

Calendar No. **175**

**AMENDMENT NO. 2786**

Purpose: In the nature of a substitute.

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

**H. R. 3590**

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

November 19, 2009

Ordered to lie on the table and to be printed

Amendment in the nature of a substitute intended to be proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN)

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Patient Protection and Affordable Care Act”.

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

Sec. 1. Short title; table of contents.

~~TITLE I—QUALITY, AFFORDABLE HEALTH CARE FOR ALL  
AMERICANS~~

1 shall gather relevant information from employers  
2 who provide employees with access to wellness pro-  
3 grams, including State and Federal agencies.

4 “(n) REGULATIONS.—Nothing in this section shall be  
5 construed as prohibiting the Secretaries of Labor, Health  
6 and Human Services, or the Treasury from promulgating  
7 regulations in connection with this section.

8 **“SEC. 2706. NON-DISCRIMINATION IN HEALTH CARE.**

9 “(a) PROVIDERS.—A group health plan and a health  
10 insurance issuer offering group or individual health insur-  
11 ance coverage shall not discriminate with respect to par-  
12 ticipation under the plan or coverage against any health  
13 care provider who is acting within the scope of that pro-  
14 vider’s license or certification under applicable State law.  
15 This section shall not require that a group health plan  
16 or health insurance issuer contract with any health care  
17 provider willing to abide by the terms and conditions for  
18 participation established by the plan or issuer. Nothing  
19 in this section shall be construed as preventing a group  
20 health plan, a health insurance issuer, or the Secretary  
21 from establishing varying reimbursement rates based on  
22 quality or performance measures.

23 “(b) INDIVIDUALS.—The provisions of section 1558  
24 of the Patient Protection and Affordable Care Act (relat-  
25 ing to non-discrimination) shall apply with respect to a

1 group health plan or health insurance issuer offering  
2 group or individual health insurance coverage.

~~3 **“SEC. 2707. COMPREHENSIVE HEALTH INSURANCE COV-  
4 ERAGE.**~~

~~5 “(a) **COVERAGE FOR ESSENTIAL HEALTH BENEFITS  
6 PACKAGE.**—A health insurance issuer that offers health  
7 insurance coverage in the individual or small group market  
8 shall ensure that such coverage includes the essential  
9 health benefits package required under section 1302(a) of  
10 the Patient Protection and Affordable Care Act.~~

~~11 “(b) **COST-SHARING UNDER GROUP HEALTH  
12 PLANS.**—A group health plan shall ensure that any an-  
13 nual cost-sharing imposed under the plan does not exceed  
14 the limitations provided for under paragraphs (1) and (2)  
15 of section 1302(c).~~

~~16 “(c) **CHILD-ONLY PLANS.**—If a health insurance  
17 issuer offers health insurance coverage in any level of cov-  
18 erage specified under section 1302(d) of the Patient Pro-  
19 tection and Affordable Care Act, the issuer shall also offer  
20 such coverage in that level as a plan in which the only  
21 enrollees are individuals who, as of the beginning of a plan  
22 year, have not attained the age of 21.~~

~~23 “(d) **DENTAL ONLY.**—This section shall not apply to  
24 a plan described in section 1302(d)(2)(B)(ii)(I).~~

1 ~~ment other than a restaurant or similar retail food~~  
2 ~~establishment described in section 403(q)(5)(H)(i) of~~  
3 ~~such Act.~~

4 **SEC. 4206. DEMONSTRATION PROJECT CONCERNING INDI-**  
5 **VIDUALIZED WELLNESS PLAN.**

6 Section 330 of the Public Health Service Act (42  
7 U.S.C. 245b) is amended by adding at the end the fol-  
8 lowing:

9 “(s) DEMONSTRATION PROGRAM FOR INDIVIDUAL-  
10 IZED WELLNESS PLANS.—

11 “(1) IN GENERAL.—The Secretary shall estab-  
12 lish a pilot program to test the impact of providing  
13 at-risk populations who utilize community health  
14 centers funded under this section an individualized  
15 wellness plan that is designed to reduce risk factors  
16 for preventable conditions as identified by a com-  
17 prehensive risk-factor assessment.

18 “(2) AGREEMENTS.—The Secretary shall enter  
19 into agreements with not more than 10 community  
20 health centers funded under this section to conduct  
21 activities under the pilot program under paragraph  
22 (1).

23 “(3) WELLNESS PLANS.—

24 “(A) IN GENERAL.—An individualized  
25 wellness plan prepared under the pilot program

1 under this subsection may include one or more  
2 of the following as appropriate to the individ-  
3 ual's identified risk factors:

4 “(i) Nutritional counseling.

5 “(ii) A physical activity plan.

6 “(iii) Alcohol and smoking cessation  
7 counseling and services.

8 “(iv) Stress management.

9 “(v) Dietary supplements that have  
10 health claims approved by the Secretary.

11 “(vi) Compliance assistance provided  
12 by a community health center employee.

13 “(B) RISK FACTORS.—Wellness plan risk  
14 factors shall include—

15 “(i) weight;

16 “(ii) tobacco and alcohol use;

17 “(iii) exercise rates;

18 “(iv) nutritional status; and

19 “(v) blood pressure.

20 “(C) COMPARISONS.—Individualized  
21 wellness plans shall make comparisons between  
22 the individual involved and a control group of  
23 individuals with respect to the risk factors de-  
24 scribed in subparagraph (B).

1           “(4) AUTHORIZATION OF APPROPRIATIONS.—  
 2           There is authorized to be appropriated to carry out  
 3           this subsection, such sums as may be necessary.”.

4 **SEC. 4207. REASONABLE BREAK TIME FOR NURSING MOTH-**  
 5 **ERS.**

6           Section 7 of the Fair Labor Standards Act of 1938  
 7 (29 U.S.C. 207) is amended by adding at the end the fol-  
 8 lowing:

9           “(r)(1) An employer shall provide—

10           “(A) a reasonable break time for an employee  
 11 to express breast milk for her nursing child for 1  
 12 year after the child’s birth each time such employee  
 13 has need to express the milk; and

14           “(B) a place, other than a bathroom, that is  
 15 shielded from view and free from intrusion from co-  
 16 workers and the public, which may be used by an  
 17 employee to express breast milk.

18           “(2) An employer shall not be required to compensate  
 19 an employee receiving reasonable break time under para-  
 20 graph (1) for any work time spent for such purpose.

21           “(3) An employer that employs less than 50 employ-  
 22 ees shall not be subject to the requirements of this sub-  
 23 section, if such requirements would impose an undue hard-  
 24 ship by causing the employer significant difficulty or ex-