

112TH CONGRESS  
1ST SESSION

# S. 650

To require greater transparency concerning the criteria used to grant waivers to the job-killing health care law and to ensure that applications for such waivers are treated in a fair and consistent manner, irrespective of the applicant's political contributions or association with a labor union, a health plan provided for under a collective bargaining agreement, or another organized labor group.

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IN THE SENATE OF THE UNITED STATES

MARCH 17, 2011

Mr. ENSIGN introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

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1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health Care Waiver  
3 Transparency Act”.

4 **SEC. 2. REQUIREMENTS WITH RESPECT TO GRANTING**  
5 **WAIVERS.**

6 (a) IN GENERAL.—The Secretary of Health and  
7 Human Services (referred to in this section as the “Sec-  
8 retary”) shall—

9 (1) publish detailed criteria used by the Sec-  
10 retary to determine approval of an application sub-  
11 mitted by a group health plan, health insurance  
12 issuer, employer, State, municipality, or other entity  
13 eligible for a waiver, adjustment, or other compli-  
14 ance relief provided for under the authority of the  
15 Patient Protection and Affordable Care Act (Public  
16 Law 111–148) or title I or subtitle B of title II of  
17 the Health Care and Education Reconciliation Act  
18 (Public Law 111–152), including—

19 (A) how much of a significant decrease in  
20 benefits with respect to a health insurance plan  
21 or health insurance coverage would need to  
22 occur in order have such a waiver application  
23 approved by the Secretary; and

24 (B) how much of a significant increase in  
25 premiums with respect to a health insurance  
26 plan or health insurance coverage would need to

1 occur to have such a waiver application ap-  
2 proved by the Secretary;

3 (2) publish on the Internet Web site of the De-  
4 partment of Health and Human Services each appli-  
5 cation for a waiver described in paragraph (1); and

6 (3) publish on the Internet Web site of the De-  
7 partment of Health and Human Services the deter-  
8 mination of the Secretary whether to approve or re-  
9 ject such application, and the reason for such ap-  
10 proval or rejection.

11 (b) PROTECTION OF PROPRIETARY INFORMATION.—  
12 In carrying out subsection (a), the Secretary shall ensure  
13 the confidentiality of proprietary information of each ap-  
14 plicant.

15 (c) PROHIBITION OF PREFERENTIAL TREATMENT.—  
16 In no case, during any stage of the application process  
17 for an application described in subsection (a)(1), shall  
18 preferential treatment be given to an applicant based on  
19 political contributions or association with a labor union,  
20 a health plan provided for under a collective bargaining  
21 agreement, or another organized labor group.

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