

Thurs 7/30
10:24 pm
A

AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3200
OFFERED BY MR. WELCH OF VERMONT
(AINS-EC__001)

Add at the end of division A the following:

1 **TITLE V—FAILSAFE HEALTH**
2 **GROWTH MECHANISM**

3 **SEC. 501. ESTABLISHMENT OF FAILSAFE HEALTH GROWTH**
4 **COMMISSION.**

5 (a) IN GENERAL.—There is established a Failsafe
6 Health Growth Commission (in this title referred to as the
7 “Commission”) for the purpose of monitoring and recom-
8 mending mechanisms to restrain unsustainable growth in
9 health care costs in the United States while maintaining
10 affordable health insurance coverage, quality of care, and
11 health promotion for all Americans.

12 (b) COMPOSITION.—The Commission shall be com-
13 posed of 5 members, appointed by the President, by and
14 with the advice and consent of the Senate. Members shall
15 serve for terms of 7 years each, with the initial terms stag-
16 gered as specified by the President at the time of appoint-
17 ment, for terms of 2, 3, 4, 5, and 6 years. The President
18 shall first nominate individuals to be members of the Com-

1 mission not later than 90 days after the date of the enact-
2 ment of this Act.

3 (c) OPERATIONS.—Except as otherwise provided, the
4 provisions of subsections (f) through (k) of section 2902
5 of the Defense Base Closure and Realignment Act of 1990
6 (other than those provisions which specifically reference
7 the Armed Forces or Department of Defense) shall apply
8 to the Commission in the same manner as such provisions
9 apply to the Defense Base Closure and Realignment Com-
10 mission, including the compensation of members and a
11 chair, appointment of a an executive director and staff.
12 The Commission shall hold such hearings and consult with
13 such Federal and other officials as the Commission deems
14 appropriate.

15 **SEC. 502. DUTIES OF COMMISSION.**

16 (a) ASSESSMENT OF SPENDING GROWTH.—The
17 Commission shall submit an annual report to Congress
18 that contains details on trends in health care spending by
19 sector.

20 (b) DETERMINATION OF REDUCTION IN SPENDING
21 GROWTH RATE.— In its report submitted in 2015, the
22 Commission shall include a determination on whether the
23 annual growth rate of medical spending is on a path to
24 achieve the target of an average annual 1.5 percentage
25 point reduction in such growth rate over the 10-year pe-

1 riod beginning in 2009. The Commission shall make such
2 a determination for each subsequent year (before 2020)
3 until the first year that it makes a determination described
4 in subsection (c)(1).

5 (c) TRIGGER.—If the Commission determines under
6 subsection (b) that the annual growth rate—

7 (1) is not on a path toward achieving the target
8 specified in such subsection, the failsafe provisions
9 of section 503 shall become effective; or

10 (2) is on such a path, the Commission shall
11 continue to make annual determinations described in
12 subsection (b) for subsequent years (until 2019).

13 **SEC. 503. APPLICATION OF FAILSAFE MECHANISMS.**

14 (a) IN GENERAL.—If the failsafe provisions of this
15 section become effective under section 502(c)(1), the Com-
16 mission shall select policy actions, which may include
17 changes in payment and payment methodology under ac-
18 ceptable coverage as well as such other actions which in
19 the Commission's judgment would better achieve the pur-
20 pose of this subtitle. In considering the actions to select,
21 the Commission shall address system costs by equitably
22 addressing private as well as public spending and will pre-
23 serve affordable coverage, quality of care, and promotion
24 of health.

1 (b) APPLICATION.—The Commission shall submit a
2 report to Congress contains details on the actions selected
3 and such actions shall take effect, for periods specified by
4 the Commission in its report and beginning not earlier
5 than 1 year after the date of filing its report.

6 (c) CONGRESSIONAL ACTION IN RESPONSE TO RE-
7 PORT.—

8 (1) CONGRESSIONAL JOINT RESOLUTION OF
9 DISAPPROVAL.—The actions recommended by the
10 Commission under subsection (b) shall not take ef-
11 fect if Congress enacts a resolution of disapproval
12 described in paragraph (2).

13 (2) RESOLUTION OF DISAPPROVAL.—For pur-
14 poses of this subsection, the term “resolution of dis-
15 approval” means only a joint resolution which is in-
16 troduced within the 30-day period beginning on the
17 date on which the Commission submits the report to
18 the Congress under subsection (b), and—

19 (A) which does not have a preamble;

20 (B) the matter after the resolving clause of
21 which is as follows: “That Congress disapproves
22 the recommendations of the Failsafe Health
23 Growth Commission as submitted on
24 _____”, the blank space being filled in with
25 the appropriate date; and

1 (C) the title of which is as follows: "Joint
2 resolution disapproving the recommendations of
3 the Failsafe health Growth Commission."

4 (3) APPLICATION OF BRAC-LIKE PROCE-
5 DURES.—The provisions of subsections (b) through
6 (f) of section 2908 of the Defense Base Closure and
7 Realignment Act of 1990 shall apply to a resolution
8 of disapproval under paragraph (2) in the same
9 manner as such provisions apply to a joint resolution
10 described in subsection (a) of such section, except
11 that in applying such section—

12 (A) any reference in subsection (b) of such
13 section 2908 to a Committee shall be deemed a
14 reference to the appropriate Committee (or
15 Committees) as established under rules of the
16 House of Representatives or the Senate; and

17 (B) any reference in such section to a
18 transmittal of a report shall be deemed a ref-
19 erence to the transmittal of the report under
20 subsection (b).



