

110TH CONGRESS
2D SESSION

H. R. 5404

To amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2008

Mr. FRANK of Massachusetts (for himself, Mr. YOUNG of Alaska, Mr. TIERNEY, Mr. GILCHREST, Mr. DELAHUNT, Mr. KENNEDY, and Mr. ALLEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes.

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 “Commercial Fishing
5 Industry Health Care Coverage Act of 2008”.

1 **SEC. 2. GRANTS FOR QUALIFIED COMMERCIAL FISHING IN-**
2 **INDUSTRY HEALTH CARE COVERAGE DEM-**
3 **ONSTRATION PROGRAMS.**

4 Part B of title III of the Public Health Service Act
5 is amended by adding at the end the following new section:

6 **“SEC. 320B. GRANTS FOR QUALIFIED COMMERCIAL FISH-**
7 **ING INDUSTRY HEALTH CARE COVERAGE**
8 **DEMONSTRATION PROGRAMS.**

9 “(a) ESTABLISHMENT OF PROGRAM.—

10 “(1) IN GENERAL.—The Secretary, through the
11 Health Resources and Services Administration, shall
12 establish a grant program (in this section referred to
13 as the ‘grant program’) for the purpose of assisting
14 commercial fishing States to establish, or strengthen
15 existing, programs to expand health care coverage
16 and access for uninsured or underinsured workers
17 and their families in the commercial fishing indus-
18 try.

19 “(2) TYPES OF GRANTS.—Under the grant pro-
20 gram, the Secretary shall provide—

21 “(A) program planning grants under sub-
22 section (b) for commercial fishing States and
23 organizations within such States; and

24 “(B) implementation and administration
25 grants under subsection (c) for no more than
26 15 commercial fishing States.

1 “(3) APPLICATION REQUIRED.—No grant may
2 be awarded under this section except pursuant to an
3 application that is made in such form and manner,
4 and containing such information, as the Secretary
5 may require.

6 “(b) PROGRAM PLANNING GRANTS.—

7 “(1) IN GENERAL.—Under the grant program
8 the Secretary may award grants to one or more
9 commercial fishing States (or to organizations with
10 a history of active involvement in the commercial
11 fishing industry in such a State, including knowl-
12 edge of economic and social aspects of such indus-
13 try), not to exceed \$200,000 for each year and for
14 no more than two years, to conduct initial research
15 and planning for the development of a qualified
16 health care coverage program in the State. Any
17 grantee under this subsection shall—

18 “(A) conduct a demographic survey of the
19 State’s commercial fishing industry and such
20 industry’s health care needs; and

21 “(B) develop a strategic plan, including a
22 detailed financial plan, for implementation of a
23 qualified health care coverage program within
24 the State.

1 “(2) CONSULTATION WITH STATES.—Before
2 awarding a grant under this subsection to an organi-
3 zation, the Secretary shall consult with States where
4 the organization is located in order to assist in a de-
5 termination as to whether the organization—

6 “(A) has the necessary familiarity with
7 and knowledge of the commercial fishing indus-
8 try in the State to fulfill the purposes of the
9 grant; and

10 “(B) has a history of fraudulent or abusive
11 practices that would disqualify the organization
12 from carrying out the grant.

13 “(3) ACTIONS FOLLOWING COMPLETION OF
14 PLANNING GRANTS.—Based on the research find-
15 ings, financial plan, and other recommendations de-
16 veloped by the State or organization under para-
17 graph (1), a State may submit an application for
18 program implementation and administration grants
19 under subsection (c).

20 “(c) IMPLEMENTATION AND PROGRAM ADMINISTRA-
21 TION GRANTS.—

22 “(1) IN GENERAL.—Under the grant program,
23 subject to the succeeding provisions of this sub-
24 section, the Secretary may award the following
25 grants to commercial fishing States:

1 “(A) INITIAL IMPLEMENTATION GRANTS.—
2 A grant, not to exceed \$2,000,000 for each year
3 and for no more than two years, for initial im-
4 plementation of a qualified health care coverage
5 program.

6 “(B) PROGRAM ADMINISTRATION
7 GRANTS.—A grant, not to exceed \$3,000,000
8 for each year and for no more than five years,
9 for administration of a qualified health care
10 coverage program.

11 “(C) CONTINUED ADMINISTRATION
12 GRANTS.—A grant, not to exceed \$3,000,000
13 for each year, for continued administration of a
14 qualified health care coverage program in a
15 State that has been awarded administration
16 grants for 5 years under subparagraph (B) and
17 that has satisfactorily administered such pro-
18 gram using the funds provided by such grants
19 for at least 5 years, if the economic conditions
20 of the fishing industry in the program’s service
21 area (or the condition of fish stocks that are
22 important to the fishing industry in such area)
23 jeopardize the ability of the program to con-
24 tinue providing affordable health care coverage.

1 A grant may be made for a qualified health care cov-
2 erage program under subparagraph (A) or (B) re-
3 gardless of whether or not the program was devel-
4 oped with a program planning grant under sub-
5 section (b) or was implemented under a grant under
6 subparagraph (A), respectively, and regardless of
7 whether the program was developed or initially im-
8 plemented before the date of the enactment of this
9 section.

10 “(2) ELIGIBILITY REQUIREMENTS.—The Sec-
11 retary may not award a grant under this subsection
12 to a commercial fishing State for implementation or
13 administration of a health care coverage program
14 unless—

15 “(A) the State demonstrates that the pro-
16 gram—

17 “(i) is a qualified health care coverage
18 program and enrolls fishing industry mem-
19 bers and their families if they were unin-
20 sured or underinsured; and

21 “(ii) requires Federal funding for its
22 operation; and

23 “(B) the State provides assurances satis-
24 factory to the Secretary that—

1 “(i) if the program is an expansion of
2 an existing health care coverage program,
3 the State will use the grant funding to ex-
4 pand the enrolled population of uninsured
5 or underinsured commercial fishing indus-
6 try members and their families, or modify
7 coverage to comply with qualified health
8 care coverage, under the program and to
9 supplement, and not supplant, State pro-
10 vided funding for such program; or

11 “(ii) if the program is a new qualified
12 health care coverage program, the State
13 will ensure the program’s continued suc-
14 cess through the implementation of appro-
15 priate financial and consumer protection
16 regulations, controls, licensing, or oversight
17 policies, including (as determined by the
18 State) any of the following:

19 “(I) Protection against insol-
20 vency, fraud and abuse.

21 “(II) State-based stop-loss pro-
22 tection.

23 “(III) Reinsurance.

1 “(IV) Receivership/liquidation
2 protection against insolvency for indi-
3 viduals.

4 “(V) Another demonstration of
5 State financial commitment.

6 “(3) REQUIREMENT OF MATCHING FUNDS.—

7 “(A) IN GENERAL.—A grant may be made
8 under this subsection only if the State agrees to
9 make available (directly or through donations
10 from public or private entities) non-Federal
11 contributions toward such costs in an amount
12 that is not less than \$1 for each \$2 of Federal
13 funds provided in the grant.

14 “(B) DETERMINATION OF AMOUNT CON-
15 TRIBUTED.—Non-Federal contributions re-
16 quired in subparagraph (A) may be in cash or
17 in kind, fairly evaluated, including plant, equip-
18 ment, or services. Amounts provided by the
19 Federal Government, or services assisted or
20 subsidized to any significant extent by the Fed-
21 eral Government, may not be included in deter-
22 mining the amount of such non-Federal con-
23 tributions.

24 “(4) CONTRACTING AUTHORITY.—

1 “(A) IN GENERAL.—A commercial fishing
2 State may enter into a contract with one or
3 more eligible non-profit organizations or compa-
4 nies for the purpose of conducting activities
5 under an implementation or administration
6 grant under this subsection and may not enter
7 into such a contract with an organization or
8 company which is not eligible under subpara-
9 graph (C).

10 “(B) SUBCONTRACTING ARRANGE-
11 MENTS.—A contractor described in subpara-
12 graph (A) may subcontract with one or more el-
13 igible non-profit organizations or companies for
14 the purpose of conducting activities under such
15 an implementation or administration grant, if
16 the State approves such subcontracting ar-
17 rangements.

18 “(C) ELIGIBILITY STANDARDS.—The Sec-
19 retary shall issue regulations establishing eligi-
20 bility standards for organizations and compa-
21 nies under this paragraph. Such standards shall
22 include requirements that States review whether
23 prospective contractors or subcontractors under
24 this paragraph—

1 “(i) have a history of fraudulent or
2 abusive practices that would disqualify
3 them from participating in a contract or
4 subcontract;

5 “(ii) have the capability and experi-
6 ence to assist in the management of a
7 qualified health care coverage program;
8 and

9 “(iii) in the case of commercial fishing
10 organizations, have an appropriate level of
11 familiarity with, and knowledge of, the
12 commercial fishing industry.

13 “(d) DEFINITIONS.—For purposes of this section:

14 “(1) COMMERCIAL FISHING STATE.—The term
15 ‘commercial fishing State’ means a State (as defined
16 in section 2(f)) with a significant commercial fishing
17 population or a significant commercial fishing indus-
18 try. The Secretary shall accept a State’s self-certifi-
19 cation that it is a commercial fishing State if the
20 State demonstrates to the Secretary that—

21 “(A) such self-certification is based on con-
22 sultation by the State with local organizations
23 familiar with the commercial fishing industry in
24 the State; and

1 “(B) the State has a significant commer-
2 cial fishing population or a significant commer-
3 cial fishing industry.

4 “(2) COMMERCIAL FISHING INDUSTRY MEM-
5 BER.—The term ‘commercial fishing industry mem-
6 ber’ means a fisherman, crewmember, boat owner,
7 captain, shore side business owner, employee of a
8 company that provides shore side support, harvester,
9 or other individual performing commercial fishing in-
10 dustry-related work, if more than half of such indi-
11 vidual’s income derives from such work at the time
12 the individual enrolls in a qualified health care cov-
13 erage program.

14 “(3) QUALIFIED HEALTH CARE COVERAGE PRO-
15 GRAM.—The term ‘qualified health care coverage
16 program’ means a program that provides qualified
17 health care coverage to commercial fishing industry
18 members and their families consistent with the fol-
19 lowing:

20 “(A) Eligibility for enrollment of such
21 members and families is only restricted by ca-
22 pacity, based on a first come, first served basis
23 when space is limited, and health status related
24 factors (as defined in section 2702), age, and

1 gender may not be used as a basis for deter-
2 mining eligibility.

3 “(B) The program does not include any
4 preexisting condition exclusion (as defined in
5 section 2701) or any coverage elimination rider
6 that permanently excludes from coverage an ex-
7 isting medical condition.

8 “(C) Premium rates under the program
9 are computed based on a community rate, and
10 may be adjusted only for income and family
11 size.

12 “(4) QUALIFIED HEALTH CARE COVERAGE.—
13 The term ‘qualified health care coverage’ means cov-
14 erage that meets any of the following conditions:

15 “(A) FEHBP COVERAGE.—The coverage
16 is actuarially equivalent to the coverage pro-
17 vided under the health benefits plan, under
18 chapter 89 of title 5, United States Code, which
19 has the largest enrollment, either in the United
20 States or in the State involved.

21 “(B) STATE EMPLOYEES COVERAGE.—The
22 coverage is actuarially equivalent to the cov-
23 erage provided under the health benefits plan,
24 that is offered by the State to State government

1 employees, which has the largest enrollment of
2 such plans in the State.

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary for the
5 purpose of carrying out this section—

6 “(1) \$5,000,000 for fiscal year 2009;

7 “(2) \$5,000,000 for fiscal year 2010;

8 “(3) \$10,000,000 for fiscal year 2011;

9 “(4) \$10,000,000 for fiscal year 2012; and

10 “(5) \$20,000,000 for fiscal year 2013.”.

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