

[COMMITTEE PRINT]

JUNE 16, 1999

**[As Approved by the Subcommittee on Employer-Employee
Relations on June 16, 1999, with Technical Correction]**

106TH CONGRESS
1ST SESSION

H. R. 2042

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

[Strike out all after the enacting clause and insert the part printed in italics]

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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Health Care Access, Af-*
3 *fordability, and Quality Advisory Commission Act of*
4 *1999”.*

5 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

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

9 *“SEC. 518. HEALTH POLICY COMMISSION.*

10 *“(a) ESTABLISHMENT.—There is hereby established a*
11 *commission to be known as the Health Care Access, Afford-*
12 *ability, and Quality Commission (hereinafter in this Act*
13 *referred to as the “Commission”).*

14 *“(b) DUTIES OF COMMISSION.—The duties of the Com-*
15 *mission shall be as follows:*

16 *“(1) ESTABLISHMENT OF MODEL GUIDELINES.—*
17 *Based on information gathered by appropriate Fed-*
18 *eral agencies, advisory groups, and other appropriate*
19 *sources for health care information, studies, and data,*
20 *the Commission shall establish model guidelines in*
21 *each of the following areas:*

22 *“(A) Independent expert external review*
23 *programs.*

24 *“(B) Consumer friendly information pro-*
25 *grams.*

1 “(C) *Systems for measuring patient satis-*
2 *faction and patient outcomes.*

3 “(D) *Systems to ensure the timely process-*
4 *ing of claims.*

5 “(2) *EVALUATION OF HEALTH BENEFITS MAN-*
6 *DATES.—At the request of the chairmen or ranking*
7 *minority members of the appropriate committees of*
8 *Congress, the Commission shall evaluate, taking into*
9 *consideration the overall cost effect, availability of*
10 *treatment, and the effect on the health of the general*
11 *population, existing and proposed benefit require-*
12 *ments for group health plans.*

13 “(3) *COMMENTS ON CERTAIN SECRETARIAL RE-*
14 *PORTS.—If the Secretary submits to Congress (or a*
15 *committee of Congress) a report that is required by*
16 *law and that relates to policies under this section, the*
17 *Secretary shall transmit a copy of the report to the*
18 *Commission. The Commission shall review the report*
19 *and, not later than 6 months after the date of submit-*
20 *tal of the Secretary’s report to Congress, shall submit*
21 *to the appropriate committees of Congress written*
22 *comments on such report. Such comments may in-*
23 *clude such recommendations as the Commission deems*
24 *appropriate.*

1 “(4) *AGENDA AND ADDITIONAL REVIEW.*—*The*
2 *Commission shall consult periodically with the chair-*
3 *men and ranking minority members of the appro-*
4 *prate committees of Congress regarding the Commis-*
5 *sion’s agenda and progress toward achieving the*
6 *agenda. The Commission may conduct additional re-*
7 *views, and submit additional reports to the appro-*
8 *prate committees of Congress, from time to time on*
9 *such topics as may be requested by such chairmen*
10 *and members and as the Commission deems appro-*
11 *priate.*

12 “(5) *AVAILABILITY OF REPORTS.*—*The Commis-*
13 *sion shall transmit to the Secretary a copy of each re-*
14 *port submitted under this subsection and shall make*
15 *such reports available to the public.*

16 “(c) *MEMBERSHIP.*—

17 “(1) *NUMBER AND APPOINTMENT.*—*The Commis-*
18 *sion shall be composed of 11 members appointed by*
19 *the Comptroller General.*

20 “(2) *QUALIFICATIONS.*—

21 “(A) *IN GENERAL.*—*The membership of the*
22 *Commission shall include—*

23 “(i) *physicians and other health profes-*
24 *sionals;*

1 “(ii) representatives of employers, in-
2 cluding multiemployer plans;

3 “(ii) representatives of insured employ-
4 ees;

5 “(iv) third-party payers; and

6 “(v) health services and health econom-
7 ics researchers with expertise in outcomes
8 and effectiveness research and technology as-
9 sessment.

10 “(B) *ETHICAL DISCLOSURE.*—The Comp-
11 troller General shall establish a system for public
12 disclosure by members of the Commission of fi-
13 nancial and other potential conflicts of interest
14 relating to such members.

15 “(3) *TERMS.*—

16 “(A) *IN GENERAL.*—Each member shall be
17 appointed for a term of 3 years, except that the
18 Comptroller shall designate staggered terms for
19 the members first appointed.

20 “(B) *VACANCIES.*—Any member appointed
21 to fill a vacancy occurring before the expiration
22 of the term for which the member’s predecessor
23 was appointed shall be appointed only for the re-
24 mainder of that term. A member may serve after
25 the expiration of that member’s term until a suc-

1 *cessor has taken office. A vacancy in the Com-*
2 *mission shall be filled in the manner in which*
3 *the original appointment was made.*

4 “(4) *BASIC PAY.*—

5 “(A) *RATES OF PAY.*—*Except as provided*
6 *in subparagraph (B), members shall each be*
7 *paid at a rate equal to the rate of basic pay pay-*
8 *able for level IV of the Executive Schedule for*
9 *each day (including travel time) during which*
10 *they are engaged in the actual performance of*
11 *duties vested in the Commission.*

12 “(B) *PROHIBITION OF COMPENSATION OF*
13 *FEDERAL EMPLOYEES.*—*Members of the Commis-*
14 *sion who are full-time officers or employees of the*
15 *United States (or Members of Congress) may not*
16 *receive additional pay, allowances, or benefits by*
17 *reason of their service on the Commission.*

18 “(5) *TRAVEL EXPENSES.*—*Each member shall re-*
19 *ceive travel expenses, including per diem in lieu of*
20 *subsistence, in accordance with sections 5702 and*
21 *5703 of title 5, United States Code.*

22 “(6) *CHAIRPERSON.*—*The Chairperson of the*
23 *Commission shall be designated by the Comptroller at*
24 *the time of the appointment. The term of office of the*
25 *Chairperson shall be 3 years.*

1 “(7) *MEETINGS.*—*The Commission shall meet 4*
2 *times each year.*

3 “(d) *DIRECTOR AND STAFF OF COMMISSION.*—

4 “(1) *DIRECTOR.*—*The Commission shall have a*
5 *Director who shall be appointed by the Chairperson.*
6 *The Director shall be paid at a rate not to exceed the*
7 *maximum rate of basic pay payable for GS-13 of the*
8 *General Schedule.*

9 “(2) *STAFF.*—*The Director may appoint 2 addi-*
10 *tional staff members.*

11 “(3) *APPLICABILITY OF CERTAIN CIVIL SERVICE*
12 *LAWS.*—*The Director and staff of the Commission*
13 *shall be appointed subject to the provisions of title 5,*
14 *United States Code, governing appointments in the*
15 *competitive service, and shall be paid in accordance*
16 *with the provisions of chapter 51 and subchapter III*
17 *of chapter 53 of that title relating to classification*
18 *and General Schedule pay rates.*

19 “(e) *POWERS OF COMMISSION.*—

20 “(1) *HEARINGS AND SESSIONS.*—*The Commis-*
21 *sion may, for the purpose of carrying out this Act,*
22 *hold hearings, sit and act at times and places, take*
23 *testimony, and receive evidence as the Commission*
24 *considers appropriate. The Commission may admin-*

1 *ister oaths or affirmations to witnesses appearing be-*
2 *fore it.*

3 *“(2) POWERS OF MEMBERS AND AGENTS.—Any*
4 *member or agent of the Commission may, if author-*
5 *ized by the Commission, take any action which the*
6 *Commission is authorized to take by this section.*

7 *“(3) OBTAINING OFFICIAL DATA.—The Commis-*
8 *sion may secure directly from any department or*
9 *agency of the United States information necessary to*
10 *enable it to carry out this Act. Upon request of the*
11 *Chairperson of the Commission, the head of that de-*
12 *partment or agency shall furnish that information to*
13 *the Commission.*

14 *“(4) MAILS.—The Commission may use the*
15 *United States mails in the same manner and under*
16 *the same conditions as other departments and agen-*
17 *cies of the United States.*

18 *“(5) ADMINISTRATIVE SUPPORT SERVICES.—*
19 *Upon the request of the Commission, the Adminis-*
20 *trator of General Services shall provide to the Com-*
21 *mission, on a reimbursable basis, the administrative*
22 *support services necessary for the Commission to*
23 *carry out its responsibilities under this Act.*

24 *“(6) CONTRACT AUTHORITY.—The Commission*
25 *may contract with and compensate government and*

1 *private agencies or persons for services, without re-*
2 *gard to section 3709 of the Revised Statutes (41*
3 *U.S.C. 5).*

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

8 “(1) *Access to care, affordability to employers*
9 *and employees, and quality of care under employer-*
10 *sponsored health plans and recommendations for im-*
11 *proving such access, affordability, and quality.*

12 “(2) *Any issues the Commission deems appro-*
13 *priate or any issues (such as the appropriateness and*
14 *availability of particular medical treatment) that the*
15 *chairmen or ranking members of the appropriate*
16 *committees of Congress requested the Commission to*
17 *evaluate.*

18 “(g) *DEFINITION OF APPROPRIATE COMMITTEES OF*
19 *CONGRESS.—For purposes of this section the term ‘appro-*
20 *priate committees of Congress’ means any committee in the*
21 *Senate or House of Representatives having jurisdiction over*
22 *the Employee Retirement Income Security Act of 1974.*

23 “(h) *TERMINATION.—Section 14(a)(2)(B) of the Fed-*
24 *eral Advisory Committee Act (5 U.S.C. App.; relating to*

1 *the termination of advisory committees) shall not apply to*
2 *the Commission.*

3 “(i) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated for fiscal years 2000 through*
5 *2004 such sums as may be necessary to carry out this sec-*
6 *tion.”.*

7 **SEC. 3. EFFECTIVE DATE.**

8 *This Act shall be effective 6 months after the date of*
9 *its enactment.*