AMENDMENT NO. 3116

By Wyden
To: Amdt. No. 2786

Ordered to lie on the table and to be printed

Viz:

1 On page 2028, strike lines 9 and 10 and insert the following:

3 (3) EFFICIENCY ADJUSTMENT BASED ON PREMIUM INCREASES.—

5 (A) IN GENERAL.—The portion of the fee determined under paragraph (1) with respect to a covered entity for a calendar year which is at-
tributable to net premiums written shall be multiplied by an amount equal to the sum of—

(i) 50 percent, plus

(ii) the applicable percentage.

(B) APPLICABLE PERCENTAGE.—The applicable percentage is a percentage determined by the Secretary in the following manner:

(i) The applicable percentage for the covered entity with the lowest per-capita premium change shall be 0 percent.

(ii) The applicable percentage for the covered entity with the highest per-capita premium change shall be 100 percent.

(iii) The applicable percentage for each other covered entity shall be based on the degree to which the per-capita premium change for such covered entity is greater than the covered entity with the lowest per-capita premium change, except that in determining such amount the Secretary shall ensure that the aggregate fees for all covered entities under this section for the calendar year (after application of this subsection) is equal to $6,700,000,000.
(iv) Notwithstanding clause (iii), the Secretary may reduce the applicable percentage for a covered entity (but not below zero) with respect to any calendar year if the Secretary determines that the amount of the per-capita premium increase for such entity was primarily due to government restrictions on rates, but only to the extent that the amount of the per-capita premium increase was due to such government restrictions, as determined by the Secretary. In the case of any reduction under the preceding sentence, proper adjustment shall be made to the applicable percentages for other covered entities described in clause (iii) such that the aggregate fees for all covered entities under this section for the calendar year (after application of this subsection) is equal to $6,700,000,000. In no case shall any adjustment cause the applicable percentage for any covered entity to exceed 100 percent.

(C) PER-CAPITA PREMIUM CHANGE.—For purposes of this paragraph—
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(i) IN GENERAL.—The term “per-capita premium change” means, with respect to any calendar year, the excess of—

(I) the per-capita premium amount for the such calendar year, over

(II) the per capita premium amount for the preceding calendar year.

(ii) PER-CAPITA PREMIUM AMOUNT.—

The term “per-capita premium amount” means, with respect to any calendar year, the total amount of net premiums written with respect to health insurance for any United States health risk for such calendar year divided by the number of United States health risks which are covered under such net written premiums.

(iii) REPORTING.—

(I) IN GENERAL.—Each covered entity shall include in the report required under subsection (g) the number of United States health risks which are covered under net written
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1 premiums with respect to health ins-
2 surance.

3 (II) PENALTY.—The rules of
4 subsection (g)(2) shall apply to the in-
5 formation required to be reported
6 under subclause (I).

7 (4) SECRETARIAL DETERMINATION.—The Sec-
8 retary shall calculate the amount of each covered en-
9 tity’s fee for any calendar year under this sub-
10 section.