponsor offering a Total Health  
 11 plan, the sponsor shall provide enrollees with  
 12 access to negotiated prices used for payment for  
 13 covered health benefits, regardless of the fact  
 14 that no benefits may be payable under the cov-  
 15 erage with respect to such benefits because of  
 16 the application of a deductible or other cost-  
 17 sharing.

18 “(B) NEGOTIATED PRICES.—For purposes  
 19 of this subpart, negotiated prices shall take into  
 20 account negotiated price concessions, such as  
 21 discounts, direct or indirect subsidies, rebates,  
 22 and direct or indirect remunerations, for cov-  
 23 ered health benefits.

24 “(2) AUDITS.—To protect against fraud and  
 25 abuse and to ensure proper disclosures and account-



1       ing under this part and in accordance with section  
 2       1857(d)(2)(B), the Secretary may conduct periodic  
 3       audits, directly or through contracts, of the financial  
 4       statements and records of Total Health sponsors  
 5       with respect to Total Health Plans.

6           “(3) APPLICATION OF GENERAL EXCLUSION  
 7       PROVISIONS.—

8           “(A) IN GENERAL.—A Total Health plan  
 9       may exclude from a qualified Total Health ben-  
 10      efits package any health care item or service—

11           “(i) for which payment would not be  
 12      made if section 1862(a) applied to this  
 13      subpart; or

14           “(ii) which is not prescribed in ac-  
 15      cordance with the Total Health plan or  
 16      this subpart.

17           “(B) RECONSIDERATION AND APPEAL.—  
 18      Any exclusion under subparagraph (A) is a de-  
 19      termination subject to reconsideration and ap-  
 20      peal under this subpart.

21           “(e) SATISFACTION OF REQUIREMENTS.—A Total  
 22      Health plan satisfies the requirements of subsection (a)  
 23      in the same way a Medicare Advantage plan satisfied the  
 24      requirements of section 1852(a)(2).

1 “ACCESS TO A CHOICE OF QUALIFIED TOTAL HEALTH  
2 BENEFITS PLANS

3 “SEC. 1860C–3. (a) ASSURING ACCESS TO A CHOICE  
4 OF PLANS.—

5 “(1) CHOICE OF AT LEAST TWO PLANS IN EACH  
6 AREA.—The Secretary shall ensure that each Total  
7 Health eligible individual has available, consistent  
8 with paragraph (2), a choice of enrollment in at  
9 least 2 Total Health plans in the area in which the  
10 individual resides.

11 “(2) REQUIREMENT FOR DIFFERENT PLAN  
12 SPONSORS.—The requirement in paragraph (1) is  
13 not satisfied with respect to an area if only one enti-  
14 ty offers all of the qualifying plans in the area.

15 “(b) FLEXIBILITY IN RISK ASSUMED.—In order to  
16 ensure access pursuant to subsection (a) in an area the  
17 Secretary may approve limited risk plans under section  
18 1860C–5(g) for the area.

19 “BENEFICIARY PROTECTIONS FOR TOTAL HEALTH PLAN  
20 ENROLLEES

21 “SEC. 1860C–4. (a) DISSEMINATION OF INFORMA-  
22 TION.—

23 “(1) GENERAL INFORMATION.—A Total Health  
24 sponsor shall disclose, in a clear, accurate, and  
25 standardized form to each enrollee with a Total  
26 Health plan offered by the sponsor under this sub-

1 part at the time of enrollment and at least annually  
 2 thereafter, the information described in section  
 3 1852(c)(1) relating to such plan, insofar as the Sec-  
 4 retary determines appropriate with respect to bene-  
 5 fits provided under this subpart, and including the  
 6 information described in section 1860D-4 relating to  
 7 qualified prescription drug coverage under the plan.

8 “(2) DISCLOSURE UPON REQUEST OF GENERAL  
 9 COVERAGE, UTILIZATION, AND GRIEVANCE INFORMA-  
 10 TION.—Upon request of a Total Health eligible indi-  
 11 vidual who is eligible to enroll in a Total Health  
 12 plan, the Total Health sponsor offering such plan  
 13 shall provide information similar (as determined by  
 14 the Secretary) to the information described in sec-  
 15 tion 1852(c)(2) to such individual.

16 “(3) PROVISION OF SPECIFIC INFORMATION.—  
 17 Each Total Health sponsor offering a Total Health  
 18 plan shall have a mechanism for providing specific  
 19 information on a timely basis to enrollees upon re-  
 20 quest. Such mechanism shall include access to infor-  
 21 mation through the use of a toll-free telephone num-  
 22 ber and, upon request, the provision of such infor-  
 23 mation in writing.

24 “(4) CLAIMS INFORMATION.—

1           “(A) IN GENERAL.—A Total Health spon-  
 2           sor offering a Total Health plan must furnish  
 3           to each enrollee in a form easily understandable  
 4           to such enrollees—

5                   “(i) an explanation of benefits (in ac-  
 6                   cordance with section 1806(a) or in a com-  
 7                   parable manner); and

8                   “(ii) when Total Health benefits are  
 9                   provided under this subpart, a notice of  
 10                  the benefits in relation to—

11                   “(I) the deductible described in  
 12                   paragraph (1) of section 1860C–2(b)  
 13                   for the current year; and

14                   “(II) the annual out-of-pocket  
 15                   limits under paragraph (3) of such  
 16                   section for the current year.

17           “(B) TIMING OF NOTICES.—Notices under  
 18           subparagraph (A)(ii) need not be provided more  
 19           often than as specified by the Secretary.

20           “(b) ACCESS TO HEALTH CARE PROVIDERS.—

21                   “(1) ASSURING PROVIDER ACCESS.—

22                   “(A) DISCOUNTS ALLOWED FOR NETWORK  
 23                   PROVIDERS.—For health benefits furnished  
 24                   through in-network providers, a Total Health  
 25                   plan may reduce coinsurance or copayments for

1 Total Health eligible individuals enrolled in the  
 2 plan below the level otherwise required. In no  
 3 case shall such a reduction result in an increase  
 4 in payments made by the Secretary under sec-  
 5 tion 1860C–8 to the Total Health sponsor of  
 6 the plan.

7 “(B) CONVENIENT ACCESS FOR NETWORK  
 8 PROVIDERS.—

9 “(i) IN GENERAL.—The Total Health  
 10 sponsor of the Total Health plan shall se-  
 11 cure the participation in its network of a  
 12 sufficient number of health care providers  
 13 that furnish health care items and services  
 14 under the plan directly to patients to en-  
 15 sure convenient access (consistent with  
 16 rules established by the Secretary).

17 “(ii) ADEQUATE EMERGENCY AC-  
 18 CESS.—Such rules shall include adequate  
 19 emergency access for enrollees.

20 “(C) LEVEL PLAYING FIELD.—Such a  
 21 sponsor shall permit enrollees to receive benefits  
 22 through any health care provider participating  
 23 in the program under this title with any dif-  
 24 ferential in charge paid by such enrollees.

25 “(2) USE OF STANDARDIZED TECHNOLOGY.—

1           “(A) IN GENERAL.—The Total Health  
 2 sponsor of a Total Health plan shall issue (and  
 3 reissue, as appropriate) such a card (or other  
 4 technology) that may be used by an enrollee to  
 5 assure access to health benefits under this sub-  
 6 part.

7           “(B) STANDARDS.—

8           “(i) IN GENERAL.—The Secretary  
 9 shall provide for the development, adop-  
 10 tion, or recognition of standards relating to  
 11 a standardized format for the card or  
 12 other technology required under subpara-  
 13 graph (A). Such standards shall be com-  
 14 patible with part C of title XI and may be  
 15 based on standards developed by an appro-  
 16 priate standard setting organization.

17           “(ii) CONSULTATION.—In developing  
 18 the standards under clause (i), the Sec-  
 19 retary shall consult with standard setting  
 20 organizations determined appropriate by  
 21 the Secretary.

22           “(iii) IMPLEMENTATION.—The Sec-  
 23 retary shall develop, adopt, or recognize  
 24 the standards under clause (i) by such date  
 25 as the Secretary determines shall be suffi-

1                   cient to ensure that Total Health sponsors  
 2                   utilize such standards beginning January  
 3                   1, 2017.

4           “(c) COST AND UTILIZATION MANAGEMENT; QUAL-  
 5   ITY ASSURANCE; WELLNESS PROGRAM.—

6                   “(1) IN GENERAL.—The Total Health sponsor  
 7           shall have in place, directly or through appropriate  
 8           arrangements, the following:

9                   “(A) A cost-effective health benefits man-  
 10           agement program, including incentives to re-  
 11           duce costs when medically appropriate.

12                   “(B) Quality assurance measures and sys-  
 13           tems to reduce errors and improve the use of  
 14           health benefits.

15                   “(C) A wellness program described in  
 16           paragraph (2).

17                   “(D) A program to control fraud, abuse,  
 18           and waste.

19           Nothing in this section shall be construed as impair-  
 20           ing a Total Health sponsor from utilizing cost man-  
 21           agement tools (including differential payments)  
 22           under all methods of operation.

23                   “(2) WELLNESS PROGRAM.—

24                   “(A) DESCRIPTION.—A wellness program  
 25           described in this paragraph is a program fo-

1           cused on health improvement, disease preven-  
2           tion, and management of chronic conditions for  
3           Total Health eligible individuals enrolled in a  
4           plan under this part to optimize health out-  
5           comes through improved use of health care  
6           items and services and to reduce the risk of ad-  
7           verse events.

8           “(B) ELEMENTS.—Such program may in-  
9           clude elements that promote—

10           “(i) enhanced enrollee understanding  
11           to promote the appropriate use of health  
12           care items and services by enrollees and to  
13           reduce the risk of potential adverse events  
14           and to improve health outcomes through  
15           beneficiary education, counseling, and  
16           other appropriate means;

17           “(ii) increased enrollee adherence with  
18           recommended regimens through compliance  
19           programs and other appropriate means;  
20           and

21           “(iii) detection of adverse events and  
22           patterns of overuse and underuse of health  
23           care items and services.

24           “(C) ASSESSMENT.—The Total Health  
25           sponsor shall have in place a process to assess,



1 at least on a quarterly basis, the health benefits  
 2 use of individuals who are not enrolled in the  
 3 wellness program.

4 “(D) WELLNESS PROGRAM ENROLL-  
 5 MENT.—The Total Health sponsor shall have in  
 6 place a process to—

7 “(i) subject to clause (ii), automati-  
 8 cally enroll plan enrollees in the wellness  
 9 program required under this subsection;  
 10 and

11 “(ii) permit plan enrolles to opt-out of  
 12 enrollment in the wellness program.

13 “(E) DEVELOPMENT OF PROGRAM IN CO-  
 14 OPERATION WITH PHYSICIANS.—Such program  
 15 shall be developed in cooperation with physi-  
 16 cians.

17 “(F) COORDINATION WITH CARE MANAGE-  
 18 MENT PLANS.—The Secretary shall establish  
 19 guidelines for the coordination of any wellness  
 20 program under this paragraph with respect to  
 21 a targeted beneficiary described in section  
 22 1860D–4(c)(2)(A)(i) (applied by substituting  
 23 ‘Total Health eligible individual’ for ‘part D eli-  
 24 gible individual’) with any care management  
 25 plan established with respect to such beneficiary

1 under a chronic care improvement program  
 2 under section 1807.

3 “(G) CONSIDERATIONS IN PROVIDER  
 4 FEES.—The Total Health sponsor of a Total  
 5 Health plan shall take into account, in estab-  
 6 lishing fees for entities providing services under  
 7 such plan, the resources used, and time re-  
 8 quired to, implement the wellness program  
 9 under this paragraph. Each such sponsor shall  
 10 disclose to the Secretary upon request the  
 11 amount of any such fees.

12 “(d) CONSUMER SATISFACTION SURVEYS.—In order  
 13 to provide for comparative information under section  
 14 1860C–1(c), the Secretary shall conduct consumer satis-  
 15 faction surveys with respect to Total Health sponsors and  
 16 Total Health plans in a manner similar to the manner  
 17 such surveys were conducted for MA organizations and  
 18 MA plans under subpart 1.

19 “(e) GRIEVANCE MECHANISM.—Each Total Health  
 20 sponsor shall provide meaningful procedures for hearing  
 21 and resolving grievances between the sponsor (including  
 22 any entity or individual through which the sponsor pro-  
 23 vides covered benefits) and enrollees with Total Health  
 24 plans of the sponsor under this part in accordance with  
 25 section 1852(f).

1       “(f) COVERAGE DETERMINATIONS AND RECONSID-  
 2 ERATIONS.—A Total Health sponsor shall meet the re-  
 3 quirements of paragraphs (1) through (3) of section  
 4 1852(g) with respect to covered benefits under the Total  
 5 Health plan offered by the sponsor under this subpart in  
 6 the same manner as such requirements applied to an MA  
 7 organization with respect to covered benefits under an MA  
 8 plan offered by the organization under subpart 1.

9       “(g) APPEALS.—A Total Health sponsor shall meet  
 10 the requirements of paragraphs (4) and (5) of section  
 11 1852(g) with respect to benefits in a manner similar (as  
 12 determined by the Secretary) to the manner such require-  
 13 ments applied to an MA organization with respect to bene-  
 14 fits under the original medicare fee-for-service program  
 15 option under an MA plan. In applying this subsection, only  
 16 the Total Health eligible individual shall be entitled to  
 17 bring such an appeal.

18       “(h) PRIVACY, CONFIDENTIALITY, AND ACCURACY  
 19 OF ENROLLEE RECORDS.—The provisions of section  
 20 1852(h) shall apply to a Total Health sponsor and Total  
 21 Health plan in the same manner as such provisions ap-  
 22 plied to an MA organization and an MA plan.

23       “(i) TREATMENT OF ACCREDITATION.—Subpara-  
 24 graph (A) of section 1852(e)(4) (relating to treatment of  
 25 accreditation) shall apply to a Total Health sponsor under

1 this part in the same manner as such subparagraph ap-  
 2 plied to an MA organization.

3 “(j) REQUIREMENTS WITH RESPECT TO SALES AND  
 4 MARKETING ACTIVITIES.—The following provisions shall  
 5 apply to a Total Health sponsor (and the agents, brokers,  
 6 and other third parties representing such sponsor) in the  
 7 same manner as such provisions applied to a Medicare Ad-  
 8 vantage organization (and the agents, brokers, and other  
 9 third parties representing such organization):

10 “(1) The prohibition under section  
 11 1851(h)(4)(C) on conducting activities described in  
 12 section 1851(j)(1).

13 “(2) The requirement under section  
 14 1851(h)(4)(D) to conduct activities described in  
 15 paragraph (2) of section 1851(j) in accordance with  
 16 the limitations established under such section.

17 “(3) The inclusion of the plan type in the plan  
 18 name under section 1851(h)(6).

19 “(4) The requirements regarding the appoint-  
 20 ment of agents and brokers and compliance with  
 21 State information requests under subparagraphs (A)  
 22 and (B), respectively, of section 1851(h)(7).

23 “TOTAL HEALTH REGIONS; SUBMISSION OF BIDS; TOTAL  
 24 HEALTH PLAN APPROVAL

25 “SEC. 1860C–5. (a) ESTABLISHMENT OF TOTAL  
 26 HEALTH REGIONS; SERVICE AREAS.—

1           “(1) COVERAGE OF ENTIRE TOTAL HEALTH RE-  
2       GION.—

3           “(A) IN GENERAL.—The service area for a  
4       Total Health plan shall consist of an entire  
5       Total Health region established under para-  
6       graph (2).

7           “(B) NO USE OF SEGMENTS OF SERVICE  
8       AREAS.—In no case may a Total Health plan  
9       serve only segments of the service area.

10          “(2) ESTABLISHMENT OF TOTAL HEALTH RE-  
11       GIONS.—

12          “(A) IN GENERAL.—The Secretary shall  
13       establish, and may revise, Total Health regions  
14       in accordance with the requirements of this  
15       paragraph.

16          “(B) REGIONS TO BE LARGER THAN A SIN-  
17       GLE COUNTY.—Total Health regions shall in-  
18       clude more than one county.

19          “(C) REGIONS WITHIN MSAS.—Among  
20       counties in a metropolitan statistical area, a  
21       Total Health region shall include all of the  
22       counties located in the same State in that met-  
23       ropolitan statistical area.

24          “(D) REGIONS OUTSIDE MSAS.—Among  
25       counties outside a metropolitan statistical area,

1           a Total Health region shall include all of the  
 2           counties in the same State that the Secretary  
 3           determines are accurate reflections of health  
 4           care market areas, such as health service areas.

5           “(E) AUTHORITY FOR TERRITORIES.—The  
 6           Secretary shall establish, and may revise, Total  
 7           Health regions for areas in States that are not  
 8           within the 50 States or the District of Colum-  
 9           bia.

10          “(3) NATIONAL PLAN.—Nothing in this sub-  
 11          section shall be construed as preventing a Total  
 12          Health plan from being offered in more than one  
 13          Total Health region (including all Total Health re-  
 14          gions).

15          “(b) SUBMISSION OF BIDS, PREMIUMS, AND RE-  
 16          LATED INFORMATION.—

17          “(1) IN GENERAL.—A Total Health sponsor  
 18          shall submit to the Secretary information described  
 19          in paragraph (2) with respect to each Total Health  
 20          plan it offers. Such information shall be submitted  
 21          at the same time and in a similar manner to the  
 22          manner in which information described in paragraph  
 23          (6) of section 1854(a) was submitted by an MA or-  
 24          ganization under paragraph (1) of such section.

1           “(2) INFORMATION DESCRIBED.—The informa-  
2           tion described in this paragraph is information on  
3           the following:

4                   “(A) BENEFITS PACKAGE PROVIDED.—The  
5                   qualified Total Health benefits package pro-  
6                   vided under the plan, including the deductible  
7                   and other cost-sharing.

8                   “(B) ACTUARIAL VALUE.—The actuarial  
9                   value of the qualified Total Health benefits  
10                  package in the Total Health region for a Total  
11                  Health eligible individual with a national aver-  
12                  age risk profile for the factors described in sec-  
13                  tion 1860C–8(b)(1)(A) (as specified by the Sec-  
14                  retary).

15                  “(C) BID.—Information on the bid, includ-  
16                  ing an actuarial certification of—

17                          “(i) the basis for the actuarial value  
18                          described in subparagraph (B) assumed in  
19                          such bid;

20                          “(ii) the portion of such bid attrib-  
21                          utable to a basic Total Health benefits  
22                          package and, if applicable, the portion of  
23                          such bid attributable to supplemental bene-  
24                          fits; and

1 “(iii) administrative expenses assumed  
2 in the bid.

3 “(D) SERVICE AREA.—The service area for  
4 the plan (as described in subsection (a)(1)).

5 “(E) LEVEL OF RISK ASSUMED.—Whether  
6 the Total Health sponsor requires a modifica-  
7 tion of risk level and, if so, the extent of such  
8 modification. Any such modification shall apply  
9 with respect to all Total Health plans offered  
10 by a Total Health sponsor in a Total Health re-  
11 gion.

12 “(F) ADDITIONAL INFORMATION.—Such  
13 other information as the Secretary may require  
14 to carry out this subpart.

15 “(3) PAPERWORK REDUCTION FOR OFFERING  
16 OF TOTAL HEALTH PLANS NATIONALLY OR IN  
17 MULTI-REGION AREAS.—The Secretary shall estab-  
18 lish requirements for the submission of information  
19 under this subsection in a manner that promotes the  
20 offering of such plans in more than one Total  
21 Health region (including all regions) through the fil-  
22 ing of consolidated information.

23 “(c) MEDICARE FEE-FOR-SERVICE BID.—For pur-  
24 poses of this subpart, the bid for benefits under the origi-  
25 nal medicare fee-for-service program option (as defined in



1 section 1852(a)(1)(B)) is the dollar amount of the actu-  
 2 arial valuation of the benefits under that option for each  
 3 Total Health region (as determined and submitted by the  
 4 Chief Actuary of the Centers for Medicare & Medicaid  
 5 Services using the same processes used to value Total  
 6 Health plans under subsection (d)).

7 “(d) ACTUARIAL VALUATION.—

8 “(1) PROCESSES.—For purposes of this sub-  
 9 part, the Secretary shall establish processes and  
 10 methods for determining the actuarial valuation of a  
 11 Total Health benefits package, including—

12 “(A) an actuarial valuation of the benefits  
 13 under the original medicare fee-for-service pro-  
 14 gram option (as defined in section  
 15 1852(a)(1)(B)) in each service area;

16 “(B) actuarial valuations relating to the  
 17 qualified Total Health benefits package under  
 18 section 1860C–2(a)(1);

19 “(C) the use of generally accepted actu-  
 20 arial principles and methodologies; and

21 “(D) applying the same methodology for  
 22 determinations of actuarial valuations under  
 23 subparagraphs (A) and (B).

24 “(2) ACCOUNTING FOR UTILIZATION.—Such  
 25 processes and methods for determining actuarial

1 valuation shall take into account the effect that pro-  
 2 viding a qualified Total Health benefits package  
 3 (rather than benefits under the original medicare  
 4 fee-for-service program option) has on the utilization  
 5 of health care items and services.

6 “(3) RESPONSIBILITIES.—

7 “(A) PLAN RESPONSIBILITIES.—Total  
 8 Health sponsors are responsible for the prepa-  
 9 ration and submission of actuarial valuations  
 10 required under this subpart for the Total  
 11 Health plans offered by the sponsor.

12 “(B) USE OF OUTSIDE ACTUARIES.—

13 Under the processes and methods established  
 14 under paragraph (1), Total Health sponsors of-  
 15 fering a Total Health benefits package may use  
 16 actuarial opinions certified by independent,  
 17 qualified actuaries to establish actuarial values.

18 “(e) REVIEW OF INFORMATION AND NEGOTIA-  
 19 TION.—

20 “(1) REVIEW OF INFORMATION.—The Secretary  
 21 shall review the information submitted under sub-  
 22 section (b) for the purpose of conducting negotia-  
 23 tions under paragraph (2).

24 “(2) NEGOTIATION REGARDING TERMS AND  
 25 CONDITIONS.—Subject to subsection (i), in exer-

1 cising the authority under paragraph (1), the Sec-  
 2 retary—

3 “(A) has the authority to negotiate the  
 4 terms and conditions of the proposed bid sub-  
 5 mitted and other terms and conditions of a pro-  
 6 posed plan; and

7 “(B) has authority similar to the authority  
 8 of the Director of the Office of Personnel Man-  
 9 agement with respect to health benefits plans  
 10 under chapter 89 of title 5, United States Code.

11 “(3) REJECTION OF BIDS.—Paragraph (5)(C)  
 12 of section 1854(a) shall apply with respect to bids  
 13 submitted by a Total Health sponsor under sub-  
 14 section (b) in the same manner as such paragraph  
 15 applied to bids submitted by an MA organization  
 16 under such section 1854(a).

17 “(f) APPROVAL OF PROPOSED PLANS.—

18 “(1) IN GENERAL.—After review and negotia-  
 19 tion under subsection (e), the Secretary shall ap-  
 20 prove or disapprove the Total Health plan.

21 “(2) REQUIREMENTS FOR APPROVAL.—The  
 22 Secretary may approve a Total Health plan only if  
 23 the Secretary determines the following requirements  
 24 are met:

1           “(A) COMPLIANCE WITH REQUIRE-  
 2           MENTS.—The plan and the Total Health spon-  
 3           sor offering the plan comply with the require-  
 4           ments under this subpart, including the provi-  
 5           sion of a qualified Total Health benefits pack-  
 6           age.

7           “(B) ACTUARIAL DETERMINATIONS.—The  
 8           plan and Total Health sponsor offering the plan  
 9           meet the requirements under this subpart relat-  
 10          ing to actuarial determinations, including such  
 11          requirements under section 1860C–2(c).

12          “(C) APPLICATION OF FEHBP STAND-  
 13          ARD.—

14               “(i) IN GENERAL.—The portion of the  
 15               bid submitted under subsection (b) that is  
 16               attributable to basic health benefits cov-  
 17               erage is supported by the actuarial bases  
 18               provided under such subsection and rea-  
 19               sonably and equitably reflects the revenue  
 20               requirements (as used for purposes of sec-  
 21               tion 1302(8)(C) of the Public Health Serv-  
 22               ice Act) for benefits provided under that  
 23               plan.

24               “(ii) SUPPLEMENTAL COVERAGE.—  
 25               The portion of the bid submitted under

1 subsection (b) that is attributable to sup-  
 2 plemental health benefits coverage pursu-  
 3 ant to section 1860C–2(a)(3) is supported  
 4 by the actuarial bases provided under such  
 5 subsection and reasonably and equitably  
 6 reflects the revenue requirements (as used  
 7 for purposes of section 1302(8)(C) of the  
 8 Public Health Service Act) for such cov-  
 9 erage under the plan.

10 “(D) PLAN DESIGN.—The design of the  
 11 plan and covered benefits under the plan are  
 12 not likely to substantially discourage enrollment  
 13 by certain Total Health eligible individuals in  
 14 the plan.

15 “(g) APPLICATION OF LIMITED RISK PLANS.—

16 “(1) CONDITIONS FOR APPROVAL OF LIMITED  
 17 RISK PLANS.—The Secretary may only approve a  
 18 limited risk plan (as defined in paragraph (4)(A))  
 19 for a Total Health region if the access requirements  
 20 under section 1860C–3(a) would not be met for the  
 21 region but for the approval of such a plan.

22 “(2) RULES.—The following rules shall apply  
 23 with respect to the approval of a limited risk plan  
 24 in a Total Health region:

1           “(A) LIMITED EXERCISE OF AUTHOR-  
 2           ITY.—Only the minimum number of such plans  
 3           may be approved in order to meet the access re-  
 4           quirements under section 1860C–3(a).

5           “(B) MAXIMIZING ASSUMPTION OF RISK.—  
 6           The Secretary shall provide priority in approval  
 7           for those plans bearing the highest level of risk  
 8           (as computed by the Secretary), but the Sec-  
 9           retary may take into account the level of the  
 10          bids submitted by such plans.

11          “(C) NO FULL UNDERWRITING FOR LIM-  
 12          ITED RISK PLANS.—In no case may the Sec-  
 13          retary approve a limited risk plan under which  
 14          the modification of risk level provides for no (or  
 15          a de minimis) level of financial risk.

16          “(3) ACCEPTANCE OF ALL FULL RISK CON-  
 17          TRACTS.—There shall be no limit on the number of  
 18          full risk plans that are approved under subsection  
 19          (e).

20          “(4) RISK-PLANS DEFINED.—For purposes of  
 21          this subsection:

22               “(A) LIMITED RISK PLAN.—The term ‘lim-  
 23               ited risk plan’ means a Total Health plan that  
 24               provides a basic Total Health benefits package  
 25               and for which the Total Health sponsor in-

1           cludes a modification of risk level described in  
 2           subparagraph (E) of subsection (b)(2) in the  
 3           bid submitted for the plan under such sub-  
 4           section.

5           “(B) FULL RISK PLAN.—The term ‘full  
 6           risk plan’ means a Total Health plan that is  
 7           not a limited risk plan.

8           “(h) ANNUAL REPORT ON USE OF LIMITED RISK  
 9           PLANS.—The Secretary shall submit to Congress an an-  
 10          nual report that describes instances in which limited risk  
 11          plans were approved under this section. The Secretary  
 12          shall include in such report such recommendations as may  
 13          be appropriate to limit the need for the provision of such  
 14          plans and to maximize the assumption of financial risk  
 15          under such subsection.

16          “(i) NONINTERFERENCE.—In order to promote com-  
 17          petition under this part and in carrying out this part, the  
 18          Secretary—

19               “(1) may not interfere with the negotiations be-  
 20               tween physicians or other health professionals, pro-  
 21               viders, suppliers, drug manufacturers, pharmacies,  
 22               and Total Health sponsors; and

23               “(2) may not require a particular benefit design  
 24               or formulary, or institute a price structure for the  
 25               reimbursement of covered items and services.

1       “REQUIREMENTS FOR AND CONTRACTS WITH TOTAL  
2                                   HEALTH SPONSORS

3       “SEC. 1860C-6. (a) GENERAL REQUIREMENTS.—

4 Each sponsor of a Total Health plan shall meet the fol-  
5 lowing requirements:

6               “(1) LICENSURE.—Subject to subsection (c),  
7 the sponsor is organized and licensed under State  
8 law as a risk-bearing entity eligible to offer health  
9 insurance or health benefits coverage in each State  
10 in which it offers a Total Health plan.

11              “(2) ASSUMPTION OF FINANCIAL RISK FOR UN-  
12 SUBSIDIZED COVERAGE.—

13              “(A) IN GENERAL.—Subject to subpara-  
14 graph (B), to the extent that the entity is at  
15 risk the entity assumes financial risk on a pro-  
16 spective basis for benefits that it offers under  
17 a Total Health plan.

18              “(B) REINSURANCE PERMITTED.—The  
19 plan sponsor may obtain insurance or make  
20 other arrangements for the cost of coverage  
21 provided to any enrollee to the extent that the  
22 sponsor is at risk for providing such coverage.

23              “(3) SOLVENCY FOR UNLICENSED SPONSORS.—

24 In the case of a Total Health sponsor that is not de-  
25 scribed in paragraph (1) and for which a waiver has



1       been approved under subsection (c), such sponsor  
2       shall meet solvency standards established by the Sec-  
3       retary under subsection (d).

4       “(b) CONTRACT REQUIREMENTS.—

5               “(1) IN GENERAL.—The Secretary shall not  
6       permit the enrollment under section 1860C–1 in a  
7       Total Health plan offered by a Total Health sponsor  
8       under this subpart, and the sponsor shall not be eli-  
9       gible for payments under section 1860C–8, unless  
10      the Secretary has entered into a contract under this  
11      subsection with the sponsor with respect to the of-  
12      fering of such plan. Such a contract with a sponsor  
13      may cover more than one Total Health plan. Such  
14      contract shall provide that the sponsor agrees to  
15      comply with the applicable requirements and stand-  
16      ards of this subpart and the terms and conditions of  
17      payment as provided for in this subpart.

18              “(2) INCORPORATION OF CERTAIN MEDICARE  
19      ADVANTAGE CONTRACT REQUIREMENTS.—Except as  
20      otherwise provided, the following provisions of sec-  
21      tion 1857 shall apply to contracts under this section  
22      in the same manner as such provisions applied to  
23      contracts under section 1857(a):

1           “(A) MINIMUM ENROLLMENT.—Para-  
 2           graphs (1) and (3) of section 1857(b), except  
 3           that—

4                   “(i) the Secretary may increase the  
 5                   minimum number of enrollees required  
 6                   under such paragraph (1) as the Secretary  
 7                   determines appropriate; and

8                   “(ii) the requirement of such para-  
 9                   graph (1) shall be waived during the first  
 10                  contract year with respect to an organiza-  
 11                  tion in a region.

12           “(B) CONTRACT PERIOD AND EFFECTIVE-  
 13           NESS.—Section 1857(c), except that in applying  
 14           paragraph (4)(B) of such section any reference  
 15           to payment amounts under section 1853 is  
 16           deemed a reference to payment amounts under  
 17           section 1860C–8.

18           “(C) PROTECTIONS AGAINST FRAUD AND  
 19           BENEFICIARY PROTECTIONS.—Section 1857(d).

20           “(D) ADDITIONAL CONTRACT TERMS.—  
 21           Section 1857(e); except that section 1857(e)(2)  
 22           shall apply as specified to Total Health spon-  
 23           sors and payments to a Total Health plan  
 24           under this subpart shall be treated as expendi-  
 25           tures made under this subpart. Notwith-

standing any other provision of law, information provided to the Secretary under the application of section 1857(e)(1) to contracts under this section under the preceding sentence—

“(i) may be used for the purposes of carrying out this subpart, improving public health through research on the utilization, safety, effectiveness, quality, and efficiency of health care services (as the Secretary determines appropriate); and

“(ii) shall be made available to Congressional support agencies (in accordance with their obligations to support Congress as set out in their authorizing statutes) for the purposes of conducting Congressional oversight, monitoring, making recommendations, and analysis of the program under this title.

“(E) INTERMEDIATE SANCTIONS.—Section 1857(g) (other than paragraph (1)(F) of such section), except that in applying such section the reference in section 1857(g)(1)(B) to section 1854 is deemed a reference to this subpart.

“(F) PROCEDURES FOR TERMINATION.—Section 1857(h).

1       “(c) WAIVER OF CERTAIN REQUIREMENTS TO EX-  
2 PAND CHOICE.—

3               “(1) AUTHORIZING WAIVER.—

4                       “(A) IN GENERAL.—In the case of an enti-  
5 ty that seeks to offer a Total Health plan in a  
6 State, the Secretary shall waive the requirement  
7 of subsection (a)(1) that the entity be licensed  
8 in that State if the Secretary determines, based  
9 on the application and other evidence presented  
10 to the Secretary, that any of the grounds for  
11 approval of the application described in para-  
12 graph (2) have been met.

13                      “(B) APPLICATION OF REGIONAL PLAN  
14 WAIVER RULE.—In addition to the waiver avail-  
15 able under subparagraph (A), the provisions of  
16 section 1858(d) shall apply to Total Health  
17 sponsors under this part in a manner similar to  
18 the manner in which such provisions applied to  
19 MA organizations.

20               “(2) GROUNDS FOR APPROVAL.—

21                      “(A) IN GENERAL.—The grounds for ap-  
22 proval under this paragraph are—

23                               “(i) subject to subparagraph (B), the  
24 grounds for approval described in subpara-

1           graphs (B), (C), and (D) of section  
2           1855(a)(2); and

3           “(ii) the application by a State of any  
4           grounds other than those required under  
5           Federal law.

6           “(B) SPECIAL RULES.—In applying sub-  
7           paragraph (A)(i)—

8           “(i) the ground of approval described  
9           in section 1855(a)(2)(B) is deemed to have  
10          been met if the State does not have a li-  
11          censing process in effect with respect to  
12          the Total Health sponsor; and

13          “(ii) for plan years beginning before  
14          January 1, 2019, if the State does have  
15          such a licensing process in effect, such  
16          ground for approval described in such sec-  
17          tion is deemed to have been met upon sub-  
18          mission of an application described in such  
19          section.

20          “(3) APPLICATION OF WAIVER PROCEDURES.—  
21          With respect to an application for a waiver (or a  
22          waiver granted) under paragraph (1)(A) of this sub-  
23          section, the provisions of subparagraphs (E), (F),  
24          and (G) of section 1855(a)(2) shall apply, except  
25          that clauses (i) and (ii) of such subparagraph (E)

1 shall not apply in the case of a State that does not  
 2 have a licensing process described in paragraph  
 3 (2)(B)(i) in effect.

4 “(4) REFERENCES TO CERTAIN PROVISIONS.—  
 5 In applying provisions of section 1855(a)(2) under  
 6 paragraphs (2) and (3) of this subsection to Total  
 7 Health plans and Total Health sponsors—

8 “(A) any reference to a waiver application  
 9 under section 1855 shall be treated as a ref-  
 10 erence to a waiver application under paragraph  
 11 (1)(A) of this subsection; and

12 “(B) any reference to solvency standards  
 13 shall be treated as a reference to solvency  
 14 standards established under subsection (d) of  
 15 this section.

16 “(d) SOLVENCY STANDARDS FOR NON-LICENSED  
 17 ENTITIES.—

18 “(1) ESTABLISHMENT AND PUBLICATION.—The  
 19 Secretary, in consultation with the National Associa-  
 20 tion of Insurance Commissioners, shall establish and  
 21 publish, by not later than January 1, 2016, financial  
 22 solvency and capital adequacy standards for entities  
 23 described in paragraph (2).

24 “(2) COMPLIANCE WITH STANDARDS.—A Total  
 25 Health sponsor that is not licensed by a State under

1 subsection (a)(1) and for which a waiver application  
2 has been approved under subsection (c) shall meet  
3 solvency and capital adequacy standards established  
4 under paragraph (1). The Secretary shall establish  
5 certification procedures for such sponsors with re-  
6 spect to such solvency standards in the manner de-  
7 scribed in section 1855(c)(2).

8 “(e) LICENSURE DOES NOT SUBSTITUTE FOR OR  
9 CONSTITUTE CERTIFICATION.—The fact that a Total  
10 Health sponsor is licensed in accordance with subsection  
11 (a)(1) or has a waiver application approved under sub-  
12 section (c) does not deem the sponsor to meet other re-  
13 quirements imposed under this subpart for a sponsor.

14 “(f) PERIODIC REVIEW AND REVISION OF STAND-  
15 ARDS.—

16 “(1) IN GENERAL.—Subject to paragraph (2),  
17 the Secretary may periodically review the standards  
18 established under this section and, based on such re-  
19 view, may revise such standards if the Secretary de-  
20 termines such revision to be appropriate.

21 “(2) PROHIBITION OF MIDYEAR IMPLEMENTA-  
22 TION OF SIGNIFICANT NEW REGULATORY REQUIRE-  
23 MENTS.—The Secretary may not implement, other  
24 than at the beginning of a calendar year, regulations  
25 under this section that impose new, significant regu-

1 latory requirements on a Total Health sponsor or a  
 2 Total Health plan.

3 “(g) PROHIBITION OF STATE IMPOSITION OF PRE-  
 4 MIUM TAXES; RELATION TO STATE LAWS.—The provi-  
 5 sions of sections 1854(g) and 1856(b)(3) shall apply with  
 6 respect to Total Health sponsors and Total Health plans  
 7 under this part in the same manner as such provisions  
 8 applied to MA organizations and MA plans.

9 “TOTAL HEALTH PREMIUMS

10 “SEC. 1860C–7. (a) MONTHLY BENEFICIARY PRE-  
 11 MIUM.—

12 “(1) BASE BENEFICIARY PREMIUM.—The base  
 13 beneficiary premium under this paragraph for a  
 14 Total Health plan for a month is equal to the prod-  
 15 uct of—

16 “(A) 15 percent; and

17 “(B) an amount determined by the Sec-  
 18 retary to be equal to the 40th percentile of the  
 19 monthly standardized bid amounts (as defined  
 20 in subsection (c), weighted under subsection  
 21 (b), and adjusted under section 1860C–8(b)(2))  
 22 for the service area in which the plan is offered.

23 “(2) COMPUTATION OF MONTHLY BENEFICIARY  
 24 PREMIUM.—

25 “(A) IN GENERAL.—The monthly bene-  
 26 ficiary premium for a Total Health plan is the



base beneficiary premium computed under paragraph (1) as adjusted under this paragraph.

“(B) ADJUSTMENT TO REFLECT DIFFERENCE BETWEEN BID AND 40TH PERCENTILE OF THE MONTHLY STANDARDIZED BID AMOUNT.—

“(i) ABOVE 40TH PERCENTILE.—If the beneficiary enrolls in a plan with a monthly standardized bid amount that exceeds the 40th percentile (as determined under paragraph (1)(B)), the base beneficiary premium for the month shall be increased by the amount of such excess.

“(ii) BELOW 40TH PERCENTILE.—If the beneficiary enrolls in a plan with a monthly standardized bid amount that is less than the 40th percentile (as determined under paragraph (1)(B)), the base beneficiary premium for the month shall be decreased by the amount of such difference. Any reduction under the preceding sentence shall not result in a monthly beneficiary premium that is less than \$0.

“(C) INCREASE FOR SUPPLEMENTAL BENEFITS.—The base beneficiary premium shall be

1 increased by the portion of the Total Health ap-  
 2 proved bid that is attributable to supplemental  
 3 benefits.

4 “(D) INCREASE FOR LATE ENROLLMENT  
 5 PENALTY.—The base beneficiary premium shall  
 6 be increased by the amount of any late enroll-  
 7 ment penalty under subsection (e).

8 “(E) INCREASE BASED ON INCOME.—The  
 9 monthly beneficiary premium shall be increased  
 10 pursuant to subsection (f).

11 “(F) UNIFORM PREMIUM.—Except as pro-  
 12 vided in subparagraphs (D) and (E), the  
 13 monthly beneficiary premium for a Total  
 14 Health plan in a Total Health region is the  
 15 same for all Total Health eligible individuals  
 16 enrolled in the plan.

17 “(b) WEIGHTING OF BID AMOUNTS BASED ON EN-  
 18 ROLLMENT.—

19 “(1) IN GENERAL.—For purposes of subsection  
 20 (a)(1)(B), the weight for each plan in the service  
 21 area shall be equal to the average number of Total  
 22 Health eligible individuals enrolled in such plan in  
 23 the reference month (as defined in section  
 24 1858(f)(4)).

1           “(2) SPECIAL RULE FOR 2017.—For purposes of  
 2           applying this paragraph for 2017, the Secretary  
 3           shall establish procedures for determining the  
 4           weighted average under paragraph (1) for 2016.

5           “(c) STANDARDIZED BID AMOUNT DEFINED.—For  
 6           purposes of this subsection, the term ‘standardized bid  
 7           amount’ means the following:

8           “(1) BASIC COVERAGE ONLY.—In the case of a  
 9           Total Health plan that provides basic health benefits  
 10          coverage, the Total Health approved bid (as defined  
 11          in subsection (d)).

12          “(2) PLANS OFFERING SUPPLEMENTAL COV-  
 13          ERAGE.—In the case of a Total Health plan that  
 14          provides supplemental health benefits coverage, only  
 15          the portion of the Total Health approved bid that is  
 16          attributable to basic health benefits coverage.

17          “(d) TOTAL HEALTH APPROVED BID DEFINED.—  
 18          For purposes of this subpart, the term ‘Total Health ap-  
 19          proved bid’ means—

20               “(1) with respect to a Total Health plan, the  
 21               bid amount approved for the plan under section  
 22               1860C–5;

23               “(2) with respect to the original medicare fee-  
 24               for-service program option, the bid described in sec-  
 25               tion 1860C–5(c).

1       “(e) LATE ENROLLMENT PENALTY.—The monthly  
 2 beneficiary premium established under subsection (a) shall  
 3 be subject to adjustment in the same manner as the part  
 4 B monthly beneficiary premium computed under section  
 5 1839 is subject to adjustment under subsection (b) of such  
 6 section, except that, in applying the late enrollment pen-  
 7 alty under such subsection, the initial enrollment period  
 8 of the individual shall be the enrollment period under  
 9 1860C–1(b)(2) instead of the initial enrollment period de-  
 10 scribed in such section 1839(b).

11       “(f) INCREASE IN BASE BENEFICIARY PREMIUM  
 12 BASED ON INCOME.—

13               “(1) IN GENERAL.—In the case of an individual  
 14 whose modified adjusted gross income (as defined in  
 15 paragraph (2)) exceeds the threshold amount appli-  
 16 cable under paragraph (2) of section 1839(i) (includ-  
 17 ing application of paragraph (5) of such section), the  
 18 Secretary shall substitute the applicable percentage  
 19 determined under paragraph (3)(C) of section  
 20 1839(i) for the individual for the calendar year for  
 21 the percentage described in subsection (a)(1)(A).

22               “(2) MODIFIED ADJUSTED GROSS INCOME.—  
 23 For purposes of this subsection, the term ‘modified  
 24 adjusted gross income’ has the meaning given such  
 25 term in subparagraph (A) of section 1839(i)(4), de-

1       terminated for the taxable year applicable under sub-  
2       paragraphs (B) and (C) of such section.

3               “(3) DETERMINATION BY COMMISSIONER OF  
4       SOCIAL SECURITY.—The Commissioner of Social Se-  
5       curity shall make any determination necessary to  
6       carry out the income-related increase in the base  
7       beneficiary premium under this subsection.

8               “(4) PROCEDURES TO ASSURE CORRECT IN-  
9       COME-RELATED INCREASE IN BASE BENEFICIARY  
10      PREMIUM.—

11              “(A) DISCLOSURE OF BASE BENEFICIARY  
12      PREMIUM.—Not later than September 15 of  
13      each year beginning with 2016, the Secretary  
14      shall disclose to the Commissioner of Social Se-  
15      curity the amount of the base beneficiary pre-  
16      mium (as computed under subsection (a)(1))  
17      for the purpose of carrying out the income-re-  
18      lated increase in the base beneficiary premium  
19      under this subsection with respect to the fol-  
20      lowing year.

21              “(B) ADDITIONAL DISCLOSURE.—Not later  
22      than October 15 of each year beginning with  
23      2016, the Secretary shall disclose to the Com-  
24      missioner of Social Security the following infor-  
25      mation for the purpose of carrying out the in-

come-related increase in the base beneficiary premium under this subsection with respect to the following year:

“(i) The modified adjusted gross income threshold applicable under paragraph (2) of section 1839(i) (including application of paragraph (5) of such section).

“(ii) The applicable percentage determined under paragraph (3)(C) of section 1839(i) (including application of paragraph (5) of such section).

“(iii) Any other information the Commissioner of Social Security determines necessary to carry out the income-related increase in the base beneficiary premium under this subsection.

“PREMIUM AND COST-SHARING SUPPORT FOR TOTAL  
HEALTH ELIGIBLE INDIVIDUALS

“SEC. 1860C–8. (a) DIRECT SUBSIDY PAYMENT.—

The Secretary shall provide for payment to a Total Health sponsor that offers a Total Health plan a direct subsidy for each Total Health eligible individual enrolled in a Total Health plan for a month equal to—

“(1) the amount of the plan’s standardized bid amount (as defined in section 1860C–7(c)), adjusted under subsection (b)(1), reduced by

1 “(2) the base beneficiary premium (as com-  
 2 puted under paragraph (1) of section 1860C–7(a)  
 3 and as adjusted under paragraph (2)(B) of such sec-  
 4 tion).

5 “(b) ADJUSTMENTS RELATING TO BIDS.—

6 “(1) HEALTH STATUS RISK ADJUSTMENT.—

7 “(A) ESTABLISHMENT OF RISK ADJUS-  
 8 TORS.—The Secretary shall establish an appro-  
 9 priate methodology for adjusting the standard-  
 10 ized bid amount under subsection (a)(1) to take  
 11 into account variation in costs for health bene-  
 12 fits coverage among Total Health plans based  
 13 on the differences in actuarial risk of different  
 14 enrollees being served. Any such risk adjust-  
 15 ment shall be designed in a manner so as not  
 16 to result in a change in the aggregate amounts  
 17 payable to such plans under subsection (a) and  
 18 through that portion of the monthly beneficiary  
 19 Total Health premiums described in subsection  
 20 (a)(2).

21 “(B) CONSIDERATIONS.—In establishing  
 22 the methodology under subparagraph (A), the  
 23 Secretary may take into account the similar  
 24 methodologies used under section 1853(a)(3) to  
 25 adjust payments to MA organizations for bene-

fits under the original medicare fee-for-service program option.

“(C) DATA COLLECTION.—In order to carry out this paragraph, the Secretary shall require Total Health sponsors to submit data regarding claims that can be linked at the individual level to data under this title and such other information as the Secretary determines necessary.

“(D) PUBLICATION.—At the time of publication of risk adjustment factors under section 1860D–15(c)(1)(D), the Secretary shall publish the risk adjusters established under this paragraph for the succeeding year.

“(2) GEOGRAPHIC ADJUSTMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), for purposes of section 1860C–7(a)(1)(B), the Secretary shall establish an appropriate methodology for adjusting the amount determined under such section to take into account differences in prices for covered health benefits among Total Health regions.

“(B) DE MINIMIS RULE.—If the Secretary determines that the price variations described in subparagraph (A) among Total Health re-



1           gions are de minimis, the Secretary shall not  
2           provide for adjustment under this paragraph.

3           “(C) BUDGET NEUTRAL ADJUSTMENT.—

4           Any adjustment under this paragraph shall be  
5           applied in a manner so as to not result in a  
6           change in the aggregate payments made under  
7           this subpart that would have been made if the  
8           Secretary had not applied such adjustment.

9           “(c) PAYMENT METHODS.—

10          “(1) IN GENERAL.—Payments under this sec-  
11          tion shall be based on such a method as the Sec-  
12          retary determines. The Secretary may establish a  
13          payment method by which interim payments of  
14          amounts under this section are made during a year  
15          based on the Secretary’s best estimate of amounts  
16          that will be payable after obtaining all of the infor-  
17          mation.

18          “(2) REQUIREMENT FOR PROVISION OF INFOR-  
19          MATION.—

20          “(A) REQUIREMENT.—Payments under  
21          this section to a Total Health sponsor are con-  
22          ditioned upon the furnishing to the Secretary,  
23          in a form and manner specified by the Sec-  
24          retary, of such information as may be required  
25          to carry out this section.

1                   “(B) RESTRICTION ON USE OF INFORMA-  
 2                   TION.—Information disclosed or obtained pur-  
 3                   suant to subparagraph (A) may be used by offi-  
 4                   cers, employees, and contractors of the Depart-  
 5                   ment of Health and Human Services only for  
 6                   the purposes of, and to the extent necessary in,  
 7                   carrying out this section.

8                   “(3) SOURCE OF PAYMENTS.—Payments under  
 9                   this section shall be made from the Federal Hospital  
 10                  Insurance Trust Fund under section 1817 and the  
 11                  Federal Supplementary Medical Insurance Trust  
 12                  Fund under section 1841, in such proportion as the  
 13                  Secretary determines appropriate.

14                  “(4) APPLICATION OF ENROLLEE ADJUST-  
 15                  MENT.—The provisions of section 1853(a)(2) shall  
 16                  apply to payments to Total Health sponsors under  
 17                  this section in the same manner as they applied to  
 18                  payments to MA organizations under section  
 19                  1853(a).

20                  “(d) PLANS AT RISK FOR ENTIRE AMOUNT OF BEN-  
 21                  EFITS.—A Total Health sponsor that offers a plan under  
 22                  this subpart shall be at full financial risk for the provision  
 23                  of benefits under such plan.

24                  “(e) DISCLOSURE OF INFORMATION.—

1           “(1) IN GENERAL.—Each contract under this  
2       subpart shall provide that—

3           “(A) the Total Health sponsor offering a  
4       Total Health plan shall provide the Secretary  
5       with such information as the Secretary deter-  
6       mines is necessary to carry out this section; and

7           “(B) the Secretary shall have the right in  
8       accordance with section 1857(d)(2)(B) (as ap-  
9       plied under section 1860C–6(b)(2)(C)) to in-  
10      spect and audit any books and records of a  
11      Total Health sponsor that pertain to the infor-  
12      mation regarding costs provided to the Sec-  
13      retary under subparagraph (A).

14          “(2) RESTRICTION ON USE OF INFORMATION.—  
15      Information disclosed or obtained pursuant to the  
16      provisions of this section may be used—

17          “(A) by officers, employees, and contrac-  
18      tors of the Department of Health and Human  
19      Services for the purposes of, and to the extent  
20      necessary in—

21                  “(i) carrying out this section; and

22                  “(ii) conducting oversight, evaluation,  
23                  and enforcement under this title; and

24          “(B) by the Attorney General and the  
25      Comptroller General of the United States for

1           the purposes of, and to the extent necessary in,  
 2           carrying out health oversight activities.

3                   “EXEMPTION FOR MSA PLANS

4           “SEC. 1860C–9. (a) IN GENERAL.—None of the pro-  
 5 visions in this subpart shall apply to an MSA plan (as  
 6 defined in section 1859(b)(3)) and an MSA plan may not  
 7 be a Total Health plan.

8           “(b) CONTINUING AVAILABILITY.—Notwithstanding  
 9 any other provision of law, the Secretary shall establish  
 10 procedures under which—

11           “(1) MSA plans may continue to operate on  
 12 and after January 1, 2017; and

13           “(2) individuals who would have been eligible to  
 14 enroll in those plans prior to such date continue to  
 15 be eligible to enroll in such a plan.

16                   “SPECIAL RULES FOR EMPLOYER-SPONSORED PROGRAMS

17           “SEC. 1860C–10. (a) SUBSIDY PAYMENT.—

18           “(1) IN GENERAL.—The Secretary shall provide  
 19 in accordance with this subsection for payment to  
 20 the sponsor of a qualified retiree health benefits plan  
 21 (as defined in paragraph (2)) of a special subsidy  
 22 payment equal to the amount specified in paragraph  
 23 (3) for each qualified covered retiree under the plan  
 24 (as defined in paragraph (4)). This subsection con-  
 25 stitutes budget authority in advance of appropria-  
 26 tions Acts and represents the obligation of the Sec-

1       retary to provide for the payment of amounts pro-  
2       vided under this section.

3               “(2) QUALIFIED RETIREE HEALTH BENEFITS  
4       PLAN DEFINED.—For purposes of this subsection,  
5       the term ‘qualified retiree health benefits plan’  
6       means employment-based retiree health coverage (as  
7       defined in subsection (c)(1)) if, with respect to a  
8       Total Health eligible individual who is a participant  
9       or beneficiary under such coverage, the following re-  
10      quirements are met:

11              “(A) ATTESTATION OF ACTUARIAL  
12      EQUIVALENCE TO STANDARD COVERAGE.—The  
13      sponsor of the plan provides the Secretary, an-  
14      nually or at such other time as the Secretary  
15      may require, with an attestation that the actu-  
16      arial value of health benefits coverage under the  
17      plan (as determined using the processes and  
18      methods described in section 1860C–5(d)) is at  
19      least equal to the actuarial value of standard  
20      health benefits coverage.

21              “(B) AUDITS.—The sponsor of the plan, or  
22      an administrator of the plan designated by the  
23      sponsor, shall maintain (and afford the Sec-  
24      retary access to) such records as the Secretary  
25      may require for purposes of audits and other

oversight activities necessary to ensure the adequacy of health benefits coverage and the accuracy of payments made under this section. The provisions of section 1860C–2(d)(2) shall apply to such information under this section (including such actuarial value and attestation) in a manner similar to the manner in which they apply to financial records of Total Health sponsors.

“(C) PROVISION OF DISCLOSURE REGARDING HEALTH BENEFITS COVERAGE.—

“(i) IN GENERAL.—Each entity that offers employment-based retiree health coverage shall provide for disclosure, in a form, manner, and time consistent with standards established by the Secretary, to the Secretary and Total Health eligible individuals of whether the coverage meets the requirement of subparagraph (A) or whether such coverage is changed so it no longer meets such requirement.

“(ii) DISCLOSURE OF NON-QUALIFIED COVERAGE.—In the case of such coverage that does not meet such requirement, the disclosure to Total Health eligible individ-

1 uals under this subparagraph shall include  
 2 information regarding the fact that be-  
 3 cause such coverage does not meet such re-  
 4 quirement there are limitations on the pe-  
 5 riods in a year in which the individuals  
 6 may enroll under a Total Health plan.

7 “(iii) WAIVER OF REQUIREMENT.—In  
 8 the case of a Total Health eligible indi-  
 9 vidual who was enrolled in employment-  
 10 based retiree health coverage which does  
 11 not meet the requirement of subparagraph  
 12 (A), the individual may apply to the Sec-  
 13 retary to have such coverage treated as a  
 14 qualified retiree health benefits plan if the  
 15 individual establishes that the individual  
 16 was not adequately informed that such cov-  
 17 erage did not meet such requirement.

18 “(3) EMPLOYER AND UNION SPECIAL SUBSIDY  
 19 AMOUNTS.—

20 “(A) IN GENERAL.—For purposes of this  
 21 subsection, the special subsidy payment amount  
 22 under this paragraph for a qualifying covered  
 23 retiree for a coverage year enrolled with the  
 24 sponsor of a qualified retiree health benefits  
 25 plan is, for the portion of the retiree’s gross

covered retiree plan-related health benefits costs (as defined in subparagraph (C)(ii)) for such year that exceeds the cost threshold amount specified in subparagraph (B) and does not exceed the cost limit under such subparagraph, an amount equal to 28 percent of the allowable retiree costs (as defined in subparagraph (C)(i)) attributable to such gross covered retiree plan-related health benefits costs.

“(B) COST THRESHOLD AND COST LIMIT APPLICABLE.—

“(i) IN GENERAL.—Subject to clause (ii)—

“(I) the cost threshold under this subparagraph is equal to \$250 for plan years that end in 2017; and

“(II) the cost limit under this subparagraph is equal to \$5,000 for plan years that end in 2017.

“(ii) INDEXING.—The cost threshold and cost limit amounts specified in subclauses (I) and (II) of clause (i) for a plan year that ends after 2017 shall be adjusted in the same manner as the unified deductible and the annual out-of-pocket limits,



1           respectively, are annually adjusted under  
2           sections 1899B and 1899C.

3           “(C) DEFINITIONS.—For purposes of this  
4           paragraph:

5                   “(i) ALLOWABLE RETIREE COSTS.—  
6           The term ‘allowable retiree costs’ means,  
7           with respect to gross covered health bene-  
8           fits costs under a qualified retiree health  
9           benefits plan by a plan sponsor, the part of  
10          such costs that are actually paid (net of  
11          discounts, chargebacks, and average per-  
12          centage rebates) by the sponsor or by or  
13          on behalf of a qualifying covered retiree  
14          under the plan.

15                   “(ii) GROSS COVERED RETIREE PLAN-  
16          RELATED HEALTH BENEFITS COSTS.—The  
17          term ‘gross covered retiree plan-related  
18          health benefits costs’ means, with respect  
19          to a qualifying covered retiree enrolled in  
20          a qualified retiree health benefits plan dur-  
21          ing a coverage year, the costs incurred  
22          under the plan, not including administra-  
23          tive costs, but including costs directly re-  
24          lated to the furnishing of health benefits  
25          items and services during the year. Such

1 costs shall be determined whether they are  
 2 paid by the retiree or under the plan.

3 “(iii) COVERAGE YEAR.—The term  
 4 ‘coverage year’ has the meaning given such  
 5 term in section 1860D–15(b)(4) (as ap-  
 6 plied by substituting ‘covered health bene-  
 7 fits’ for ‘covered part D drugs’).

8 “(4) QUALIFYING COVERED RETIREE DE-  
 9 FINED.—For purposes of this subsection, the term  
 10 ‘qualifying covered retiree’ means a Total Health eli-  
 11 gible individual who is not enrolled in a Total Health  
 12 plan but is covered under a qualified retiree health  
 13 benefits plan.

14 “(5) PAYMENT METHODS, INCLUDING PROVI-  
 15 SION OF NECESSARY INFORMATION.—The provisions  
 16 of section 1860C–8(c) (including paragraph (2) of  
 17 such section, relating to requirement for provision of  
 18 information) shall apply to payments under this sub-  
 19 section in a manner similar to the manner in which  
 20 they apply to payments under section 1860C–8.

21 “(6) CONSTRUCTION.—Nothing in this sub-  
 22 section shall be construed as—

23 “(A) precluding a Total Health eligible in-  
 24 dividual who is covered under employment-

1 based retiree health coverage from enrolling in  
2 a Total Health plan;

3 “(B) precluding such employment-based  
4 retiree health coverage or an employer or other  
5 person from paying all or any portion of any  
6 premium required for coverage under a Total  
7 Health plan on behalf of such an individual;

8 “(C) preventing such employment-based  
9 retiree health coverage from providing cov-  
10 erage—

11 “(i) that is better than standard  
12 health benefits coverage to retirees who are  
13 covered under a qualified retiree health  
14 benefits plan; or

15 “(ii) that is supplemental to the bene-  
16 fits provided under a Total Health plan,  
17 including benefits to retirees who are not  
18 covered under a qualified retiree health  
19 benefits plan but who are enrolled in such  
20 a Total Health plan; or

21 “(D) preventing employers from providing  
22 for flexibility in benefit design and provider ac-  
23 cess provisions, without regard to the require-  
24 ments for basic health benefits coverage, so

1 long as the actuarial equivalence requirement of  
 2 paragraph (2)(A) is met.

3 “(b) APPLICATION OF MEDICARE ADVANTAGE WAIV-  
 4 ER AUTHORITY.—The provisions of section 1857(i) shall  
 5 apply with respect to Total Health plans in relation to em-  
 6 ployment-based retiree health coverage in a manner simi-  
 7 lar to the manner in which they applied to an MA plan  
 8 in relation to employers, including authorizing the estab-  
 9 lishment of separate premium amounts for enrollees in a  
 10 Total Health plan by reason of such coverage and limita-  
 11 tions on enrollment to Total Health eligible individuals en-  
 12 rolled under such coverage.

13 “(c) DEFINITIONS.—For purposes of this section:

14 “(1) EMPLOYMENT-BASED RETIREE HEALTH  
 15 COVERAGE.—The term ‘employment-based retiree  
 16 health coverage’ means health insurance or other  
 17 coverage of health care costs (whether provided by  
 18 voluntary insurance coverage or pursuant to statu-  
 19 tory or contractual obligation) for Total Health eligi-  
 20 ble individuals (or for such individuals and their  
 21 spouses and dependents) under a group health plan  
 22 based on their status as retired participants in such  
 23 plan.

24 “(2) SPONSOR.—The term ‘sponsor’ means a  
 25 plan sponsor, as defined in section (16)(B) of the

1 Employee Retirement Income Security Act of 1974,  
 2 in relation to a group health plan, except that, in the  
 3 case of a plan maintained jointly by one employer  
 4 and an employee organization and with respect to  
 5 which the employer is the primary source of financ-  
 6 ing, such term means such employer.

7 “(3) GROUP HEALTH PLAN.—The term ‘group  
 8 health plan’ includes such a plan as defined in sec-  
 9 tion 607(1) of the Employee Retirement Income Se-  
 10 curity Act of 1974 and also includes the following:

11 “(A) FEDERAL AND STATE GOVERN-  
 12 MENTAL PLANS.—Such a plan established or  
 13 maintained for its employees by the Govern-  
 14 ment of the United States, by the government  
 15 of any State or political subdivision thereof, or  
 16 by any agency or instrumentality of any of the  
 17 foregoing, including a health benefits plan of-  
 18 fered under chapter 89 of title 5, United States  
 19 Code.

20 “(B) COLLECTIVELY BARGAINED PLANS.—  
 21 Such a plan established or maintained under or  
 22 pursuant to one or more collective bargaining  
 23 agreements.

24 “(C) CHURCH PLANS.—Such a plan estab-  
 25 lished and maintained for its employees (or

1           their beneficiaries) by a church or by a conven-  
 2           tion or association of churches which is exempt  
 3           from tax under section 501 of the Internal Rev-  
 4           enue Code of 1986.

5       “COORDINATION WITH STATE MEDICAID PROGRAMS

6       “SEC. 1860C–11. (a) APPLICATION.—

7           “(1) IN GENERAL.—Subject to subsection  
 8           (c)(2), a State may apply to the Secretary for the  
 9           waiver of any or all requirements described in this  
 10          subpart for plan years beginning on or after Janu-  
 11          ary 1, 2017, with respect to a Total Health plan of-  
 12          fered within the State for the purpose of coordi-  
 13          nating that plan with its State plan under title XIX  
 14          to ensure—

15               “(A) dually eligible individuals have full  
 16               access to the services to which they are entitled;

17               “(B) the development of innovative care  
 18               coordination and integration models; and

19               “(C) the elimination of financial misalign-  
 20               ments that lead to poor quality and cost-shift-  
 21               ing.

22          “(2) REQUIREMENTS.—Such application  
 23          shall—

24               “(A) be filed at such time and in such  
 25               manner as the Secretary may require;

1 “(B) contain such information as the Sec-  
2 retary may require, including—

3 “(i) a comprehensive description of  
4 the proposal and program to implement a  
5 plan meeting the requirements for a waiver  
6 under this section; and

7 “(ii) an analysis of the proposal dem-  
8 onstrating that the plan will not increase  
9 Federal Government expenditures; and

10 “(C) provide an assurance that, if ap-  
11 proved, the Total Health sponsor will offer the  
12 plan that is the subject of the proposal.

13 “(3) WAIVER CONSIDERATION AND TRANS-  
14 PARENCY.—

15 “(A) IN GENERAL.—An application for a  
16 waiver under this section shall be considered by  
17 the Secretary in accordance with the regula-  
18 tions described in subparagraph (B).

19 “(B) REGULATIONS.—Not later than 180  
20 days after the date of enactment of this sub-  
21 part, the Secretary shall promulgate regulations  
22 relating to waivers under this section that pro-  
23 vide—

1 “(i) a process for public notice and  
 2 comment sufficient to ensure a meaningful  
 3 level of public input;

4 “(ii) a process for the submission of  
 5 an application for the waiver;

6 “(iii) a process for the submission to  
 7 the Secretary of periodic reports by the  
 8 State concerning the implementation of the  
 9 program under the waiver; and

10 “(iv) a process for the periodic evalua-  
 11 tion by the Secretary of the program under  
 12 the waiver.

13 “(C) REPORT.—The Secretary shall annu-  
 14 ally report to Congress concerning actions  
 15 taken by the Secretary with respect to applica-  
 16 tions for waivers under this section.

17 “(4) STATE OPTION TO BE A TOTAL HEALTH  
 18 SPONSOR.—For purposes of this section, a State  
 19 may elect to be the sponsor of a Total Health plan  
 20 for residents of the State who are eligible for bene-  
 21 fits under this title and title XIX or to apply on be-  
 22 half of a Total Health sponsor offering a Total  
 23 Health plan in the State.

24 “(5) COORDINATED WAIVER PROCESS.—The  
 25 Secretary shall develop a process for coordinating



1 and consolidating the waiver processes applicable  
 2 under the provisions of this section to ensure that  
 3 individuals eligible to enroll in a plan offered under  
 4 the waiver are initially able to do so during an an-  
 5 nual, coordinated election period.

6 “(b) GRANTING OF WAIVERS.—

7 “(1) IN GENERAL.—The Secretary may grant a  
 8 request for a waiver under subsection (a)(1) only if  
 9 the Secretary determines that the proposed Total  
 10 Health plan—

11 “(A) will provide coverage that is at least  
 12 as comprehensive as the coverage described in  
 13 section 1860C–2(a)(1) as certified by Office of  
 14 the Actuary of the Centers for Medicare & Med-  
 15 icaid Services;

16 “(B) will provide coverage and cost-sharing  
 17 protections against excessive out-of-pocket  
 18 spending that are at least as affordable as the  
 19 provisions of this subtitle would provide; and

20 “(C) will not increase the Federal deficit.

21 “(c) SCOPE OF WAIVER.—

22 “(1) IN GENERAL.—Subject to paragraph (2),  
 23 the Secretary shall determine the scope of a waiver  
 24 granted with respect to a Total Health plan under  
 25 subsection (a)(1).

1           “(2) LIMITATION.—The Secretary may only  
 2       waive provisions under this title and titles II, XI,  
 3       XIX, and XXI under a waiver under this section.

4           “(d) DETERMINATIONS BY THE SECRETARY.—

5           “(1) TIME FOR DETERMINATION.—The Sec-  
 6       retary shall make a determination under subsection  
 7       (a)(1) not later than 180 days after the receipt of  
 8       an application from a State under such subsection.

9           “(2) EFFECT OF DETERMINATION.—

10           “(A) GRANTING OF WAIVERS.—If the Sec-  
 11       retary determines to grant a waiver under sub-  
 12       section (a)(1), the Secretary shall notify the  
 13       Total Health sponsor involved of such deter-  
 14       mination and the terms and effectiveness of  
 15       such waiver.

16           “(B) DENIAL OF WAIVER.—If the Sec-  
 17       retary determines a waiver should not be grant-  
 18       ed under subsection (a)(1), the Secretary shall  
 19       notify the Total Health sponsor involved, in-  
 20       cluding the reasons therefor.

21           “(e) TERM OF WAIVER.—No waiver under this sec-  
 22       tion may extend over a period of longer than 5 years un-  
 23       less the Total Health sponsor requests continuation of  
 24       such waiver, and such request shall be deemed granted  
 25       unless the Secretary, within 90 days after the date of the

1 submission of the request to the Secretary, either denies  
 2 such request in writing or informs the State in writing  
 3 with respect to any additional information that is needed  
 4 in order to make a final determination with respect to the  
 5 request.

6 “DEFINITIONS AND MISCELLANEOUS PROVISIONS

7 “SEC. 1860C–12. (a) DEFINITIONS.—For purposes  
 8 of this subpart:

9 “(1) BASIC HEALTH BENEFITS COVERAGE.—

10 The term ‘basic health benefits coverage’ means cov-  
 11 erage of the health care items and services for which  
 12 payment may be made under the original medicare  
 13 fee-for-service program option.

14 “(2) INSURANCE RISK.—The term ‘insurance  
 15 risk’ means, with respect to a participating health  
 16 care provider, risk of the type commonly assumed  
 17 only by insurers licensed by a State and does not in-  
 18 clude payment variations designed to reflect per-  
 19 formance-based measures of activities within the  
 20 control of the health care provider.

21 “(3) MA PLAN; MEDICARE ADVANTAGE PLAN.—

22 The terms ‘MA plan’ and ‘Medicare Advantage plan’  
 23 have the meaning given such terms in section  
 24 1859(b)(1).

25 “(4) ORIGINAL MEDICARE FEE-FOR-SERVICE  
 26 PROGRAM OPTION.—The term ‘original medicare fee-

for-service program option’ means the original medicare fee-for-service program under parts A and B, as modified by this subpart.

“(5) STANDARD HEALTH BENEFITS COVERAGE.—The term ‘standard health benefits coverage’ has the meaning given such term in section 1860C–2(b).

“(6) TOTAL HEALTH ELIGIBLE INDIVIDUAL.—The term ‘Total Health eligible individual’ has the meaning given such term in section 1860C–1(a)(3).

“(7) TOTAL HEALTH PLAN.—The term ‘Total Health plan’ means health benefits coverage that is offered—

“(A) under a policy, contract, or plan that has been approved under section 1860C–5(f); and

“(B) by a Total Health sponsor pursuant to, and in accordance with, a contract between the Secretary and the sponsor under section 1860C–6(b).

“(8) TOTAL HEALTH SPONSOR.—The term ‘Total Health sponsor’ means a nongovernmental entity that is certified under this subpart as meeting the requirements and standards of this subpart for such a sponsor.

1       “(b) APPLICATION OF SUBPART 1 PROVISIONS AND  
 2 REGULATIONS UNDER THIS SUBPART.—For purposes of  
 3 applying provisions of subpart 1 under this subpart (and  
 4 regulations implementing such provisions) with respect to  
 5 a Total Health plan and a Total Health sponsor, unless  
 6 otherwise provided in this subpart, and to the extent con-  
 7 sistent with this subpart, such provisions (and regulations  
 8 implementing such provisions) shall be applied as the pro-  
 9 visions (and regulations) applied for plan years beginning  
 10 prior to January 1, 2017, and as if—

11           “(1) any reference to a Medicare Advantage  
 12 plan or an MA plan included a reference to a Total  
 13 Health plan;

14           “(2) any reference to an MA organization or a  
 15 provider-sponsored organization included a reference  
 16 to a Total Health sponsor;

17           “(3) any reference to a contract under section  
 18 1857 included a reference to a contract under sec-  
 19 tion 1860C–6(b);

20           “(4) any reference to subpart 1 included a ref-  
 21 erence to this subpart; and

22           “(5) any reference to an election period under  
 23 section 1851 were a reference to an enrollment pe-  
 24 riod under section 1860C–1.”.

1 **SEC. 2002. REPLACEMENT OF PART B PREMIUM WITH**  
 2 **MEDICARE TOTAL HEALTH PROGRAM PLAN**  
 3 **PREMIUM; OTHER TECHNICAL AND CON-**  
 4 **FORMING AMENDMENTS.**

5 (a) REPLACEMENT OF PART B PREMIUM WITH  
 6 MEDICARE TOTAL HEALTH PROGRAM PLAN PREMIUM.—  
 7 Section 1839 of the Social Security Act (42 U.S.C. 1395r)  
 8 is amended—

9 (1) in subsection (a)(2), by striking “The  
 10 monthly premium” and inserting “Subject to sub-  
 11 section (j),”; and

12 (2) by adding at the end the following new sub-  
 13 section:

14 “(j) REPLACEMENT OF PART B PREMIUM WITH  
 15 MEDICARE TOTAL HEALTH PROGRAM PLAN PREMIUM.—

16 “(1) IN GENERAL.—Notwithstanding the pre-  
 17 ceding provisions of this section, except as provided  
 18 in paragraph (2), on and after January 1, 2017, in  
 19 lieu of the premium otherwise applicable under this  
 20 section, the monthly premium of each Total Health  
 21 eligible individual (as defined in section 1860C–  
 22 1(a)(3)) shall be the monthly beneficiary premium  
 23 determined under section 1860C–7 for the Total  
 24 Health plan or the original medicare fee-for-service  
 25 program option and the plan year involved.

1           “(2) INDIVIDUALS ENROLLED FOR COVERAGE  
 2           UNDER PART B ONLY.—Individuals enrolled under  
 3           this part only (and not entitled to, or enrolled for,  
 4           benefits under part A) shall pay the premium that  
 5           would have been calculated under this section but  
 6           for the enactment of this subsection.

7           “(3) CREDITING OF PREMIUMS.—Premiums  
 8           paid by each Total Health eligible individual enrolled  
 9           in the original medicare fee-for-service program op-  
 10          tion (as defined in section 1860E–13(a)(4)), shall be  
 11          deposited in the Treasury to the credit of the Fed-  
 12          eral Supplementary Medical Insurance Trust Fund  
 13          under section 1841.”.

14          (b) OTHER TECHNICAL AND CONFORMING AMEND-  
 15          MENTS.—Not later than 6 months after the date of the  
 16          enactment of this Act, the Secretary of Health and  
 17          Human Services shall submit to the appropriate commit-  
 18          tees of Congress a legislative proposal providing for such  
 19          technical and conforming amendments in the law as are  
 20          required by the provisions of this part and part II.

1 **PART II—MEDICARE FEE-FOR-SERVICE REFORMS**

2 **SEC. 2011. MEDICARE PROTECTION AGAINST HIGH OUT-OF-**

3 **POCKET EXPENDITURES FOR FEE-FOR-SERV-**

4 **ICE BENEFITS.**

5 Title XVIII of the Social Security Act (42 U.S.C.  
6 1395 et seq.) is amended by adding at the end the fol-  
7 lowing new section:

8 “PROTECTION AGAINST HIGH OUT-OF-POCKET  
9 EXPENDITURES

10 “SEC. 1899B. (a) IN GENERAL.—Notwithstanding  
11 any other provision of this title, in the case of an indi-  
12 vidual entitled to, or enrolled for, benefits under part A  
13 or enrolled in part B, if the amount of the out-of-pocket  
14 cost-sharing of such individual for a year (beginning with  
15 2015) equals or exceeds—

16 “(1) the first threshold annual out-of-pocket  
17 limit under subsection (b)(1) but is less than the  
18 second threshold annual out-of-pocket limit under  
19 subsection (b)(2) for that year, section 1899D(a)  
20 shall be applied by substituting ‘5 percent’ for ‘20  
21 percent’; and

22 “(2) the second threshold annual out-of-pocket  
23 limit under subsection (b)(2) for that year, there  
24 shall not be any additional reduction under section  
25 1899D for the remainder of the year (and the indi-



1       vidual shall not be responsible for additional out-of-  
2       pocket cost-sharing incurred during that year).

3       “(b) AMOUNT OF ANNUAL OUT-OF-POCKET LIM-  
4       ITS.—

5               “(1) FIRST THRESHOLD ANNUAL OUT-OF-POCK-  
6       ET LIMIT.—The amount of the first threshold an-  
7       nual out-of-pocket limit under this subsection shall  
8       be—

9                       “(A) for 2015, \$5,500; or

10                      “(B) for a subsequent year, the amount  
11       specified in this subsection for the preceding  
12       year increased or decreased by the percentage  
13       change in the Chained Consumer Price Index  
14       for All Urban Consumers for the 12-month pe-  
15       riod ending with June of such preceding year  
16       (as published in its initial form by the Bureau  
17       of Labor Statistics of the Department of Labor  
18       as of the end of such period).

19               “(2) SECOND THRESHOLD ANNUAL OUT-OF-  
20       POCKET LIMIT.—The amount of the second thresh-  
21       old annual out-of-pocket limit under this subsection  
22       shall be—

23                      “(A) for 2015, \$7,500; or

24                      “(B) for a subsequent year, the amount  
25       specified in this subsection for the preceding

year increased or decreased by the percentage change in the Chained Consumer Price Index for All Urban Consumers for the 12-month period ending with June of such preceding year (as published in its initial form by the Bureau of Labor Statistics of the Department of Labor as of the end of such period).

“(3) ROUNDING.—If any amount determined under subparagraph (A) or (B) is not a multiple of \$5, such amount shall be rounded to the nearest multiple of \$5.

“(c) OUT-OF-POCKET COST-SHARING DEFINED.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), in this section, the term ‘out-of-pocket cost-sharing’ means, with respect to an individual, the amount of the expenses incurred by the individual that are attributable to—

“(A) deductibles, coinsurance and copayments applicable under part A or B; or

“(B) for items and services that would have otherwise been covered under part A or B but for the exhaustion of those benefits.

“(2) CERTAIN COSTS NOT INCLUDED.—

“(A) NON-COVERED ITEMS AND SERVICES.—Expenses incurred for items and serv-

1           ices which are not included (or treated as being  
 2           included) under part A or B shall not be con-  
 3           sidered incurred expenses for purposes of deter-  
 4           mining out-of-pocket cost-sharing under para-  
 5           graph (1).

6           “(B) ITEMS AND SERVICES NOT FUR-  
 7           NISHED ON AN ASSIGNMENT-RELATED BASIS.—  
 8           If an item or service is furnished to an indi-  
 9           vidual under this title and is not furnished on  
 10          an assignment-related basis, any additional ex-  
 11          penses the individual incurs above the amount  
 12          the individual would have incurred if the item  
 13          or service was furnished on an assignment-re-  
 14          lated basis shall not be considered incurred ex-  
 15          penses for purposes of determining out-of-pock-  
 16          et cost-sharing under paragraph (1).

17          “(3) SOURCE OF PAYMENT.—For purposes of  
 18          paragraph (1), the Secretary shall consider expenses  
 19          to be incurred by the individual without regard to  
 20          whether the individual or another person, including  
 21          a State program or other third-party coverage, has  
 22          paid for such expenses.

23          “(d) ANNOUNCEMENT OF ANNUAL OUT-OF-POCKET  
 24          LIMIT AND UNIFIED DEDUCTIBLE.—The Secretary shall  
 25          (beginning in 2014) announce (in a manner intended to

1 provide notice to all interested parties) the annual out-  
 2 of-pocket limit under this section and the unified deduct-  
 3 ible under section 1899C that will be applicable for the  
 4 succeeding year.”.

5 **SEC. 2012. UNIFIED MEDICARE DEDUCTIBLE.**

6 (a) IN GENERAL.—Title XVIII of the Social Security  
 7 Act (42 U.S.C. 1395 et seq.), as amended by section 2011,  
 8 is amended by adding at the end the following new section:

9 “UNIFIED PART A AND B DEDUCTIBLE

10 “SEC. 1899C. (a) IN GENERAL.—Notwithstanding  
 11 any other provision of this title, subject to subsection (d),  
 12 for a year (beginning with 2015), in the case of an indi-  
 13 vidual entitled to, or enrolled for, benefits under part A  
 14 or enrolled in part B—

15 “(1) the amount otherwise payable under part  
 16 A and the total amount of expenses incurred by the  
 17 individual during a year which would (except for this  
 18 section) constitute incurred expenses for which bene-  
 19 fits payable under section 1833(a) are determinable,  
 20 shall be reduced by the amount of the unified de-  
 21 ductible under subsection (b); and

22 “(2) the individual shall be responsible for pay-  
 23 ment of such amount.

24 “(b) AMOUNT OF UNIFIED DEDUCTIBLE.—

25 “(1) IN GENERAL.—The amount of the unified  
 26 deductible under this section shall be—

1                   “(A) for 2015, \$550; or

2                   “(B) for a subsequent year, the amount  
3                   specified in this subsection for the preceding  
4                   year increased or decreased by the percentage  
5                   change in the Chained Consumer Price Index  
6                   for All Urban Consumers for the 12-month pe-  
7                   riod ending with June of such preceding year  
8                   (as published in its initial form by the Bureau  
9                   of Labor Statistics of the Department of Labor  
10                  as of the end of such period).

11                  “(2) ROUNDING.—If any amount determined  
12                  under paragraph (1) is not a multiple of \$5, such  
13                  amount shall be rounded to the nearest multiple of  
14                  \$5.

15                  “(c) APPLICATION TO ALL ITEMS AND SERVICES.—  
16                  The unified deductible under this section for a year shall  
17                  be applied as follows:

18                  “(1) With respect to items and services covered  
19                  under part A, such unified deductible shall be ap-  
20                  plied on the basis of the amount that is payable for  
21                  such items and services without regard to any copay-  
22                  ments or coinsurance and before the application of  
23                  any such copayments or coinsurance.

24                  “(2) With respect to items and services covered  
25                  under part B, such unified deductible shall be ap-

1       plied on the basis of the total amount of the ex-  
2       penses incurred by the individual during a year  
3       which would, except for the application of the unified  
4       deductible, constitute incurred expenses for which  
5       items and services are payable under part B, without  
6       regard to any copayments or coinsurance and before  
7       the application of any such copayments or coinsur-  
8       ance.

9               “(3)(A) Except as provided in subparagraph  
10       (B), such unified deductible shall be applied with re-  
11       spect to all items and services covered under parts  
12       A and B and in lieu of the deductibles described in  
13       sections 1813(b) and 1833(b) or otherwise.

14              “(B) The deductible applicable to blood under  
15       sections 1813 and 1833 shall apply to blood instead  
16       of such unified deductible.

17       “(d) TREATMENT OF INDIVIDUALS NOT ENROLLED  
18 IN BOTH PARTS A AND B.—The Secretary shall establish  
19 procedures under which an individual who entitled to, or  
20 enrolled for, benefits under part A or enrolled in part B  
21 (but not both) will continue to be subject to a deductible  
22 under this title that is comparable to the deductible the  
23 individual would have been subject to if this section had  
24 not been enacted.”.

1 (b) CLARIFICATION REGARDING APPLICATION  
 2 UNDER MEDICARE ADVANTAGE.—Section  
 3 1852(a)(1)(B)(iii) of the Social Security Act (42 U.S.C.  
 4 1395w–22(a)(1)(B)(iii)) is amended by adding at the end  
 5 the following new sentence: “For plan years 2015 and  
 6 2016, the preceding sentence shall be applied to take into  
 7 account the application of sections 1899B, 1899C, and  
 8 1899D.”.

9 **SEC. 2013. UNIFORM MEDICARE COINSURANCE RATE.**

10 (a) IN GENERAL.—Title XVIII of the Social Security  
 11 Act (42 U.S.C. 1395 et seq.), as amended by sections  
 12 2011 and 2012, is amended by adding at the end the fol-  
 13 lowing new section:

14 “UNIFORM PART A AND B COINSURANCE RATE

15 “SEC. 1899D. (a) IN GENERAL.—Notwithstanding  
 16 any other provision of this title, in the case of an indi-  
 17 vidual entitled to, or enrolled for, benefits under part A  
 18 or enrolled in part B, after the application of the unified  
 19 deductible under section 1899C and subject to the limit  
 20 on annual out-of-pocket expenses under section 1899B,  
 21 the amount otherwise payable under part A and the total  
 22 amount of expenses incurred by the individual during a  
 23 year (beginning in 2015) which would (except for this sec-  
 24 tion) constitute incurred expenses for which benefits are  
 25 payable under part B, shall be reduced by a coinsurance  
 26 of 20 percent of such amount.

1 “(b) APPLICATION TO ALL ITEMS AND SERVICES.—

2 The uniform coinsurance under this section for a year  
3 shall be applied as follows:

4 “(1) With respect to items and services covered  
5 under part A, such uniform coinsurance shall be ap-  
6 plied on the basis of the amount that is payable for  
7 such items and services.

8 “(2) With respect to items and services covered  
9 under part B, such uniform coinsurance shall be ap-  
10 plied on the basis of the total amount of the ex-  
11 penses incurred by the individual during a year  
12 which would, except for the application of the unified  
13 deductible, constitute incurred expenses from which  
14 items and services are payable under part B.

15 “(3)(A) Except as provided in subparagraph  
16 (B), such uniform coinsurance shall be applied with  
17 respect to all items and services covered under parts  
18 A and B and in lieu of any other copayments or co-  
19 insurance under such parts.

20 “(B) Coinsurance for blood under this title  
21 shall be determined under the rules that were appli-  
22 cable to blood on December 31, 2014, rather than  
23 under this section.”.

24 (b) CONFORMING AMENDMENTS.—



1           (1) Section 1813 of the Social Security Act (42  
2       U.S.C. 1395e) is amended—

3           (A) in subsection (a), by inserting “Subject  
4       to sections 1899B, 1899C, and 1899D:” before  
5       paragraph (1); and

6           (B) in subsection (b), by inserting “Sub-  
7       ject to sections 1899B, 1899C, and 1899D:”  
8       before paragraph (1).

9           (2) Section 1833 of the Social Security Act (42  
10      U.S.C. 1395l) is amended—

11          (A) in subsection (a), in the matter pre-  
12       ceding paragraph (1), by inserting “and sec-  
13       tions 1899B, 1899C, and 1899D” after “suc-  
14       ceeding provisions of this section”;

15          (B) in subsection (b), in the first sentence,  
16       by striking “Before applying” and inserting  
17       “Subject to sections 1899B, 1899C, and  
18       1899D, before applying”;

19          (C) in subsection (c)(1), in the matter pre-  
20       ceding subparagraph (A), by inserting “subject  
21       to sections 1899B, 1899C, and 1899D,” after  
22       “this part,”;

23          (D) in subsection (f), by striking “In es-  
24       tablishing” and inserting “Subject to sections

1 1899B, 1899C, and 1899D, in establishing”;  
 2 and

3 (E) in subsection (g)(1), by inserting “and  
 4 sections 1899B, 1899C, and 1899D” after  
 5 “paragraphs (4) and (5)”.

6 (3) Section 1905(p)(3) of the Social Security  
 7 Act (42 U.S.C. 1396d(p)(3)) is amended—

8 (A) in subparagraph (B), by striking “sec-  
 9 tion 1813” and inserting “sections 1813 and  
 10 1899D”; and

11 (B) in subparagraph (C), by striking “and  
 12 section 1833(b)” and inserting “, 1833(b), and  
 13 1899C”.

14 **SEC. 2014. PROHIBITION ON FIRST-DOLLAR COVERAGE**  
 15 **UNDER MEDIGAP POLICIES AND DEVELOP-**  
 16 **MENT OF NEW STANDARDS FOR MEDIGAP**  
 17 **POLICIES.**

18 Section 1882 of the Social Security Act (42 U.S.C.  
 19 1395ss) is amended by adding at the end the following  
 20 new subsections:

21 “(z) PROHIBITION ON FIRST-DOLLAR COVERAGE  
 22 AND DEVELOPMENT OF NEW STANDARDS FOR MEDICARE  
 23 SUPPLEMENTAL POLICIES.—

24 “(1) DEVELOPMENT.—The Secretary shall re-  
 25 quest the National Association of Insurance Com-

1 missioners to review and revise the standards for  
2 benefit packages under subsection (p)(1), taking into  
3 account the changes in benefits resulting from the  
4 enactment of the Fiscal Sustainability Act of 2013  
5 and to otherwise update standards to include the re-  
6 quirements for cost-sharing described in paragraph  
7 (2). Such revisions shall be made consistent with the  
8 rules applicable under subsection (p)(1)(E) with the  
9 reference to the ‘1991 NAIC Model Regulation’  
10 deemed a reference to the NAIC Model Regulation  
11 as published in the Federal Register on December 4,  
12 1998, and as subsequently updated by the National  
13 Association of Insurance Commissioners to reflect  
14 previous changes in law and the reference to ‘date  
15 of enactment of this subsection’ deemed a reference  
16 to the date of enactment of the Fiscal Sustainability  
17 Act of 2013. To the extent practicable, such revision  
18 shall provide for the implementation of revised  
19 standards for benefit packages as of January 1,  
20 2015.

21 “(2) COST-SHARING REQUIREMENTS.—The  
22 cost-sharing requirements described in this para-  
23 graph are that, notwithstanding any other provision  
24 of law, no medicare supplemental policy may provide  
25 for coverage of—

1           “(A) any portion of the unified deductible  
2           under section 1899C(b) for the year; and

3           “(B) more than 50 percent of the cost-  
4           sharing (excluding premiums) otherwise appli-  
5           cable under parts A and B after the individual  
6           has met the unified deductible under section  
7           1899C(b) for the year and before the individual  
8           has reached the first threshold annual out-of-  
9           pocket limit under section 1899B(b)(1) for the  
10          year.

11          “(3) RENEWABILITY.—The renewability re-  
12          quirement under subsection (q)(1) shall be satisfied  
13          with the renewal of the revised package under para-  
14          graph (1) that most closely matches the policy in  
15          which the individual was enrolled prior to such revi-  
16          sion.

17          “(aa) LIMITATION ON ISSUING NEW MEDICARE SUP-  
18          PLEMENTAL POLICIES AFTER 2016.—

19          “(1) IN GENERAL.—Notwithstanding any other  
20          provision of law, a medicare supplemental policies  
21          may not be issued to an individual after December  
22          31, 2016, unless the individual was covered under a  
23          medicare supplemental policy as of such date.

1           “(2) RENEWALS AND NEW POLICIES.—Nothing  
 2       in this subsection shall be construed as prohib-  
 3       iting—

4           “(A) the renewal after December 31, 2016,  
 5       of a medicare supplemental policy that was  
 6       issued on or before such date; or

7           “(B) the issuance of a new medicare sup-  
 8       plemental policy after such date as long as the  
 9       individual was covered under any medicare sup-  
 10      plemental policy as of such date.”.

### 11       **PART III—ANNUAL REPORT TO CONGRESS**

#### 12      **SEC. 2021. ANNUAL REPORT TO CONGRESS.**

13       (a) IN GENERAL.—Not later than July 1, 2016, and  
 14      annually thereafter, the Secretary of Health and Human  
 15      Services shall submit to the Committee on Finance and  
 16      the Special Committee on Aging of the Senate and to the  
 17      Committee on Ways and Means and the Committee on En-  
 18      ergy and Commerce of the House of Representatives a re-  
 19      port on the provisions of, and amendments made by, parts  
 20      I and II.

21       (b) CONTENTS.—The report submitted under sub-  
 22      section (a) shall contain the following information:

23           (1) An evaluation of the financial impact of  
 24      such provisions and amendments.

1           (2) An evaluation of changes in access to physi-  
 2           cians and other health care providers as a result of  
 3           such provisions and amendments.

4           (3) An evaluation of changes in beneficiary sat-  
 5           isfaction under the Medicare program as a result of  
 6           such provisions and amendments.

7           (4) Such other information as the Secretary de-  
 8           termines to be appropriate.

9       **Subtitle B—Elimination of Exemp-**  
 10       **tion of Medicare Payments to**  
 11       **Physicians Under Statutory**  
 12       **PAYGO**

13       **SEC. 2101. ELIMINATION OF EXEMPTION OF MEDICARE**  
 14                       **PAYMENTS TO PHYSICIANS UNDER STATU-**  
 15                       **TORY PAYGO.**

16       (a) IN GENERAL.—Section 7 of the Statutory Pay-  
 17       As-You-Go Act of 2010 (2 U.S.C. 936) is amended—

18           (1) in subsection (a), by striking paragraph (1);

19       and

20           (2) by striking subsection (c).

21       (b) EFFECTIVE DATE.—The amendments made by  
 22       subsection (a) shall take effect on the date of the enact-  
 23       ment of this Act.

1 **Subtitle C—Adjustments to Medi-**  
 2 **care Part B and D Premiums for**  
 3 **High-Income Beneficiaries**

4 **SEC. 2201. ADJUSTMENTS TO MEDICARE PART B AND D**  
 5 **PREMIUMS FOR HIGH-INCOME BENE-**  
 6 **FICIARIES.**

7 (a) IN GENERAL.—Section 1839(i) of the Social Se-  
 8 curity Act (42 U.S.C. 1395r(i)) is amended—

9 (1) in paragraph (2)(A), by inserting (or, in the  
 10 case of 2013 or a subsequent year, \$50,000) after  
 11 “\$80,000”; and

12 (2) in paragraph (3)—

13 (A) in subparagraph (A)(i)—

14 (i) by inserting “applicable” before  
 15 “table”; and

16 (ii) by inserting “and year” after “in-  
 17 dividual”; and

18 (B) in subparagraph (C)(i)—

19 (i) by striking “(i) IN GENERAL.—”  
 20 and inserting “(i)(I) FOR 2007 THROUGH  
 21 2012.—For each of 2007 through 2012:”;  
 22 and

23 (ii) by adding at the end the following  
 24 new subclause:

1 “(II) FOR 2013 AND SUBSEQUENT  
2 YEARS.—For 2013 or a subsequent year:

“If the modified adjusted gross income is:	The applicable percentage is:
More than \$50,000 but not more than \$85,000 .....	35 percent
More than \$85,000 but not more than \$107,000 .....	40 percent
More than \$107,000 but not more than \$160,000 .....	55 percent
More than \$160,000 but not more than \$214,000 .....	70 percent
More than \$214,000 but not more than \$250,000 .....	85 percent
More than \$250,000 .....	100 percent.”.

3 (b) EXTENSION OF TEMPORARY ADJUSTMENT TO IN-  
4 COME THRESHOLDS.—

5 (1) IN GENERAL.—Section 1839(i)(6) of the  
6 Social Security Act (42 U.S.C. 1395r(i)(6)) is  
7 amended—

8 (A) in the matter preceding subparagraph  
9 (A), by striking “December 31, 2019” and in-  
10 serting “December 31, 2021”;

11 (B) in subparagraph (A), by striking  
12 “equal to such amount for 2010; and” and in-  
13 serting the following: “equal to—

14 “(i) in the case of each of 2011 and  
15 2012, such amount for 2010; and

16 “(ii) in the case of each of 2013  
17 through 2021, such amount for 2013;  
18 and”; and



1 (C) in subparagraph (B), by striking  
 2 “equal to such dollar amounts for 2010.” and  
 3 inserting the following: “equal to—  
 4 “(i) in the case of each of 2011 and  
 5 2012, such dollar amounts for 2010; and  
 6 “(ii) in the case of each of 2013  
 7 through 2021, such dollar amounts for  
 8 2013.”.

9 (2) CONFORMING AMENDMENT.—Section  
 10 1839(i)(5)(A) of the Social Security Act (42 U.S.C.  
 11 1395r(i)(5)(A)) is amended by inserting “for such  
 12 year” after “paragraph (2) or (3)”;

13 **Subtitle D—Increase in the**  
 14 **Medicare Eligibility Age**

15 **SEC. 2301. INCREASE IN THE MEDICARE ELIGIBILITY AGE.**

16 Section 226 of the Social Security Act (42 U.S.C.  
 17 426) is amended by adding at the end the following new  
 18 subsection:

19 “(k) INCREASING MEDICARE QUALIFYING AGE.—

20 “(1) IN GENERAL.—Notwithstanding any other  
 21 provision of law, any reference in this section, title  
 22 XVIII, or title XIX (insofar as it relates to the eligi-  
 23 bility age for Medicare benefits under title XVIII) to  
 24 ‘age 65’ shall be deemed a reference to the Medicare  
 25 qualifying age specified in paragraph (2).

1 “(2) MEDICARE QUALIFYING AGE SPECIFIED.—

2 The Medicare qualifying age specified in this para-  
3 graph is determined as follows:

4 “(A) In the case of an individual who at-  
5 tains 65 years of age before January 1, 2014,  
6 the Medicare qualifying age is 65 years of age.

7 “(B) In the case of an individual who at-  
8 tains 65 years of age in a year after 2013, and  
9 before 2025, the Medicare qualifying age is the  
10 Medicare qualifying age specified in this para-  
11 graph for the previous year increased by 2  
12 months.

13 “(C) In the case of an individual who at-  
14 tains 65 years of age in a year after 2024, the  
15 Medicare qualifying age is 67 years of age.”.

## 16 **Subtitle E—Other Provisions**

17 **SEC. 2401. LIMITATION ON MEDICARE PAYMENTS FOR DI-**

18 **RECT GRADUATE MEDICAL EDUCATION**

19 **(DGME).**

20 Section 1886(h)(2)(D) of the Social Security Act (42

21 U.S.C. 1395ww(h)(2)(D)) is amended by adding at the

22 end the following new clause:

23 “(v) CAP ON APPROVED FTE RESI-  
24 DENT AMOUNT.—

1           “(I) IN GENERAL.—The ap-  
2 proved FTE resident amount for a  
3 hospital for a cost reporting period be-  
4 ginning during fiscal year 2014 or a  
5 subsequent fiscal year shall not be  
6 more than the applicable amount for  
7 the year.

8           “(II) APPLICABLE AMOUNT.—  
9 For purposes of subclause (I), the ap-  
10 plicable amount for a year shall be an  
11 amount equal to 120 percent of the  
12 national average salary paid to resi-  
13 dents in 2010, updated through the  
14 year involved by the Chained Con-  
15 sumer Price Index.

16           “(III) CHAINED CONSUMER  
17 PRICE INDEX.—In subclause (II), the  
18 term ‘Chained Consumer Price Index’  
19 means the initial Chained Consumer  
20 Price Index for all-urban consumers  
21 published by the Department of  
22 Labor.”.

1 **SEC. 2402. REDUCTION IN MEDICARE INDIRECT GRADUATE**  
 2 **MEDICAL EDUCATION (IME) PAYMENTS.**

3 (a) IN GENERAL.—Section 1886(d)(5)(B)(ii) of the  
 4 Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)) is  
 5 amended—

6 (1) in subclause (XI), by striking “and” at the  
 7 end;

8 (2) in subclause (XII)—

9 (A) by inserting “and before October 1,  
 10 2013,” after “2007,”; and

11 (B) by striking the period at the end and  
 12 inserting “; and”; and

13 (3) by adding at the end the following new sub-  
 14 clause:

15 “(XIII) on or after October 1, 2013, ‘c’ is  
 16 equal to 0.54.”.

17 (b) CONFORMING AMENDMENT RELATING TO DE-  
 18 TERMINATION OF STANDARDIZED AMOUNT.—Section  
 19 1886(d)(2)(C)(i) of the Social Security Act (42 U.S.C.  
 20 1395ww(d)(2)(C)(i)) is amended by inserting “or of sec-  
 21 tion 2402(a) of the Fiscal Sustainability Act of 2013”  
 22 after “Act of 1997”.

1 **SEC. 2403. ACCELERATION OF APPLICATION OF PRODUC-**  
 2 **TIVITY ADJUSTMENT TO MEDICARE HOME**  
 3 **HEALTH PROSPECTIVE PAYMENT AMOUNTS.**

4 Section 1895(b)(3)(B)(vi)(I) of the Social Security  
 5 Act (42 U.S.C. 1395fff(b)(3)(B)(vi)(I)) is amended by  
 6 striking “2015” and inserting “2014”.

7 **SEC. 2404. ACCELERATION OF REBASING OF MEDICARE**  
 8 **HOME HEALTH PROSPECTIVE PAYMENT**  
 9 **AMOUNTS.**

10 Section 1895(b)(3)(A)(iii)(II) of the Social Security  
 11 Act (42 U.S.C. 1395fff(b)(3)(A)(iii)(II)) is amended—

12 (1) in the first sentence—

13 (A) by striking “4-year” and inserting “2-  
 14 year”; and

15 (B) by striking “2017” and inserting  
 16 “2015”; and

17 (2) by striking the second sentence.

18 **SEC. 2405. REDUCTION OF BAD DEBT TREATED AS AN AL-**  
 19 **LOWABLE COST.**

20 (a) HOSPITALS.—Section 1861(v)(1)(T) of the Social  
 21 Security Act (42 U.S.C. 1395x(v)(1)(T)) is amended—

22 (1) in clause (iv), by striking “and” at the end;

23 (2) in clause (v)—

24 (A) by striking “or a subsequent fiscal  
 25 year”; and

1 (B) by striking the period at the end and  
 2 inserting a comma; and

3 (3) by adding at the end the following:

4 “(vi) for cost reporting periods beginning dur-  
 5 ing fiscal year 2014, by 48 percent of such amount  
 6 otherwise allowable,

7 “(vii) for cost reporting periods beginning dur-  
 8 ing fiscal year 2015, by 61 percent of such amount  
 9 otherwise allowable,

10 “(viii) for cost reporting periods beginning dur-  
 11 ing fiscal year 2016, by 74 percent of such amount  
 12 otherwise allowable,

13 “(ix) for cost reporting periods beginning dur-  
 14 ing fiscal year 2017, by 87 percent of such amount  
 15 otherwise allowable, and

16 “(x) for cost reporting periods beginning during  
 17 fiscal year 2018 or a subsequent fiscal year, by 100  
 18 percent of such amount otherwise allowable.”.

19 (b) SKILLED NURSING FACILITIES.—Section  
 20 1861(v)(1)(V) of the Social Security Act (42 U.S.C.  
 21 1395x(v)(1)(V)) is amended—

22 (1) by moving subclauses (I) and (II) of clause  
 23 (i) and subclauses (I) through (IV) of clause (ii) two  
 24 ems to the right; and

25 (2) in clause (i)—

1 (A) in subclause (I), by striking “and” at  
2 the end;

3 (B) in subclause (II)—

4 (i) by striking “or a subsequent fiscal  
5 year”; and

6 (ii) by striking the period at the end  
7 and inserting a semicolon; and

8 (C) by adding at the end the following:

9 “(III) for cost reporting periods beginning  
10 during fiscal year 2014, by 48 percent of such  
11 amount otherwise allowable;

12 “(IV) for cost reporting periods beginning  
13 during fiscal year 2015, by 61 percent of such  
14 amount otherwise allowable;

15 “(V) for cost reporting periods beginning  
16 during fiscal year 2016, by 74 percent of such  
17 amount otherwise allowable;

18 “(VI) for cost reporting periods beginning  
19 during fiscal year 2017, by 87 percent of such  
20 amount otherwise allowable; and

21 “(VII) for cost reporting periods beginning  
22 during fiscal year 2018 or a subsequent fiscal  
23 year, by 100 percent of such amount otherwise  
24 allowable.”.

1       (c)     CERTAIN     OTHER     PROVIDERS.—Section  
 2 1861(v)(1)(W)(i) of the Social Security Act (42 U.S.C.  
 3 1395x(v)(1)(W)(i)) is amended—

4           (1) in subclause (II), by striking “and” at the  
 5 end;

6           (2) in subclause (III)—

7               (A) by striking “a subsequent fiscal year”  
 8 and inserting “fiscal year 2015”; and

9               (B) by striking the period at the end and  
 10 inserting a semicolon; and

11          (3) by adding at the end the following:

12           “(IV) for cost reporting periods beginning dur-  
 13 ing fiscal year 2016, by 48 percent of such amount  
 14 otherwise allowable;

15           “(V) for cost reporting periods beginning dur-  
 16 ing fiscal year 2017, by 61 percent of such amount  
 17 otherwise allowable;

18           “(VI) for cost reporting periods beginning dur-  
 19 ing fiscal year 2018, by 74 percent of such amount  
 20 otherwise allowable;

21           “(VII) for cost reporting periods beginning dur-  
 22 ing fiscal year 2019, by 87 percent of such amount  
 23 otherwise allowable; and

24           “(VIII) for cost reporting periods beginning  
 25 during fiscal year 2020 or a subsequent fiscal year,



1 by 100 percent of such amount otherwise allow-  
 2 able.”.

### 3 **TITLE III—SOCIAL SECURITY**

#### 4 **SEC. 3101. ADJUSTMENTS TO BEND POINTS IN DETER-** 5 **MINING PRIMARY INSURANCE AMOUNT.**

6 Section 215(a)(1) of the Social Security Act (42  
 7 U.S.C. 415(a)(1)) is amended—

8 (1) in subparagraph (A), in the matter pre-  
 9 ceding clause (i), by inserting “who initially becomes  
 10 eligible for old-age or disability insurance benefits,  
 11 or who dies (before becoming eligible for such bene-  
 12 fits), in any calendar year after 1979 and before  
 13 2017” after “individual”;

14 (2) in subparagraph (B)(ii), in the matter pre-  
 15 ceding subclause (I), by inserting “and before 2017”  
 16 after “after 1979”;

17 (3) in subparagraph (C)(i), by inserting “or  
 18 (E)” after “(A)”;

19 (4) by adding at the end the following:

20 “(E)(i) The primary insurance amount of an indi-  
 21 vidual who initially becomes eligible for old-age or dis-  
 22 ability insurance benefits, or who dies (before becoming  
 23 eligible for such benefits), in any calendar year after 2016  
 24 shall (except as otherwise provided in this section) be  
 25 equal to the sum of—

1           “(I) 90 percent of the individual’s average in-  
2       dexed monthly earnings (determined under sub-  
3       section (b)) to the extent that such earnings do not  
4       exceed the amount established for purposes of this  
5       subclause by clause (ii),

6           “(II) 30 percent of the individual’s average in-  
7       dexed monthly earnings to the extent that such  
8       earnings exceed the amount established for purposes  
9       of subclause (I) but do not exceed the amount estab-  
10      lished for purposes of this subclause by clause (ii),

11          “(III) 10 percent of the individual’s average in-  
12       dexed monthly earnings to the extent that such  
13       earnings exceed the amount established for purposes  
14       of subclause (II) but do not exceed the amount es-  
15       tablished for purposes of this subclause by clause  
16       (ii), and

17          “(IV) 5 percent of the individual’s average in-  
18       dexed monthly earnings to the extent that such  
19       earnings exceed the amount established for purposes  
20       of subclause (III),

21       rounded, if not a multiple of \$0.10, to the next lower mul-  
22       tiple of \$0.10, and thereafter increased as provided in sub-  
23       section (i).

24          “(ii) For individuals who initially become eligible for  
25       old-age or disability insurance benefits, or who die (before

1 becoming eligible for such benefits) in the calendar year  
 2 2017 or later, the amount established for purposes of sub-  
 3 clauses (I), (II), and (III) of subparagraph (E)(i) shall  
 4 be \$180, \$736, and \$1,085, respectively, as if such  
 5 amount was applicable with respect to 1979 and was ad-  
 6 justed for years after 1979 in the same manner as pro-  
 7 vided under subparagraph (B)(ii), without regard to the  
 8 limitation that such adjustment only applies to individuals  
 9 who initially become eligible for old-age benefits or dis-  
 10 ability insurance benefits, or who die (before becoming eli-  
 11 gible for benefits) before 2017.

12 “(iii)(I) Notwithstanding clauses (i) and (ii), in the  
 13 case of any individual who becomes eligible for old-age or  
 14 disability insurance benefits, or who dies (before becoming  
 15 eligible for such benefits) in any calendar year after 2016  
 16 and before 2051, the primary insurance amount of the in-  
 17 dividual shall be equal to the sum of—

18 “(aa) the primary insurance amount determined  
 19 for the individual under subparagraphs (A) and (B)  
 20 (without regard to the limitation that such subpara-  
 21 graphs apply only to individuals who initially become  
 22 eligible for old-age benefits or disability insurance  
 23 benefits, or who die (before becoming eligible for  
 24 benefits) before 2017) multiplied by the applicable

1 phase-in factor for the calendar year under sub-  
 2 clause (II); and

3 “(bb) the primary insurance amount deter-  
 4 mined for the individual under this subparagraph  
 5 (other than under this clause) multiplied by the ap-  
 6 plicable phase-in factor for the calendar year under  
 7 subclause (II).

8 “(II) For purposes of—

9 “(aa) subclause (I)(aa), the applicable phase-in  
 10 factor for calendar year 2017, is the quotient of 33  
 11 divided by 34, and for each year thereafter is the  
 12 quotient of—

13 “(AA) the numerator applicable for the  
 14 preceding year reduced by 1, divided by

15 “(BB) 34; and

16 “(bb) subclause (I)(bb), the applicable phase-in  
 17 factor for calendar year 2017 is the quotient of 1 di-  
 18 vided by 34, and for each year thereafter is the  
 19 quotient of—

20 “(AA) the numerator applicable for the  
 21 preceding year increased by 1, divided by

22 “(BB) 34.”.

1 **SEC. 3102. ADJUSTMENT TO CALCULATION OF BENEFIT**  
 2 **COMPUTATION YEARS.**

3 (a) IN GENERAL.—Clause (i) of section 215(b)(2)(A)  
 4 of the Social Security Act (42 U.S.C. 415(b)(2)(A)) is  
 5 amended to read as follows:

6 “(i) in the case of an individual who is entitled  
 7 to old-age insurance benefits (except as provided in  
 8 the second sentence of this subparagraph), or who  
 9 has died—

10 “(I) before January 1, 2014, by 5 years;

11 “(II) after December 31, 2013, and before  
 12 January 1, 2015, by 4 years;

13 “(III) after December 31, 2014, and be-  
 14 fore January 1, 2016, by 3 years; and

15 “(IV) after December 31, 2015, and before  
 16 January 1, 2017, by 2 years; and”.

17 (b) EFFECTIVE DATE.—The amendments made by  
 18 this section shall apply to benefits payable for months be-  
 19 ginning after December 31, 2013.

20 **SEC. 3103. MINIMUM SOCIAL SECURITY BENEFIT.**

21 (a) IN GENERAL.—Section 215 of the Social Security  
 22 Act (42 U.S.C. 415) is amended by adding at the end the  
 23 following:

24 “Minimum Monthly Insurance Benefit

25 “(j)(1) Notwithstanding the preceding provisions of  
 26 this section—

1           “(A) subject to paragraph (3), the primary in-  
 2           surance amount of any individual who is credited  
 3           with at least 10 years of coverage and who initially  
 4           becomes eligible for old-age or disability insurance  
 5           benefits or dies (before becoming eligible for such  
 6           benefits) for a month beginning after December 31,  
 7           2016 (in this subsection referred to as a ‘qualified  
 8           individual’), shall be equal to the greater of—

9                   “(i) the primary insurance amount deter-  
 10                  mined under this section (without regard to this  
 11                  subsection), or

12                   “(ii) the minimum monthly insurance ben-  
 13                  efit determined under paragraph (2), and

14           “(B) any recomputation of the primary insur-  
 15           ance amount of a qualified individual shall not result  
 16           in a primary insurance amount less than the pri-  
 17           mary insurance amount as in effect immediately  
 18           prior to such recomputation.

19           “(2) For purposes of this subsection, the term ‘min-  
 20           imum monthly insurance benefit’ means  $\frac{1}{12}$  of the appli-  
 21           cable percentage of the adjusted minimum benefit level (as  
 22           defined in paragraph (5)).

23           “(3)(A) For purposes of this subsection, subject to  
 24           subparagraph (B), the applicable percentage shall be 125  
 25           percent reduced by the number of percentage points deter-

1 mined under subparagraph (B)(ii) for each year of cov-  
 2 erage of the qualified individual less than 30.

3 “(B)(i) In the case of an individual who initially be-  
 4 comes eligible for disability insurance benefits under sec-  
 5 tion 223 before attaining age 62, or who dies before at-  
 6 taining age 62, in a month beginning after December 31,  
 7 2016, and who is credited with at least 5 years of cov-  
 8 erage, the individual shall be treated as a qualified indi-  
 9 vidual and the applicable percentage shall be 125 reduced  
 10 by the number of percentage points determined under  
 11 clause (ii) for each year of coverage of the qualified indi-  
 12 vidual less than the number as determined under clause  
 13 (iii).

14 “(ii) The number of percentage points under this  
 15 clause shall be determined by—

16 “(I) dividing the number of the qualifying indi-  
 17 vidual’s elapsed years (as defined in subsection  
 18 (b)(2)(B)(iii)) by 40;

19 “(II) multiplying the result under subclause (I)  
 20 by 20; and

21 “(III) dividing 125 by the result under sub-  
 22 clause (II) and rounding to the nearest one hun-  
 23 dredth of 1 percentage point.

24 “(iii) The number of years of coverage under this  
 25 clause shall be determined by multiplying the ratio deter-

1 mined under clause (ii)(I) by 30 and rounding to the next  
 2 lower whole number.

3 “(4) For purposes of this subsection, a year of cov-  
 4 erage is a calendar year for which an individual is credited  
 5 with 4 quarters of coverage.

6 “(5) For purposes of this subsection—

7 “(A) for individuals who initially become eligible  
 8 for old-age or disability insurance benefits or die  
 9 (before becoming eligible for such benefits) in 2017,  
 10 the term ‘adjusted minimum benefit level’ means the  
 11 weighted average of the Federal poverty threshold  
 12 applicable to a family of 1 for 2009 (as determined  
 13 by the Bureau of the Census), increased for each  
 14 year occurring after 2009 and before 2018, by the  
 15 percentage increase (rounded to the nearest one-  
 16 tenth of 1 percent) in the Chained Consumer Price  
 17 Index for All Urban Consumers (as published by the  
 18 Bureau of Labor Statistics of the Department of  
 19 Labor) for each such year; and

20 “(B) for individuals who initially become eligi-  
 21 ble for old-age or disability insurance benefits or die  
 22 (before becoming eligible for such benefits) in a year  
 23 after 2017, the term ‘adjusted minimum benefit  
 24 level’ means the amount specified in subparagraph  
 25 (A), multiplied by the quotient described in sub-



1       section (b)(3)(A)(ii), except that the reference to  
 2       ‘the computation base year for which the determina-  
 3       tion is made’ in such subsection shall be deemed in-  
 4       stead to be a reference to ‘2009’.

5       “(6) The provisions of this subsection shall not apply  
 6       in the case of an individual whose primary insurance  
 7       amount would otherwise be computed under subsection  
 8       (a)(7).”.

9       (b) CONFORMING AMENDMENT.—Section 202(a) of  
 10      such Act (42 U.S.C. 402(a)) is amended in the last sen-  
 11      tence by striking “section 215(a)” and inserting “section  
 12      215”.

13      **SEC. 3104. INCREASE IN BENEFITS STARTING 20 YEARS**  
 14                                      **AFTER INITIAL ELIGIBILITY.**

15      (a) IN GENERAL.—Section 215 of the Social Security  
 16      Act (42 U.S.C. 415), as amended by this Act, is amended  
 17      by adding at the end the following new subsection:

18      “Increased Monthly Insurance Benefit After 20 Years of  
 19                                      Initial Eligibility

20      “(k)(1) Notwithstanding the preceding provisions of  
 21      this section, in the case of an individual who is a 20-year  
 22      beneficiary, the primary insurance amount of the indi-  
 23      vidual (as determined before the application of this sub-  
 24      section) shall be increased for months beginning with the  
 25      first month for which the individual attains such status

1 by the amount equal to the applicable percentage of the  
 2 applicable average primary insurance amount.

3 “(2) For purposes of this subsection, the term ‘20-  
 4 year beneficiary’ means an individual who has been eligible  
 5 for old-age insurance benefits or disability insurance bene-  
 6 fits under this title for at least 240 months.

7 “(3) For purposes of paragraph (1), the term ‘appli-  
 8 cable average primary insurance amount’ means, with re-  
 9 spect to a 20-year beneficiary, the primary insurance  
 10 amount determined by the Commissioner of Social Secu-  
 11 rity that would apply to an individual of the same age as  
 12 the age at which the 20-year beneficiary first attains such  
 13 status, if the individual had earnings for each calendar  
 14 year in which the individual would have attained ages 20  
 15 through the year prior to the age of eligibility, respectively,  
 16 equal to the national average earnings for all such individ-  
 17 uals for each such year.

18 “(4) For purposes of paragraph (1), the applicable  
 19 percentage is—

20 “(A) for each month occurring during the first  
 21 12-month period for which an individual is a 20-year  
 22 beneficiary, 1 percent;

23 “(B) for each month occurring during the sec-  
 24 ond 12-month period for which an individual is such  
 25 a beneficiary, 2 percent;

1 “(C) for each month occurring during the third  
 2 12-month period for which an individual is such a  
 3 beneficiary, 3 percent;

4 “(D) for each month occurring during the  
 5 fourth 12-month period for which an individual is  
 6 such a beneficiary, 4 percent; and

7 “(E) for each month occurring thereafter, 5  
 8 percent.”.

9 (b) EFFECTIVE DATE.—The amendments made by  
 10 this section shall apply to benefits payable for months be-  
 11 ginning after December 31, 2013.

12 **SEC. 3105. ADJUSTMENT TO NORMAL AND EARLY RETIRE-**  
 13 **MENT AGES.**

14 Section 216(l) of the Social Security Act (42 U.S.C.  
 15 416(l)) is amended—

16 (1) in paragraph (1)—

17 (A) in subparagraph (D), by striking “;  
 18 and” and inserting a semicolon; and

19 (B) by striking subparagraph (E) and in-  
 20 serting the following new subparagraphs:

21 “(E) with respect to an individual who at-  
 22 tains early retirement age after December 31,  
 23 2021, and before January 1, 2023, 67 years of  
 24 age;

“(F) with respect to an individual who,  
during the period after December 31, 2022,  
and before January 1, 2070—

“(i) for purposes of paragraph  
(2)(A)(ii), attains 62 years of age, such in-  
dividual’s early retirement age plus 60  
months; or

“(ii) attains early retirement age pur-  
suant to paragraph (2)(B), 67 years plus  
the number of months determined under  
the age increase factor for the calendar  
year in which such individual attains early  
retirement age; and

“(G) with respect to an individual who—

“(i) for purposes of paragraph  
(2)(A)(iii), attains 62 years of age after  
December 31, 2069, 69 years of age; or

“(ii) attains early retirement age pur-  
suant to paragraph (2)(B) after December  
31, 2069, 69 years of age.”;

(2) by amending paragraph (2) to read as fol-  
lows:

“(2) The term ‘early retirement age’ means—

“(A) in the case of an old-age, wife’s, or  
husband’s insurance benefit—

1 “(i) 62 years of age with respect to an  
2 individual who attains such age before  
3 January 1, 2023;

4 “(ii) with respect to an individual who  
5 attains 62 years of age after December 31,  
6 2022, and before January 1, 2070, 62  
7 years of age plus the number of months  
8 determined under the age increase factor  
9 for the calendar year in which such indi-  
10 vidual attains 62 years of age; and

11 “(iii) with respect to an individual  
12 who attains age 62 after December 31,  
13 2069, 64 years of age; or

14 “(B) in the case of a widow’s or widower’s  
15 insurance benefit, 60 years of age.”; and

16 (3) by adding at the end the following new  
17 paragraph:

18 “(4) The age increase factor shall be equal to  
19  $\frac{1}{24}$  of the number of months (rounded down to a  
20 full month) in the period beginning with January  
21 2023 and ending with December of the year in  
22 which—

23 “(A) for purposes of paragraph (1)(F)(ii),  
24 the individual attains 60 years of age; or

1                   “(B) for purposes of paragraph (2)(A)(ii),  
 2                   the individual attains 62 years of age.”.

3   **SEC. 3106. APPLICATION OF ACTUARIAL REDUCTION FOR**  
 4                   **DISABLED BENEFICIARIES WHO ATTAIN**  
 5                   **EARLY RETIREMENT AGE.**

6           (a) IN GENERAL.—Section 202(k)(4) of the Social  
 7 Security Act (42 U.S.C. 402(k)(4)) is amended to read  
 8 as follows:

9           “(4)(A) Subject to subparagraph (B), any individual  
 10 who, under this section and section 223, is entitled for  
 11 any month to both an old-age insurance benefit and a dis-  
 12 ability insurance benefit under this title shall be entitled  
 13 to only the larger of such benefits for such month, except  
 14 that, if such individual so elects, he shall instead be enti-  
 15 tled to only the smaller of such benefits for such month.

16           “(B) An individual described in subparagraph (A)  
 17 who has attained transitional retirement age (as deter-  
 18 mined under subparagraph (C)) shall only be entitled to  
 19 the old-age insurance benefit for such month, as reduced  
 20 for such month pursuant to subsection (q)(1).

21           “(C) For purposes of subparagraph (B), the term  
 22 ‘transitional retirement age’ means—

23                   “(i) with respect to an individual who attains  
 24                   62 years of age before January 1, 2014, 66 years  
 25                   of age;

1           “(ii) with respect to an individual who attains  
 2           62 years of age after December 31, 2013, and before  
 3           January 1, 2025, 66 years of age reduced by the  
 4           number of months determined under the transition  
 5           factor (as determined under subparagraph (D)) for  
 6           the calendar year in which such individual attains 62  
 7           years of age; and

8           “(iii) with respect to an individual who attains  
 9           62 years of age after December 31, 2024, 64 years  
 10          of age.

11          “(D) For purposes of subparagraph (C)(ii), the tran-  
 12          sition factor shall be equal to two-twelfths of the number  
 13          of months in the period beginning with January 2014 and  
 14          ending with December of the year in which the individual  
 15          attains 62 years of age.”.

16          (b) CONFORMING AMENDMENTS.—

17               (1) PERIOD OF DISABILITY.—Clause (i) of sec-  
 18               tion 216(i)(2)(D) of the Social Security Act (42  
 19               U.S.C. 416(i)(2)(D)) is amended by striking “retire-  
 20               ment age (as defined in subsection (l))” and insert-  
 21               ing “transitional retirement age (as defined in sec-  
 22               tion 216(k)(4))”.

23               (2) DISABILITY INSURANCE BENEFIT PAY-  
 24               MENTS.—Section 223(a)(1) of the Social Security  
 25               (42 U.S.C. 423(a)(1)) is amended—

1 (A) in subparagraph (B), by striking “re-  
 2 tirement age (as defined in section 216(l))” and  
 3 inserting “transitional retirement age (as de-  
 4 fined in section 216(k)(4))”; and

5 (B) in the flush matter at the end, by  
 6 striking “retirement age (as defined in section  
 7 216(l))” and inserting “transitional retirement  
 8 age (as defined in section 216(k)(4))”.

9 (c) EFFECTIVE DATE.—The amendments made by  
 10 this section shall apply to benefits payable for months be-  
 11 ginning after December 31, 2013.

12 **SEC. 3107. OPTION TO COLLECT UP TO ONE-HALF OF OLD-**  
 13 **AGE INSURANCE BENEFIT AT AGE 62.**

14 (a) IN GENERAL.—Section 202 of the Social Security  
 15 Act (42 U.S.C. 402) is amended by adding at the end the  
 16 following:

17 “Option to Collect up to One-Half of Old-Age Insurance  
 18 Benefit Beginning at Age 62

19 “(z)(1) Not later than January 1, 2014, the Commis-  
 20 sioner of Social Security shall establish an option, subject  
 21 to such regulations as are prescribed by the Commissioner  
 22 under paragraph (2), for a fully insured individual (as de-  
 23 fined in section 214) to elect to receive a reduced monthly  
 24 benefit after such individual attains 62 years of age, con-  
 25 sisting of the following:



1           “(A) Subject to paragraph (3), for months be-  
 2           ginning with the month in which the individual at-  
 3           tains age 62, a monthly benefit equal to such per-  
 4           centage as is elected by the individual, but which  
 5           shall not be greater than 50 percent, of the primary  
 6           insurance amount determined for the individual at  
 7           age 62.

8           “(B) For months beginning with the month in  
 9           which the individual attains early retirement age, a  
 10          monthly benefit equal to the sum of—

11                 “(i) the monthly benefit payable to the in-  
 12                 dividual under subparagraph (A); and

13                 “(ii) the amount equal to the applicable  
 14                 percentage (as determined under subparagraph  
 15                 (C)) of primary insurance amount determined  
 16                 for the individual under section 215 for such  
 17                 month (determined without regard to any elec-  
 18                 tion under this subsection).

19           “(C) For purposes of subparagraph (B)(ii), the  
 20           applicable percentage shall be equal to the difference  
 21           between—

22                 “(i) 100 percent; and

23                 “(ii) the percentage elected by the indi-  
 24                 vidual under subparagraph (A).

1 “(2) An individual shall elect the option under this  
 2 subsection in accordance with regulations prescribed by  
 3 the Commissioner of Social Security.

4 “(3) The monthly benefit payable to an individual  
 5 under paragraph (1)(A) shall be subject to reduction as  
 6 provided in subsection (q).”.

7 (b) CONFORMING AMENDMENT.—Section 202(a) of  
 8 the Social Security Act (42 U.S.C. 402(a)) is amended  
 9 in the last sentence, by striking “subsection (q) and sub-  
 10 section (w)” and inserting “subsections (q), (w), and (z)”.

11 **SEC. 3108. COVERAGE OF NEWLY HIRED STATE AND LOCAL**  
 12 **EMPLOYEES.**

13 (a) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

14 (1) IN GENERAL.—Paragraph (7) of section  
 15 210(a) of the Social Security Act (42 U.S.C.  
 16 410(a)(7)) is amended to read as follows:

17 “(7) Excluded State or local government em-  
 18 ployment (as defined in subsection (s));”.

19 (2) EXCLUDED STATE OR LOCAL GOVERNMENT  
 20 EMPLOYMENT.—

21 (A) IN GENERAL.—Section 210 of such  
 22 Act (42 U.S.C. 410) is amended by adding at  
 23 the end the following new subsection:

24 “(s) EXCLUDED STATE OR LOCAL GOVERNMENT  
 25 EMPLOYMENT.—(1) IN GENERAL.—The term ‘excluded

1 State or local government employment’ means any service  
 2 performed in the employ of a State, of any political sub-  
 3 division thereof, or of any instrumentality of any one or  
 4 more of the foregoing which is wholly owned thereby, if—

5 “(A)(i) such service would be excluded from the  
 6 term ‘employment’ for purposes of this title if the  
 7 preceding provisions of this section as in effect in  
 8 December 2020 had remained in effect, and (ii) the  
 9 requirements of paragraph (2) are met with respect  
 10 to such service, or

11 “(B) the requirements of paragraph (3) are met  
 12 with respect to such service.

13 “(2) EXCEPTION FOR CURRENT EMPLOYMENT  
 14 WHICH CONTINUES.—

15 “(A) IN GENERAL.—The requirements of this  
 16 paragraph are met with respect to service for any  
 17 employer if—

18 “(i) such service is performed by an indi-  
 19 vidual—

20 “(I) who was performing substantial  
 21 and regular service for remuneration for  
 22 that employer before January 1, 2021,

23 “(II) who is a bona fide employee of  
 24 that employer on December 31, 2020, and

1 “(III) whose employment relationship  
 2 with that employer was not entered into  
 3 for purposes of meeting the requirements  
 4 of this subparagraph, and

5 “(ii) the employment relationship with that  
 6 employer has not been terminated after Decem-  
 7 ber 31, 2020.

8 “(B) TREATMENT OF MULTIPLE AGENCIES AND  
 9 INSTRUMENTALITIES.—For purposes of subpara-  
 10 graph (A), under regulations (consistent with regula-  
 11 tions established under section 3121(t)(2)(B) of the  
 12 Internal Revenue Code of 1986)—

13 “(i) all agencies and instrumentalities of a  
 14 State (as defined in section 218(b)) or of the  
 15 District of Columbia shall be treated as a single  
 16 employer, and

17 “(ii) all agencies and instrumentalities of a  
 18 political subdivision of a State (as so defined)  
 19 shall be treated as a single employer and shall  
 20 not be treated as described in clause (i).

21 “(3) EXCEPTION FOR CERTAIN SERVICES.—

22 “(A) IN GENERAL.—The requirements of this  
 23 paragraph are met with respect to service if such  
 24 service is performed—

1           “(i) by an individual who is employed by a  
2           State or political subdivision thereof to relieve  
3           such individual from unemployment,

4           “(ii) in a hospital, home, or other institu-  
5           tion by a patient or inmate thereof as an em-  
6           ployee of a State or political subdivision thereof  
7           or of the District of Columbia,

8           “(iii) by an individual, as an employee of  
9           a State or political subdivision thereof or of the  
10          District of Columbia, serving on a temporary  
11          basis in case of fire, storm, snow, earthquake,  
12          flood, or other similar emergency,

13          “(iv) by any individual as an employee in-  
14          cluded under section 5351(2) of title 5, United  
15          States Code (relating to certain interns, student  
16          nurses, and other student employees of hos-  
17          pitals of the District of Columbia Government),  
18          other than as a medical or dental intern or a  
19          medical or dental resident in training,

20          “(v) by an election official or election  
21          worker if the remuneration paid in a calendar  
22          year for such service is less than \$1,000 with  
23          respect to service performed during 2021, and  
24          the adjusted amount determined under sub-  
25          paragraph (C) for any subsequent year with re-

spect to service performed during such subsequent year, except to the extent that service by such election official or election worker is included in employment under an agreement under section 218, or

“(vi) by an employee in a position compensated solely on a fee basis which is treated pursuant to section 211(c)(2)(E) as a trade or business for purposes of inclusion of such fees in net earnings from self-employment.

“(B) DEFINITIONS.—As used in this paragraph, the terms ‘State’ and ‘political subdivision’ have the meanings given those terms in section 218(b).

“(C) ADJUSTMENTS TO DOLLAR AMOUNT FOR ELECTION OFFICIALS AND ELECTION WORKERS.—For each year after 2021, the Commissioner of Social Security shall adjust the amount referred to in subparagraph (A)(v) at the same time and in the same manner as is provided under section 215(a)(1)(B)(ii) with respect to the amounts referred to in section 215(a)(1)(B)(i), except that—

“(i) for purposes of this subparagraph, 2018 shall be substituted for the calendar year referred to in section 215(a)(1)(B)(ii)(II), and

1           “(ii) such amount as so adjusted, if not a  
 2           multiple of \$100, shall be rounded to the next  
 3           higher multiple of \$100 where such amount is  
 4           a multiple of \$50 and to the nearest multiple  
 5           of \$100 in any other case.

6   The Commissioner of Social Security shall determine and  
 7   publish in the Federal Register each adjusted amount de-  
 8   termined under this subparagraph not later than Novem-  
 9   ber 1 preceding the year for which the adjustment is  
 10 made.”.

11           (B) CONFORMING AMENDMENTS.—

12           (i) Subsection (k) of section 210 of  
 13           such Act (42 U.S.C. 410(k)) (relating to  
 14           covered transportation service) is repealed.

15           (ii) Section 210(p) of such Act (42  
 16           U.S.C. 410(p)) is amended—

17           (I) in paragraph (2), by striking  
 18           “service is performed” and all that  
 19           follows and inserting “service is serv-  
 20           ice described in subsection (s)(3)(A).”;  
 21           and

22           (II) in paragraph (3)(A), by in-  
 23           serting “under subsection (a)(7) as in  
 24           effect in December 2020” after “sec-  
 25           tion”.

1 (iii) Section 218(c)(6) of such Act (42  
2 U.S.C. 418(c)(6)) is amended—

3 (I) by striking subparagraph (C);

4 (II) by redesignating subpara-  
5 graphs (D) and (E) as subparagraphs  
6 (C) and (D), respectively; and

7 (III) by striking subparagraph  
8 (F) and inserting the following:

9 “(E) service which is included as employment  
10 under section 210(a).”.

11 (b) AMENDMENTS TO THE INTERNAL REVENUE  
12 CODE OF 1986.—

13 (1) IN GENERAL.—Paragraph (7) of section  
14 3121(b) of the Internal Revenue Code of 1986 (re-  
15 lating to employment) is amended to read as follows:

16 “(7) excluded State or local government em-  
17 ployment (as defined in subsection (t));”.

18 (2) EXCLUDED STATE OR LOCAL GOVERNMENT  
19 EMPLOYMENT.—Section 3121 of such Code is  
20 amended by inserting after subsection (s) the fol-  
21 lowing new subsection:

22 “(t) EXCLUDED STATE OR LOCAL GOVERNMENT EM-  
23 PLOYMENT.—

24 “(1) IN GENERAL.—For purposes of this chap-  
25 ter, the term ‘excluded State or local government



employment’ means any service performed in the employ of a State, of any political subdivision thereof, or of any instrumentality of any one or more of the foregoing which is wholly owned thereby, if—

“(A)(i) such service would be excluded from the term ‘employment’ for purposes of this chapter if the provisions of subsection (b)(7) as in effect in December 2020 had remained in effect, and (ii) the requirements of paragraph (2) are met with respect to such service, or

“(B) the requirements of paragraph (3) are met with respect to such service.

“(2) EXCEPTION FOR CURRENT EMPLOYMENT WHICH CONTINUES.—

“(A) IN GENERAL.—The requirements of this paragraph are met with respect to service for any employer if—

“(i) such service is performed by an individual—

“(I) who was performing substantial and regular service for remuneration for that employer before January 1, 2021,

1 “(II) who is a bona fide employee  
2 of that employer on December 31,  
3 2020, and

4 “(III) whose employment rela-  
5 tionship with that employer was not  
6 entered into for purposes of meeting  
7 the requirements of this subpara-  
8 graph, and

9 “(ii) the employment relationship with  
10 that employer has not been terminated  
11 after December 31, 2020.

12 “(B) TREATMENT OF MULTIPLE AGENCIES  
13 AND INSTRUMENTALITIES.—For purposes of  
14 subparagraph (A), under regulations—

15 “(i) all agencies and instrumentalities  
16 of a State (as defined in section 218(b) of  
17 the Social Security Act) or of the District  
18 of Columbia shall be treated as a single  
19 employer, and

20 “(ii) all agencies and instrumentalities  
21 of a political subdivision of a State (as so  
22 defined) shall be treated as a single em-  
23 ployer and shall not be treated as de-  
24 scribed in clause (i).

25 “(3) EXCEPTION FOR CERTAIN SERVICES.—

1           “(A) IN GENERAL.—The requirements of  
2           this paragraph are met with respect to service  
3           if such service is performed—

4                   “(i) by an individual who is employed  
5                   by a State or political subdivision thereof  
6                   to relieve such individual from unemploy-  
7                   ment,

8                   “(ii) in a hospital, home, or other in-  
9                   stitution by a patient or inmate thereof as  
10                  an employee of a State or political subdivi-  
11                  sion thereof or of the District of Columbia,

12                  “(iii) by an individual, as an employee  
13                  of a State or political subdivision thereof  
14                  or of the District of Columbia, serving on  
15                  a temporary basis in case of fire, storm,  
16                  snow, earthquake, flood, or other similar  
17                  emergency,

18                  “(iv) by any individual as an employee  
19                  included under section 5351(2) of title 5,  
20                  United States Code (relating to certain in-  
21                  terns, student nurses, and other student  
22                  employees of hospitals of the District of  
23                  Columbia Government), other than as a  
24                  medical or dental intern or a medical or  
25                  dental resident in training,

1 “(v) by an election official or election  
 2 worker if the remuneration paid in a cal-  
 3 endar year for such service is less than  
 4 \$1,000 with respect to service performed  
 5 during 2021, and the adjusted amount de-  
 6 termined under section 210(s)(3)(C) of the  
 7 Social Security Act for any subsequent  
 8 year with respect to service performed dur-  
 9 ing such subsequent year, except to the ex-  
 10 tent that service by such election official or  
 11 election worker is included in employment  
 12 under an agreement under section 218 of  
 13 the Social Security Act, or

14 “(vi) by an employee in a position  
 15 compensated solely on a fee basis which is  
 16 treated pursuant to section 1402(c)(2)(E)  
 17 as a trade or business for purposes of in-  
 18 clusion of such fees in net earnings from  
 19 self-employment.

20 “(B) DEFINITIONS.—As used in this para-  
 21 graph, the terms ‘State’ and ‘political subdivi-  
 22 sion’ have the meanings given those terms in  
 23 section 218(b) of the Social Security Act.”.

24 (3) CONFORMING AMENDMENTS.—

1           (A) Subsection (j) of such section 3121  
 2           (relating to covered transportation service) is  
 3           repealed.

4           (B) Paragraph (2) of section 3121(u) of  
 5           such Code (relating to application of hospital  
 6           insurance tax to Federal, State, and local em-  
 7           ployment) is amended—

8                   (i) in subparagraph (B), by striking  
 9                   “service is performed” in clause (ii) and all  
 10                  that follows through the end of such sub-  
 11                  paragraph and inserting “service is service  
 12                  described in subsection (t)(3)(A).”; and

13                  (ii) in subparagraph (C)(i), by insert-  
 14                  ing “under subsection (b)(7) as in effect in  
 15                  December 2020” after “chapter”.

16       (c) EFFECTIVE DATE.—Except as otherwise provided  
 17       in this section, the amendments made by this section shall  
 18       apply with respect to service performed after December  
 19       31, 2020.

1 **SEC. 3109. INCLUSION IN ANNUAL SOCIAL SECURITY AC-**  
 2 **COUNT STATEMENT OF ESTIMATED PRESENT**  
 3 **VALUE OF TAXES AND BENEFITS FOR SOCIAL**  
 4 **SECURITY AND MEDICARE AND PROJECTED**  
 5 **DEFICIT AS A PERCENT OF LIFETIME EARN-**  
 6 **INGS.**

7 (a) IN GENERAL.—Section 1143(a)(2) of the Social  
 8 Security Act (42 U.S.C. 1320b–13(a)(2)) is amended—

9 (1) in subparagraph (E), by striking “benefits.”  
 10 and inserting “benefits;”; and

11 (2) by adding after subparagraph (E) the fol-  
 12 lowing new subparagraphs:

13 “(F) an estimate, as determined by the Com-  
 14 missioner, in consultation with the Secretary of  
 15 Health and Human Services, on the basis of avail-  
 16 able records of the Commissioner and projections  
 17 based on reasonable assumptions, of—

18 “(i) the present value of potential lifetime  
 19 aggregate employer, employee, and self-employ-  
 20 ment contributions of the eligible individual for  
 21 old-age, survivors, and disability insurance  
 22 (under title II) and for hospital insurance  
 23 (under part A of title XVIII);

24 “(ii) the present value of potential lifetime  
 25 premiums payable (under parts B and D of title  
 26 XVIII); and

1           “(iii) the present value of potential lifetime  
 2           aggregate retirement, disability, survivor, and  
 3           auxiliary benefits payable on the eligible individ-  
 4           ual’s account under title II and per capita bene-  
 5           fits payable under the Medicare program of title  
 6           XVIII; and

7           “(G) an estimate, as determined by the Com-  
 8           missioner, in consultation with the Secretary of  
 9           Health and Human Services, on the basis of avail-  
 10          able records of the Commissioner and projections  
 11          based on reasonable assumptions, of the ratio (ex-  
 12          pressed as a percentage) of—

13           “(i) the sum of the projected deficit-fi-  
 14          nanced benefits under the old-age, survivors,  
 15          and disability insurance program with respect  
 16          to the eligible individual and the projected def-  
 17          icit-financed benefits under part A of the Medi-  
 18          care program under title XVIII with respect to  
 19          the eligible individual, to

20           “(ii) projected lifetime earnings of the eli-  
 21          gible individual.”.

22          (b) DEFINITIONS.—Section 1143(a) of such Act (42  
 23          U.S.C. 1320b–13(a)) is amended—

24           (1) by redesignating paragraph (3) as para-  
 25          graph (4); and

1           (2) by inserting after paragraph (2) the fol-  
 2       lowing new paragraph:

3       “(3) For purposes of paragraph (2)(G)—

4           “(A) The term ‘projected deficit-financed bene-  
 5       fits’ means—

6           “(i) with respect to an eligible individual in  
 7       connection with the old-age, survivors, and dis-  
 8       ability insurance program, the product of—

9           “(I) the benefits described in subpara-  
 10       graph (F)(ii) of such individual under such  
 11       program, and

12           “(II) the ratio of future annual defi-  
 13       cits, excluding interest, of the Federal Old-  
 14       Age and Survivors Insurance Trust Fund  
 15       and the Federal Disability Insurance Trust  
 16       Fund over the eligible individual’s lifetime  
 17       to future annual outlays from such Trust  
 18       Funds over such lifetime; and

19           “(ii) with respect to an eligible individual  
 20       in connection with the Medicare program under  
 21       title XVIII, the product of—

22           “(I) the benefits for hospital insur-  
 23       ance (under part A of title XVIII) de-  
 24       scribed in subparagraph (F)(ii) of such in-  
 25       dividual under such program, and



1                   “(II) the ratio of future annual defi-  
2                   cits of the Federal Hospital Insurance  
3                   Trust Fund over the eligible individual’s  
4                   lifetime to future annual outlays from such  
5                   Trust Fund over such lifetime.

6                   “(B) The term ‘projected lifetime earnings’ of  
7                   the eligible individual means the present value of the  
8                   potential total wages paid to, and self-employment  
9                   income derived by, the eligible individual over the eli-  
10                  gible individual’s lifetime, as determined without re-  
11                  gard to the contribution and benefit base under sec-  
12                  tion 230.”.

13                  (c) EFFECTIVE DATE.—The amendments made by  
14                  this section shall apply with respect to annual statements  
15                  issued after 2013.

16   **SEC. 3110. RETIREMENT INFORMATION CAMPAIGN.**

17                  The Commissioner of Social Security shall establish  
18                  a public information campaign to provide information and  
19                  education regarding the implications on personal financial  
20                  security of early and other retirement decisions and the  
21                  need for greater retirement savings. The information cam-  
22                  paign should be designed to encourage individuals to delay  
23                  retirement so as to build enhanced levels of social security  
24                  benefits and personal retirement savings. To the extent  
25                  the Commissioner of Social Security determines appro-

1 priate, the information provided through the campaign  
 2 should utilize behavioral economics approaches, such as  
 3 structured choice, and other scientific approaches.

## 4 **TITLE IV—CONVERSION TO** 5 **CHAINED CPI**

### 6 **SEC. 4101. CONVERSION TO CHAINED CPI.**

7 (a) CONSUMER PRICE INDEX ADJUSTMENTS APPLI-  
 8 CABLE TO THE INTERNAL REVENUE CODE PROVI-  
 9 SIONS.—

10 (1) IN GENERAL.—Paragraph (3) of section  
 11 1(f) of the Internal Revenue Code of 1986 is amend-  
 12 ed to read as follows:

13 “(3) COST-OF-LIVING ADJUSTMENT.—

14 “(A) IN GENERAL.—For purposes of para-  
 15 graph (2), the cost-of-living adjustment for any  
 16 calendar year is—

17 “(i) for adjustments first beginning  
 18 before 2014, the product of—

19 “(I) the CPI fraction for cal-  
 20 endar years before 2014, multiplied  
 21 by

22 “(II) the Chained CPI fraction  
 23 for calendar years after 2013,  
 24 reduced by 1, and

1 “(ii) for adjustments first beginning  
 2 after 2013, the Chained CPI fraction for  
 3 years after 2013.

4 “(B) CPI FRACTION FOR CALENDAR  
 5 YEARS BEFORE 2014.—The CPI fraction for cal-  
 6 endar years before 2014 is the fraction—

7 “(i) the numerator of which is the  
 8 CPI for the calendar year 2012; and

9 “(ii) the denominator of which is the  
 10 CPI for the calendar year 1992.

11 “(C) CHAINED CPI FRACTION FOR CAL-  
 12 ENDAR YEARS AFTER 2013.—The Chained CPI  
 13 fraction for calendar years after 2013 is the  
 14 fraction—

15 “(i) the numerator of which is the  
 16 Chained CPI for the preceding calendar  
 17 year, and

18 “(ii) the denominator of which is the  
 19 Chained CPI for the calendar year 2012.”.

20 (2) CONFORMING AMENDMENTS.—

21 (A) Paragraph (4) of section 1(f) of such  
 22 Code is amended to read as follows:

23 “(4) CPI AND CHAINED CPI FOR ANY CALENDAR  
 24 YEAR.—For purposes of paragraph (3)—

1           “(A) CPI.—The CPI for any calendar year  
2           is the average of the Consumer Price Index as  
3           of the close of the 12-month period ending on  
4           August 31 of such calendar year.

5           “(B) CHAINED CPI.—The Chained CPI for  
6           any calendar year is the average of the Chained  
7           Consumer Price Index as of the close of the 12-  
8           month period ending on August 31 of such cal-  
9           endar year.”.

10           (B) Paragraph (5) of section 1(f) of such  
11           Code is amended to read as follows:

12           “(5) CONSUMER PRICE INDEX AND CHAINED  
13           CONSUMER PRICE INDEX.—For purposes of para-  
14           graph (4)—

15           “(A) CONSUMER PRICE INDEX.—The term  
16           ‘Consumer Price Index’ means the last Con-  
17           sumer Price Index for all urban consumers pub-  
18           lished by the Department of Labor. For pur-  
19           poses of the preceding sentence, the revision of  
20           the Consumer Price Index which is most con-  
21           sistent with the Consumer Price Index for cal-  
22           endar year 1986 shall be used.

23           “(B) CHAINED CONSUMER PRICE INDEX.—  
24           The term ‘Chained Consumer Price Index’  
25           means the most recent estimate of the Chained

1 Consumer Price Index for all urban consumers  
2 published by the Department of Labor.”.

3 (C) Subclause (II) of section  
4 36B(b)(3)(A)(ii) of such Code is amended by  
5 striking “consumer price index” and inserting  
6 “Chained Consumer Price Index (as defined in  
7 section 1(f)(5)(B))”.

8 (D) Subclause (II) of section  
9 36B(f)(2)(B)(ii) of such Code is amended by  
10 striking “by substituting ‘calendar year 2013’  
11 for ‘calendar year 1992’ in subparagraph (B)  
12 thereof” and inserting “by substituting ‘cal-  
13 endar year 2013’ for ‘calendar year 2012’ in  
14 subparagraph (C) thereof”.

15 (E) Clause (ii) of section 45R(d)(3)(B) of  
16 such Code is amended by striking “determined  
17 by substituting ‘calendar year 2012’ for ‘cal-  
18 endar year 1992’ in subparagraph (B) thereof”.

19 (F) Subparagraph (B) of section 125(i)(2)  
20 of such Code is amended by striking “deter-  
21 mined by substituting ‘calendar year 2012’ for  
22 ‘calendar year 1992’ in subparagraph (B)  
23 thereof”.

24 (G) Subclause (II) of section  
25 4980I(b)(3)(C)(v) of such Code is amended by

1 striking “for ‘1992’ in subparagraph (B) there-  
 2 of” and inserting “for ‘2012’ in subparagraph  
 3 (C) thereof”.

4 (H) Clause (ii) of section 5000A(c)(3)(D)  
 5 of such Code is amended by striking “by sub-  
 6 stituting ‘calendar year 2015’ for ‘calendar year  
 7 1992’ in subparagraph (B) thereof” and insert-  
 8 ing “by substituting ‘calendar year 2015’ for  
 9 ‘calendar year 2012’ in subparagraph (C) there-  
 10 of”.

11 (3) EFFECTIVE DATE.—The amendments made  
 12 by this subsection shall apply to taxable years begin-  
 13 ning after December 31, 2013.

14 (b) MODIFICATIONS TO COST-OF-LIVING INDEX-  
 15 ATION OF SOCIAL SECURITY BENEFITS.—

16 (1) IN GENERAL.—Section 215(i)(1)(D) of the  
 17 Social Security Act (42 U.S.C. 415(i)(1)(D)) is  
 18 amended to read as follows:

19 “(D) the term ‘CPI increase percentage’, with  
 20 respect to a base quarter or cost-of-living computa-  
 21 tion quarter in any calendar year, means the per-  
 22 centage (rounded to the nearest one-tenth of 1 per-  
 23 cent) by which the Chained Consumer Price Index  
 24 for All Urban Consumers (as published in its initial  
 25 form by the Bureau of Labor Statistics of the De-

partment of Labor) for such base quarter or cost-of-living computation quarter exceeds such index for the later of—

“(i) the most recent calendar quarter (prior to such base quarter or cost-of-living computation quarter) which was a base quarter under subparagraph (A)(ii); or

“(ii) the most recent cost-of-living computation quarter under subparagraph (B);”.

(2) DEFINITIONS.—Section 215(i)(1)(G) of such Act (42 U.S.C. 415(i)(1)(G)) is amended to read as follows:

“(G) the Chained Consumer Price Index for All Urban Consumers for a base quarter, a cost-of-living computation quarter, or any other calendar quarter shall be the arithmetical mean of such index (as published in its initial form by the Bureau of Labor Statistics of the Department of Labor as of the end of such quarter) for the 12-month period ending with such quarter.”.

(3) CONFORMING CHANGES FOR PRE-1977 LAW.—

(A) Section 215(i)(1) of such Act, as in effect in December 1978, and as applied in cer-

tain cases under the provisions of such Act as  
in effect after December 1978, is amended—

(i) in subparagraph (B), by striking  
“and” after the semicolon;

(ii) in subparagraph (C), by striking  
“for the 3 months in such quarter.” and  
inserting “for the 12 months in the 12-  
month period ending with such quarter;  
and”; and

(iii) by adding at the end the fol-  
lowing new subparagraph:

“(D) the term ‘Consumer Price Index’ means  
the Chained Consumer Price Index for All Urban  
Consumers (C-CPI-U), as published in its initial  
form by the Bureau of Labor Statistics of the De-  
partment of Labor.”.

(B) Section 215(i)(4) of the Social Secu-  
rity Act (42 U.S.C. 415(i)(4)) is amended by  
inserting “ and by section 4101(b) of the Fiscal  
Sustainability Act of 2013” after “1986,”.

(4) EFFECTIVE DATE.—The amendments made  
by this subsection shall apply with respect to in-  
creases described in section 215(i) of the Social Se-  
curity Act, and to increases under programs depend-  
ent on Social Security cost-of-living adjustments, ef-



1       fective with the month of December for years after  
2       2012.

3       (c) ADJUSTMENTS OF PROVISIONS UTILIZING THE  
4 CONSUMER PRICE INDEX.—

5           (1) IN GENERAL.—Notwithstanding any other  
6       provision of law, and except as provided in this sec-  
7       tion, for purposes of determining the amount of any  
8       cost-of-living increase or similar adjustment under a  
9       Federal program or law effective in the month of  
10      December 2013 and thereafter, any such increase  
11      for the period for which the percentage change is de-  
12      termined shall be deemed to be, in lieu of the in-  
13      crease otherwise determined under applicable law,  
14      the increase determined under such applicable law  
15      by substituting the Chained CPI for the CPI.

16           (2) INCREASES DETERMINED FROM A CON-  
17      STANT BASE YEAR.—

18           (A) IN GENERAL.—In any case in which  
19       the amount of a cost-of-living increase effective  
20       in the month of December 2012 and thereafter  
21       is determined under applicable law by reference  
22       to a change in the CPI over a period which is  
23       determined by reference to a base period which  
24       remains constant from year to year, any such  
25       increase for any period shall be deemed to be,

1 in lieu of the increase otherwise determined  
2 under applicable law, the increase, expressed as  
3 a percentage increase, equal to the product of—

4 (i) the CPI fraction prior to 2014;  
5 multiplied by

6 (ii) the Chained CPI fraction after  
7 2013,

8 reduced by 1.

9 (B) CPI FRACTION PRIOR TO 2014.—The  
10 CPI fraction prior to 2014 is the fraction—

11 (i) the numerator of which is the CPI  
12 for the period, ending with or during 2012,  
13 which corresponds to the base period; and

14 (ii) the denominator of which is the  
15 CPI for the base period.

16 (C) CHAINED CPI FRACTION AFTER 2013.—  
17 The Chained CPI fraction after 2013 is the  
18 fraction—

19 (i) the numerator of which is the  
20 Chained CPI for the period, ending with or  
21 during the year preceding the year in  
22 which the determination takes effect, which  
23 corresponds to the base period; and

24 (ii) the denominator of which is the  
25 most recently published estimate of the

1           Chained CPI for the period, ending with or  
 2           during 2012, which corresponds to the  
 3           base period.

4           (3) SPECIAL PROVISIONS AND EXCEPTIONS.—

5           (A) PROGRAMS TIED TO SOCIAL SECUR-  
 6           RITY.—Subject to subparagraph (B) and the ef-  
 7           fective date under subsection (b)(4), this section  
 8           and the amendments made by this section shall  
 9           apply to any cost-of-living increase or other ad-  
 10          justment which is determined by reference to an  
 11          adjustment made under section 215(i) of the  
 12          Social Security Act (42 U.S.C. 415(i)).

13          (B) POVERTY LINE.—This subsection shall  
 14          apply to revisions to the poverty line made pur-  
 15          suant to 42 U.S.C. 9902(2), and any programs  
 16          for which adjustments or eligibility thresholds  
 17          are based upon the poverty line as defined in  
 18          that section.

19          (4) CPI AND CHAINED CPI.—For purposes of  
 20          this subsection—

21                (A) the CPI for any period means the av-  
 22                erage monthly Consumer Price Index for such  
 23                period, or a component thereof, as determined  
 24                under the applicable law in connection with any  
 25                cost-of-living increase or similar adjustment re-

quired for such period (without regard to this subsection); and

(B) the Chained CPI for any period means, except as provided in paragraph (2)(C)(ii), the Chained Consumer Price Index for all urban consumers (as published in its initial form by the Bureau of Labor Statistics of the Department of Labor) for such period, or a component thereof, determined under applicable law in the same manner as the CPI for such period would be determined.

(d) CHANGE TO 12-MONTH PERIOD FOR COST-OF-LIVING INDEXATION FOR FEDERAL CIVIL SERVICE AND MILITARY RETIREMENT PROGRAMS.—

(1) IN GENERAL.—

(A) FEDERAL CIVIL SERVICE.—Sections 8340(a)(2) and 8462(a)(2) of title 5, United States Code, are each amended by striking “3 months comprising such quarter” and inserting “12-month period ending with such quarter”.

(B) MILITARY.—Section 1401a(h) of title 10, United States Code, is amended by striking “three months comprising that quarter” and inserting “12-month period ending with such quarter”.

1           (2) EFFECTIVE DATE.—The amendments made  
2       by this subsection shall apply with respect to cost-  
3       of-living increases effective with the month of De-  
4       cember of years after 2012.

○