

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 655

To amend part D of title XVIII of the Social Security Act to condition the payment of employer prescription drug subsidies on the maintenance of current prescription drug benefits.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2005

Mr. NADLER (for himself, Mrs. MCCARTHY, Mr. KILDEE, Ms. BORDALLO, Mr. MCGOVERN, and Mr. OWENS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend part D of title XVIII of the Social Security Act to condition the payment of employer prescription drug subsidies on the maintenance of current prescription drug benefits.

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.**

4 This Act may be cited as the “Prescription Plan  
5 Preservation Act of 2005”.

1 **SEC. 2. CONDITIONING THE PAYMENT OF MEDICARE EM-**  
2 **PLOYER PRESCRIPTION DRUG SUBSIDIES ON**  
3 **THE MAINTENANCE OF CURRENT PRESCRIP-**  
4 **TION DRUG BENEFITS.**

5 (a) IN GENERAL.—Section 1860D–22(a)(2)(A) of  
6 the Social Security Act (42 U.S.C. 1395w–132(a)(2)(A))  
7 is amended to read as follows::

8 “(A) ATTESTATION OF ACTUARIAL  
9 EQUIVALENCE TO STANDARD COVERAGE.—The  
10 sponsor of the plan provides the Secretary, an-  
11 nually or at such other time as the Secretary  
12 may require, with an attestation that the actu-  
13 arial value of prescription drug coverage under  
14 the plan (as determined using the processes and  
15 methods described in section 1860D–11(c)) is  
16 at least equal to the greater of—

17 “(i) the actuarial value of standard  
18 prescription drug coverage; or

19 “(ii) the actuarial value of the employ-  
20 ment-based retiree health coverage that  
21 was in effect as of December 8, 2003.”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall take effect as if included in the enact-  
24 ment of the Medicare Prescription Drug, Improvement,  
25 and Modernization Act of 2003 (Public Law 108–173).

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