

103^D CONGRESS
1ST SESSION

H. R. 257

To establish a Health Care Crisis Policy Commission.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. NEAL of North Carolina introduced the following bill; which was referred jointly to the Committees on Energy and Commerce and Ways and Means

A BILL

To establish a Health Care Crisis Policy Commission.

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 Crisis
5 Policy Commission Act”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

8 (1) the people of the United States will find it
9 increasingly difficult to pay for their medical care if
10 the cost of such care continues to increase;

11 (2) in 1988, an estimated 37,000,000 individ-
12 uals in the United States lacked health insurance

1 and another 50,000,000 were underinsured, leading
2 to high levels of uncompensated medical care;

3 (3) there exists a tremendous need in the Unit-
4 ed States for access to basic medical care services;

5 (4) as the average age of individuals in the
6 United States increases, there will be a growing de-
7 mand for health care;

8 (5) in 1988, the average cost of a stay of 1 year
9 in a long-term health care facility was \$25,000;

10 (6) adequate long-term health care insurance is
11 unavailable;

12 (7) the medical care system of the Department
13 of Veterans Affairs is not adequate to deal with the
14 health care needs of American veterans;

15 (8) 11 percent of the gross national product of
16 the United States is made up of spending for medi-
17 cal care;

18 (9) medical malpractice tort reform is necessary
19 because the high cost of malpractice insurance in-
20 flates medical costs;

21 (10) there is a shortage of prenatal, infant de-
22 livery, and well-baby care services in the United
23 States even though it has been proven that such
24 services reduce medical costs over the long term;

1 (11) a large percentage of health care expendi-
2 tures are made for extraordinary medical procedures
3 performed near the end of individuals' lives rather
4 than for preventative measures early in their lives;

5 (12) Federal income tax incentives for em-
6 ployer-paid group health insurance need to be im-
7 proved;

8 (13) businesses that offer only self-insured
9 health care coverage for their employees need to
10 have such coverage regulated to guarantee adequate
11 coverage, as such coverage is the fastest growing
12 segment of health care insurance;

13 (14) concern exists regarding the continued sol-
14 vency of the medicare system with physicians becom-
15 ing reluctant to participate because Federal payment
16 rates are too low; and

17 (15) health care in many rural areas is inad-
18 equately and some rural hospitals are closing.

19 **SEC. 3. ESTABLISHMENT.**

20 There is established a commission to be known as the
21 “Health Care Crisis Policy Commission” (in this Act re-
22 ferred to as the “Commission”).

1 **SEC. 4. DUTIES.**

2 The Commission shall conduct a study of the prob-
3 lems of the cost and delivery of medical care in the United
4 States. In conducting the study, the Commission shall—

5 (1) examine the escalating costs of medical care
6 and health care insurance and its effect on the avail-
7 ability of medical care to individuals in the United
8 States;

9 (2) investigate alternatives for providing medi-
10 cal care to individuals who do not have health care
11 insurance or who do not have adequate health care
12 insurance;

13 (3) evaluate how the private sector could most
14 effectively offer adequate health care insurance to all
15 employed individuals in the United States;

16 (4) review the demands that will be placed on
17 the Nation's health care system in the future as the
18 population of the United States ages;

19 (5) examine the costs of long-term institutional
20 and home health care and the affordability and
21 availability of insurance for such care;

22 (6) evaluate the health care delivery system of
23 the Department of Veterans Affairs;

24 (7) investigate reforms that could be made to
25 the medical malpractice liability system and the ef-

1 fect such system has on medical malpractice insur-
2 ance and on the cost of health care;

3 (8) examine the need for prenatal, delivery, and
4 well-baby health care and how such care impacts on
5 the cost of health care in the long term;

6 (9) review the Federal income tax incentives
7 used by businesses for employer-sponsored group
8 health insurance;

9 (10) research the trend of businesses to be self-
10 insured in their health insurance coverage and how
11 such coverage is regulated;

12 (11) examine the delivery of health care in the
13 rural areas of the United States and the reasons for
14 the closing of many of the hospitals in those areas;

15 (12) evaluate the financial stability and effec-
16 tiveness of, and physician reimbursements from, title
17 XVIII of the Social Security Act (42 U.S.C. 1395-
18 1395ccc; commonly known as medicare);

19 (13) investigate financing options and costs for
20 each health care delivery system recommended by
21 the Commission as an alternative to the systems
22 used in the United States as of the date of the en-
23 actment of this Act;

24 (14) investigate systems of organizing and de-
25 livering health care and types of incentives that

1 could be used to improve the efficiency of the provi-
2 sion of health care while improving the quality of
3 care; and

4 (15) investigate other areas relating to the effi-
5 cient and cost-effective delivery of health care that
6 the Commission believes it is necessary to inves-
7 tigate.

8 **SEC. 5. MEMBERSHIP.**

9 (a) NUMBER AND APPOINTMENT.—The Commission
10 shall be composed of 15 members appointed as follows:

11 (1) 5 members appointed by the President.

12 (2) 5 members appointed by the Speaker of the
13 House of Representatives.

14 (3) 5 members appointed by the majority leader
15 of the Senate.

16 (b) QUALIFICATIONS FOR AND LIMITATIONS ON AP-
17 POINTMENT.—Each member shall be knowledgeable about
18 the delivery or the financing of health care, or both, or
19 in the economics, administration, or legal aspects of health
20 care. Each member shall be selected from among consum-
21 ers of health care, health care providers, employers, health
22 care financial institutions, or organizations that represent
23 such persons. Not more than 1 member appointed under
24 each paragraph of subsection (a) may be—

1 (1) an officer or employee of the Federal Gov-
2 ernment;

3 (2) an officer or employee of a State or local
4 government; or

5 (3) a Member of the Congress.

6 (c) VACANCIES.—A vacancy in the Commission shall
7 be filled in the manner in which the original appointment
8 was made.

9 (d) POLITICAL AFFILIATION.—Not more than 3
10 members of the Commission appointed under each para-
11 graph of subsection (a) may be of the same political party.

12 (e) TERMS.—Each member shall be appointed for the
13 life of the Commission.

14 (f) BASIC PAY.—

15 (1) RATES OF PAY.—Except as provided in
16 paragraph (2), members of the Commission shall
17 each be paid at a rate equal to the rate of basic pay
18 payable for level IV of the Executive Schedule for
19 each day (including travel time) during which they
20 are engaged in the actual performance of duties
21 vested in the Commission.

22 (2) PAY OF FEDERAL EMPLOYEES AND MEM-
23 BERS OF CONGRESS.—Members of the Commission
24 who are full-time officers or employees of the Fed-
25 eral Government or Members of the Congress shall

1 receive no additional pay, allowances, or benefits, ex-
2 cept those provided in paragraph (3), by reason of
3 their service on the Commission.

4 (3) TRAVEL EXPENSES.—Each member of the
5 Commission shall receive travel expenses, including
6 per diem in lieu of subsistence, in the same manner
7 as is permitted under sections 5702 and 5703 of
8 title 5, United States Code.

9 (g) QUORUM.—8 members of the Commission shall
10 constitute a quorum, but a lesser number may hold hear-
11 ings.

12 (h) CHAIRMAN AND VICE CHAIRMAN.—The chairman
13 and vice chairman of the Commission shall be elected by
14 the members of the Commission.

15 (i) MEETINGS.—The Commission shall meet at the
16 call of the chairman of the Commission or a majority of
17 its members.

18 **SEC. 6. STAFF; EXPERTS AND CONSULTANTS.**

19 (a) IN GENERAL.—The chairman of the Commission
20 shall, in accordance with the provisions of title 5, United
21 States Code, governing appointments in the competitive
22 service, and other applicable laws and regulations, hire
23 such staff as is necessary to carry out the duties of the
24 Commission.

1 (b) PAY.—The staff of the Commission shall be paid
2 in accordance with the provisions of chapter 51 and sub-
3 chapter III of chapter 53 of title 5, United States Code,
4 relating to classification and General Schedule pay rates.

5 (c) EXPERTS AND CONSULTANTS.—The chairman
6 may procure temporary and intermittent services of ex-
7 perts and consultants under section 3109(b) of title 5,
8 United States Code.

9 (d) STAFF OF FEDERAL AGENCIES.—Upon request
10 of the Commission, the head of any Federal agency is au-
11 thorized to detail, on a reimbursable basis, any of the per-
12 sonnel of such agency to the Commission to assist the
13 Commission in carrying out its duties under this Act.

14 **SEC. 7. POWERS.**

15 (a) HEARINGS AND SESSIONS.—

16 (1) IN GENERAL.—The Commission may, for
17 the purpose of carrying out this Act, hold hearings,
18 sit and act at times and places, take testimony, and
19 receive evidence, as the Commission considers appro-
20 priate.

21 (2) OPEN MEETINGS.—The Commission shall
22 be considered an agency for the purposes of section
23 552b of title 5, United States Code (relating to the
24 requirement that meetings of Federal agencies be
25 open to the public).

1 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
2 ber or agent of the Commission may, if so authorized by
3 the Commission, take any action which the Commission
4 is authorized to take by this section.

5 (c) OBTAINING OFFICIAL DATA.—All officers and
6 employees of Federal agencies shall cooperate with the
7 Commission in the performance of the duties of the Com-
8 mission. Subject to sections 552 and 552a of title 5, Unit-
9 ed States Code (relating to the availability of information
10 of Federal agencies to the public), the Commission may
11 secure directly from any Federal agency information nec-
12 essary to enable it to carry out this Act. Upon request
13 of the Chairman of the Commission, the head of the Fed-
14 eral agency shall furnish the information to the Commis-
15 sion.

16 (d) GIFTS.—The Commission may accept, use, and
17 dispose of gifts or donations of services or property.

18 (e) MAILS.—The Commission may use the United
19 States mails in the same manner and under the same con-
20 ditions as other Federal agencies.

21 (f) ADMINISTRATIVE SUPPORT SERVICES.—The Ad-
22 ministrator of General Services shall provide to the Com-
23 mission on a reimbursable basis such administrative sup-
24 port services as the Commission may request.

1 **SEC. 8. REPORT.**

2 The Commission shall transmit to the President and
3 to the Congress a report not later than 2 years after the
4 date of enactment of this Act. The report shall contain
5 a detailed statement of the findings and conclusions of the
6 study conducted pursuant to section 4, together with the
7 recommendations of the Commission for such legislation
8 and administrative actions, at the Federal, State, and
9 local level, and for actions that should be undertaken by
10 the private sector, as the Commission considers appro-
11 priate.

12 **SEC. 9. TERMINATION.**

13 The Commission shall cease to exist 10 days after
14 submitting its final report pursuant to section 8.

15 **SEC. 10. BUDGET COMPLIANCE.**

16 Any spending authority (as defined in subparagraphs
17 (A) and (C) of section 401(c)(2) of the Congressional
18 Budget Act of 1974 (2 U.S.C. 651(c)(2)(A))) authorized
19 by this Act shall be effective only to such extent or in such
20 amounts as are provided in appropriation Acts.

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