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To examine the circumstances contributing to the problems facing the health care system of the United States and to develop public and private policies as appropriate to address rising health care costs and the number of uninsured Americans.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2005

Mr. SALAZAR (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To examine the circumstances contributing to the problems facing the health care system of the United States and to develop public and private policies as appropriate to address rising health care costs and the number of uninsured Americans.

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 “National Commission  
5       on Health Care Act”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) Americans are expected to spend  
2       \$1,900,000,000,000 on health care in 2005, up from  
3       \$1,400,000,000,000 in 2001.

4           (2) While 174,000,000 Americans were covered  
5       by employer-sponsored health insurance in 2004, ris-  
6       ing health care costs to both employers and employ-  
7       ees jeopardize the ability of employers and employees  
8       to maintain needed coverage.

9           (3) One in every 6 people in the United States,  
10      or approximately 46,000,000 people lacked health  
11      insurance in 2004, and the number of uninsured in-  
12      dividuals is expected to grow.

13          (4) The medicare program under title XVIII of  
14      the Social Security Act (42 U.S.C. 1395 et seq.)  
15      provided health insurance to 41,700,000 elderly and  
16      disabled Americans in 2004, while the medicaid pro-  
17      gram under title XIX of the Social Security Act (42  
18      U.S.C. 1396 et seq.) provided health care for  
19      55,000,000 low-income children and their parents,  
20      pregnant women, and low-income elderly individuals  
21      in 2004. Federal and State government expenditures  
22      for both programs were approximately  
23      \$606,000,000,000 in 2004.

1 **SEC. 3. PURPOSE.**

2 The purpose of this Act is to establish a National  
3 Commission on Health Care to—

4 (1) examine and report on—

5 (A) the factors leading to the rising costs  
6 of health care for individuals and businesses  
7 participating in employer-based health insur-  
8 ance and the rising health care expenditures for  
9 public health care programs;

10 (B) the barriers that prevent individuals  
11 from securing adequate health care coverage;  
12 and

13 (C) the issues faced by people covered by  
14 public health care programs;

15 (2) ascertain, evaluate, and report on the evi-  
16 dence developed by all relevant Federal, State, and  
17 local governmental agencies regarding the facts and  
18 circumstances surrounding rising health care costs  
19 and the barriers to adequate insurance coverage;

20 (3) build upon the investigations of past and  
21 current entities by reviewing the findings, conclu-  
22 sions, and recommendations of—

23 (A) executive branch, congressional, or  
24 independent commission investigations into the  
25 issues of health care services or health care  
26 costs; and

1 (B) State and local entities that have de-  
2 veloped innovative solutions to deal with the  
3 health care needs in their respective commu-  
4 nities; and

5 (4) investigate and report to the President and  
6 the Congress on its findings, conclusions, and rec-  
7 ommendations for policy solutions to the health care  
8 problems, including current private and public serv-  
9 ices and the lack of health care insurance for nearly  
10 46,000,0000 Americans.

11 **SEC. 4. ESTABLISHMENT.**

12 There is established in the legislative branch the Na-  
13 tional Commission on Health Care (referred to in this Act  
14 as the “Commission”).

15 **SEC. 5. COMPOSITION OF COMMISSION.**

16 (a) MEMBERS.—The Commission shall be composed  
17 of 10 members, of whom—

18 (1) 1 member shall be appointed by the Presi-  
19 dent, who shall serve as chairman of the Commis-  
20 sion;

21 (2) 1 member shall be appointed by the leader  
22 of the Senate of the Democratic Party, in consulta-  
23 tion with the leader of the House of Representatives  
24 of the Democratic Party, who shall serve as vice  
25 chairman of the Commission;

1           (3) 2 members shall be appointed by the senior  
2       member of the Senate leadership of the Republican  
3       Party;

4           (4) 2 members shall be appointed by the senior  
5       member of the Senate leadership of the Democratic  
6       Party;

7           (5) 2 members shall be appointed by the senior  
8       member of the leadership of the House of Represent-  
9       atives of the Republican Party; and

10          (6) 2 members shall be appointed by the senior  
11       member of the leadership of the House of Represent-  
12       atives of the Democratic Party.

13       (b) QUALIFICATIONS; INITIAL MEETING.—

14           (1) POLITICAL PARTY AFFILIATION.—Not more  
15       than 5 members of the Commission shall be from  
16       the same political party.

17           (2) NONGOVERNMENTAL APPOINTEES.—An in-  
18       dividual appointed to the Commission may not be an  
19       officer or employee of the Federal Government or  
20       any State or local government.

21           (3) OTHER QUALIFICATIONS.—It is the sense of  
22       Congress that individuals appointed to the Commis-  
23       sion should be prominent United States citizens,  
24       with national recognition and significant depth of ex-  
25       perience in such professions or memberships as gov-

ernmental service, health care services, health care administration, business, public administration, and research institutions or programs with health care emphasis.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than October 15, 2005, or 60 days after the date of enactment of this Act, whichever is later.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable after all members of the Commission are appointed.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

## **SEC. 6. FUNCTIONS OF COMMISSION.**

(a) IN GENERAL.—The functions of the Commission are to—

- (1) conduct a study that—
  - (A) investigates relevant facts and experiences relating to the problems within the sphere

1 of health care, including any relevant legisla-  
2 tion, Executive order, regulation, plan, policy,  
3 practice, or procedure; and

4 (B) investigates relevant facts and cir-  
5 cumstances relating to—

6 (i) the rising costs of health care;

7 (ii) the impact of the rising costs of  
8 health care on American businesses;

9 (iii) the provision of health care by  
10 State and local health care agencies;

11 (iv) the effects of increases in insur-  
12 ance premiums on health care coverage for  
13 businesses and individuals;

14 (v) the private health insurance indus-  
15 try;

16 (vi) the public health programs;

17 (vii) innovations and reforms nec-  
18 essary to increase the provision of afford-  
19 able, quality health care to all Americans;

20 (viii) the role of congressional over-  
21 sight and resource allocation; and

22 (ix) other areas of the public and pri-  
23 vate sectors determined relevant by the  
24 Commission for its inquiry;

1           (2) identify, review, and evaluate the lessons  
2       learned from past legislative structuring of health  
3       care, coordination, management policies, and proce-  
4       dures of the Federal Government, and, when appro-  
5       priate, State and local governments and nongovern-  
6       mental entities, relative to administering, rep-  
7       resenting and implementing and receiving health  
8       care; and

9           (3) submit to the President and Congress such  
10      reports as are required by this Act containing such  
11      findings, conclusions, and recommendations as the  
12      Commission shall determine, including proposing or-  
13      ganization, coordination, planning, management ar-  
14      rangements, procedures, rules, and regulations.

15   **SEC. 7. POWERS OF COMMISSION.**

16       (a) **HEARINGS AND EVIDENCE.**—The Commission or,  
17   on the authority of the Commission, any subcommittee or  
18   member thereof, may hold such hearings, sit and act at  
19   such times and places, take such testimony, and receive  
20   such evidence as the Commission determines appropriate  
21   for the purposes of carrying out this Act.

22       (b) **CONTRACTING.**—The Commission may, to such  
23   extent and in such amounts as are provided for in appro-  
24   priation Acts, enter into contracts to enable the Commis-  
25   sion to discharge its duties under this Act.



1 (c) INFORMATION FROM FEDERAL AGENCIES.—

2 (1) IN GENERAL.—The Commission is author-  
3 ized to secure directly from any executive depart-  
4 ment, bureau, agency, board, commission, office,  
5 independent establishment, or instrumentality of the  
6 Government, information, suggestions, estimates,  
7 and statistics for the purposes of this Act. Each de-  
8 partment, bureau, agency, board, commission, office,  
9 independent establishment, or instrumentality shall,  
10 to the extent authorized by law, furnish such infor-  
11 mation, suggestions, estimates, and statistics di-  
12 rectly to the Commission, upon request made by the  
13 chairperson, the chairperson of any subcommittee  
14 created by a majority of the Commission, or any  
15 member designated by a majority of the Commis-  
16 sion.

17 (2) RECEIPT, HANDLING STORAGE, AND DIS-  
18 SEMINATION.—Information shall only be received,  
19 handled, stored, and disseminated by members of  
20 the Commission and its staff consistent with all ap-  
21 plicable statutes, regulations, and Executive orders.

22 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

23 (1) GENERAL SERVICES ADMINISTRATION.—  
24 The Administrator of General Services shall provide  
25 to the Commission on a reimbursable basis adminis-

1       trative support and other services for the perform-  
2       ance of the Commission's functions.

3           (2) OTHER DEPARTMENTS AND AGENCIES.—In  
4       addition to the assistance prescribed in paragraph  
5       (1), departments and agencies of the United States  
6       may provide to the Commission such services, funds,  
7       facilities, staff, and other support services as they  
8       may determine advisable and as may be authorized  
9       by law.

10       (e) GIFTS.—The Commission may accept, use, and  
11       dispose of gifts or donations of services or property.

12       (f) POSTAL SERVICES.—The Commission may use  
13       the United States mails in the same manner and under  
14       the same conditions as departments and agencies of the  
15       United States.

16   **SEC. 8. STAFF OF COMMISSION.**

17       (a) IN GENERAL.—

18           (1) APPOINTMENT AND COMPENSATION.—The  
19       chairperson of the Commission, in consultation with  
20       vice chairperson, in accordance with rules agreed  
21       upon by the Commission, may appoint and fix the  
22       compensation of a staff director and such other per-  
23       sonnel as may be necessary to enable the Commis-  
24       sion to carry out its functions, without regard to the  
25       provisions of title 5, United States Code, governing

1 appointments in the competitive service, and without  
2 regard to the provisions of chapter 51 and sub-  
3 chapter III of chapter 53 of such title relating to  
4 classification and General Schedule pay rates, except  
5 that no rate of pay fixed under this subsection may  
6 exceed the equivalent of that payable for a position  
7 at level V of the Executive Schedule under section  
8 5316 of title 5, United States Code.

9 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

10 (A) IN GENERAL.—The staff director and  
11 any personnel of the Commission who are em-  
12 ployees shall be employees under section 2105  
13 of title 5, United States Code, for purposes of  
14 chapters 63, 81, 83, 84, 85, 87, 89, and 90 of  
15 that title.

16 (B) MEMBERS OF COMMISSION.—Subpara-  
17 graph (A) shall not be construed to apply to  
18 members of the Commission.

19 (b) DETAILEES.—Any Federal Government employee  
20 may be detailed to the Commission without reimbursement  
21 from the Commission, and such detailee shall retain the  
22 rights, status, and privileges of the detailee's regular em-  
23 ployment without interruption.

24 (c) CONSULTANT SERVICES.—The Commission is au-  
25 thorized to procure the services of experts and consultants

1 in accordance with section 3109 of title 5, United States  
2 Code, but at rates not to exceed the daily rate paid a per-  
3 son occupying a position at level IV of the Executive  
4 Schedule under section 5315 of title 5, United States  
5 Code.

6 **SEC. 9. COMPENSATION AND TRAVEL EXPENSES.**

7 (a) COMPENSATION.—Each member of the Commis-  
8 sion may be compensated at a rate not to exceed the daily  
9 equivalent of the annual rate of basic pay in effect for  
10 a position at level IV of the Executive Schedule under sec-  
11 tion 5315 of title 5, United States Code, for each day dur-  
12 ing which that member is engaged in the actual perform-  
13 ance of the duties of the Commission.

14 (b) TRAVEL EXPENSES.—While away from their  
15 homes or regular places of business in the performance  
16 of services for the Commission, members of the Commis-  
17 sion shall be allowed travel expenses, including per diem  
18 in lieu of subsistence, in the same manner as persons em-  
19 ployed intermittently in the Government service are al-  
20 lowed expenses under section 5703(b) of title 5, United  
21 States Code.

22 **SEC. 10. REPORTS OF COMMISSION; TERMINATION.**

23 (a) INTERIM REPORTS.—The Commission may sub-  
24 mit to the President and Congress interim reports con-  
25 taining such findings, conclusions, and recommendations

1 for corrective measures as have been agreed to by a major-  
2 ity of Commission members.

3 (b) FINAL REPORT.—Not later than 12 months after  
4 the date of the enactment of this Act, the Commission  
5 shall submit to the President and Congress a final report  
6 containing such findings, conclusions, and recommenda-  
7 tions for corrective measures as have been agreed to by  
8 a majority of Commission members.

9 (c) TERMINATION.—

10 (1) IN GENERAL.—The Commission, and all the  
11 authorities of this Act, shall terminate 60 days after  
12 the date on which the final report is submitted  
13 under subsection (b).

14 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-  
15 MINATION.—The Commission may use the 60 day  
16 period referred to in paragraph (1) for the purpose  
17 of concluding its activities, including providing testi-  
18 mony to committees of Congress concerning its re-  
19 ports and disseminating the final report.

20 **SEC. 11. FUNDING.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to carry out this Act  
23 \$6,000,000.

1       (b) DURATION OF AVAILABILITY.—Amounts made  
2 available to the Commission under subsection (a) shall re-  
3 main available until the termination of the Commission.

○