

106TH CONGRESS
1ST SESSION

H. R. 2042

To establish a Commission on health policy for employer-sponsored health plans.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1999

Mr. UPTON introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish a Commission on health policy for employer-sponsored health plans.

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 “Health Care Access,
5 Affordability, and Quality Advisory Commission Act of
6 1999”.

7 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

8 Part 5 of the Employee Retirement Income Security
9 Act of 1974 is amended by adding at the end the following
10 new section:

1 “SEC. 518. HEALTH POLICY COMMISSION.

2 “(a) ESTABLISHMENT.—There is hereby established
3 a commission to be known as the Health Care Access, Af-
4 fordability, and Quality Commission (hereinafter in this
5 Act referred to as the “Commission”).

6 “(b) DUTIES OF COMMISSION.—The duties of the
7 Commission shall be as follows:

8 “(1) ESTABLISHMENT OF MODEL GUIDE-
9 LINES.—Based on information gathered by appro-
10 priate Federal agencies, advisory groups, and other
11 appropriate sources for health care information,
12 studies, and data, the Commission shall establish
13 model guidelines in each of the following areas:

14 “(A) Independent expert external review
15 programs.

16 “(B) Consumer friendly information pro-
17 grams.

18 “(C) Systems for measuring patient satis-
19 faction and patient outcomes.

20 “(D) Systems to ensure the timely proc-
21 essing of claims.

22 “(2) EVALUATION OF HEALTH BENEFITS MAN-
23 DATES.—At the request of the chairmen or ranking
24 minority members of the appropriate committees of
25 Congress, the Commission shall evaluate, taking into

1 consideration the overall cost effect, availability of
2 treatment, and the effect on the health of the gen-
3 eral population, existing and proposed benefit re-
4 quirements for group health plans.

5 “(3) COMMENTS ON CERTAIN SECRETARIAL RE-
6 PORTS.—If the Secretary submits to Congress (or a
7 committee of Congress) a report that is required by
8 law and that relates to policies under this section,
9 the Secretary shall transmit a copy of the report to
10 the Commission. The Commission shall review the
11 report and, not later than 6 months after the date
12 of submittal of the Secretary’s report to Congress,
13 shall submit to the appropriate committees of Con-
14 gress written comments on such report. Such com-
15 ments may include such recommendations as the
16 Commission deems appropriate.

17 “(4) AGENDA AND ADDITIONAL REVIEW.—The
18 Commission shall consult periodically with the chair-
19 men and ranking minority members of the appro-
20 priate committees of Congress regarding the Com-
21 mission’s agenda and progress toward achieving the
22 agenda. The Commission may conduct additional re-
23 views, and submit additional reports to the appro-
24 priate committees of Congress, from time to time on
25 such topics as may be requested by such chairmen

1 and members and as the Commission deems appro-
2 priate.

3 “(5) AVAILABILITY OF REPORTS.—The Com-
4 mission shall transmit to the Secretary a copy of
5 each report submitted under this subsection and
6 shall make such reports available to the public.

7 “(c) MEMBERSHIP.—

8 “(1) NUMBER AND APPOINTMENT.—The Com-
9 mission shall be composed of 11 members appointed
10 by the Comptroller General.

11 “(2) QUALIFICATIONS.—

12 “(A) IN GENERAL.—The membership of
13 the Commission shall include—

14 “(i) physicians and other health pro-
15 fessionals;

16 “(ii) representatives of employers, in-
17 cluding multiemployer plans;

18 “(ii) representatives of insured em-
19 ployees;

20 “(iv) third-party payers; and

21 “(v) health services and health eco-
22 nomics researchers with expertise in out-
23 comes and effectiveness research and tech-
24 nology assessment.

1 “(B) ETHICAL DISCLOSURE.—The Comp-
2 troller General shall establish a system for pub-
3 lic disclosure by members of the Commission of
4 financial and other potential conflicts of interest
5 relating to such members.

6 “(3) TERMS.—

7 “(A) IN GENERAL.—Each member shall be
8 appointed for a term of 3 years, except that the
9 Comptroller shall designate staggered terms for
10 the members first appointed.

11 “(B) VACANCIES.—Any member appointed
12 to fill a vacancy occurring before the expiration
13 of the term for which the member’s predecessor
14 was appointed shall be appointed only for the
15 remainder of that term. A member may serve
16 after the expiration of that member’s term until
17 a successor has taken office. A vacancy in the
18 Commission shall be filled in the manner in
19 which the original appointment was made.

20 “(4) BASIC PAY.—

21 “(A) RATES OF PAY.—Except as provided
22 in subparagraph (B), members shall each be
23 paid at a rate equal to the rate of basic pay
24 payable for level IV of the Executive Schedule
25 for each day (including travel time) during

1 which they are engaged in the actual perform-
2 ance of duties vested in the Commission.

3 “(B) PROHIBITION OF COMPENSATION OF
4 FEDERAL EMPLOYEES.—Members of the Com-
5 mission who are full-time officers or employees
6 of the United States (or Members of Congress)
7 may not receive additional pay, allowances, or
8 benefits by reason of their service on the Com-
9 mission.

10 “(5) TRAVEL EXPENSES.—Each member shall
11 receive travel expenses, including per diem in lieu of
12 subsistence, in accordance with sections 5702 and
13 5703 of title 5, United States Code.

14 “(6) CHAIRPERSON.—The Chairperson of the
15 Commission shall be designated by the Comptroller
16 at the time of the appointment. The term of office
17 of the Chairperson shall be 3 years.

18 “(7) MEETINGS.—The Commission shall meet 4
19 times each year.

20 “(d) DIRECTOR AND STAFF OF COMMISSION.—

21 “(1) DIRECTOR.—The Commission shall have a
22 Director who shall be appointed by the Chairperson.
23 The Director shall be paid at a rate not to exceed
24 the maximum rate of basic pay payable for GS–13
25 of the General Schedule.

1 “(2) STAFF.—The Director may appoint 2 ad-
2 ditional staff members.

3 “(3) APPLICABILITY OF CERTAIN CIVIL SERV-
4 ICE LAWS.—The Director and staff of the Commis-
5 sion shall be appointed subject to the provisions of
6 title 5, United States Code, governing appointments
7 in the competitive service, and shall be paid in ac-
8 cordance with the provisions of chapter 51 and sub-
9 chapter III of chapter 53 of that title relating to
10 classification and General Schedule pay rates.

11 “(e) POWERS OF COMMISSION.—

12 “(1) HEARINGS AND SESSIONS.—The Commis-
13 sion may, for the purpose of carrying out this Act,
14 hold hearings, sit and act at times and places, take
15 testimony, and receive evidence as the Commission
16 considers appropriate. The Commission may admin-
17 ister oaths or affirmations to witnesses appearing
18 before it.

19 “(2) POWERS OF MEMBERS AND AGENTS.—Any
20 member or agent of the Commission may, if author-
21 ized by the Commission, take any action which the
22 Commission is authorized to take by this section.

23 “(3) OBTAINING OFFICIAL DATA.—The Com-
24 mission may secure directly from any department or
25 agency of the United States information necessary

1 to enable it to carry out this Act. Upon request of
2 the Chairperson of the Commission, the head of that
3 department or agency shall furnish that information
4 to the Commission.

5 “(4) **MAILS.**—The Commission may use the
6 United States mails in the same manner and under
7 the same conditions as other departments and agen-
8 cies of the United States.

9 “(5) **ADMINISTRATIVE SUPPORT SERVICES.**—
10 Upon the request of the Commission, the Adminis-
11 trator of General Services shall provide to the Com-
12 mission, on a reimbursable basis, the administrative
13 support services necessary for the Commission to
14 carry out its responsibilities under this Act.

15 “(6) **CONTRACT AUTHORITY.**—The Commission
16 may contract with and compensate government and
17 private agencies or persons for services, without re-
18 gard to section 3709 of the Revised Statutes (41
19 U.S.C. 5).

20 “(f) **REPORTS.**—Beginning December 31, 2000, and
21 each year thereafter, the Commission shall submit to the
22 Congress an annual report detailing the following informa-
23 tion:

24 “(1) Access to care, affordability to employers
25 and employees, and quality of care under employer-

1 sponsored health plans and recommendations for im-
2 proving such access, affordability, and quality.

3 “(2) Any issues the Commission deems appro-
4 priate or any issues (such as the appropriateness
5 and availability of particular medical treatment) that
6 the chairmen or ranking members of the appropriate
7 committees of Congress requested the Commission
8 to evaluate.

9 “(g) DEFINITION OF APPROPRIATE COMMITTEES OF
10 CONGRESS.—For purposes of this section the term ‘appro-
11 priate committees of Congress’ means any committee in
12 the Senate or House of Representatives having jurisdiction
13 over the Employee Retirement Income Security Act of
14 1974.

15 “(h) TERMINATION.—Section 14(a)(2)(B) of the
16 Federal Advisory Committee Act (5 U.S.C. App.; relating
17 to the termination of advisory committees) shall not apply
18 to the Commission.

19 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated for fiscal years 2000
21 through 2004 such sums as may be necessary to carry
22 out this Act.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 This Act shall be effective 6 months after the date
3 of its enactment.

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