

(5) NON-DISCLOSURE OF HEALTH INSURANCE DATA.—The Trust shall prevent disclosure of any data or information provided under this paragraph that the Trust determines is proprietary or qualifies as a trade secret subject to withholding from public dissemination. Any data or information provided under this paragraph shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

SA 2950. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, between lines 4 and 5, insert the following:

“SEC. 2720. LIMITATION ON ANNUAL GROWTH IN HEALTH INSURANCE PREMIUMS.

“(a) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage may not increase the health insurance premium rates for such plan or coverage in any year by a percentage that is greater than the percentage increase in the Medical Care Component of the Consumer Price Index for all urban consumers for year involved.

“(b) EFFECT.—If a plan or an issuer increases the health insurance premium rate by a percentage greater than the percentage described in subsection (a), that plan or issuer shall refund the excess premium dollars back to the enrollee or to the Federal treasury, in amounts equal to the respective premium contributions of the enrollee and the Federal Government, taking into account premium subsidies provided to individuals or families for coverage purchased in an Exchange.”.

SA 2951. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 8 and 9, insert the following:

(5) MAXIMUM TOTAL OUT-OF-POCKET EXPENSES.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act (or any amend-

ments made by this Act), in no case may out-of-pocket expenses incurred under a health plan with respect to self-only coverage or coverage other than self-only exceed the following limits for any plan year beginning in or after 2014:

(i) 7.5 percent of annual household income for an individual with household income under 200 percent of the poverty line for the size of the family involved.

(ii) 10 percent of annual household income for an individual with household income between 200 and 400 percent of the poverty line for the size of the family involved.

(iii) 12 percent of annual household income for an individual with household income above 400 percent of the poverty line for the size of the family involved.

(B) OUT-OF-POCKET EXPENSES.—In this paragraph, the term “out-of-pocket expenses” includes deductibles, coinsurance, copayments, premiums, balance billing amounts for non-network providers, and similar charges.

SA 2952. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 14 and 15, insert the following:

Subtitle C—Provisions Relating to Authorized Generic Drugs

SEC. 7201. PROHIBITION OF AUTHORIZED GENERICS.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

“(w) PROHIBITION OF AUTHORIZED GENERIC DRUGS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, direct or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

“(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term ‘authorized generic drug’—

“(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

“(B) does not include any drug to be marketed, sold, or distributed—

“(i) by an entity eligible for exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

“(ii) after expiration or forfeiture of any exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).”.

(b) CONFORMING AMENDMENT.—Section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(t)(3)) is amended by striking “In this section” and inserting “In this subsection”.

ORDERS FOR MONDAY, DECEMBER 7, 2009

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Monday, December 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 3590, the health care reform legislation; that following leader remarks, the first 2 hours be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes, and the majority controlling the next 30 minutes, and with no amendments or motions in order during the controlled time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BEGICH. Mr. President, rollcall votes in relation to the amendments to the health care reform bill are expected to occur after 3:15 p.m. tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BEGICH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:24 p.m., adjourned until Monday, December 7, 2009, at 10 a.m.