

110TH CONGRESS
2D SESSION

S. 2630

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 SENATE OF THE UNITED STATES

FEBRUARY 13, 2008

Mr. KENNEDY (for himself, Mr. STEVENS, Mr. KERRY, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 **DUSTRY HEALTH CARE COVERAGE DEM-**
 3 **ONSTRATION PROGRAMS.**

4 Part B of title III of the Public Health Service Act
 5 (42 U.S.C. 243 et seq.) is amended by adding at the end
 6 the following new section:

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

10 “(a) ESTABLISHMENT OF PROGRAM.—

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

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

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

1 “(B) implementation and administration
2 grants under subsection (c) for no more than
3 15 commercial fishing States.

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

9 “(b) PROGRAM PLANNING GRANTS.—

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

21 “(A) conduct a demographic survey of the
22 State’s commercial fishing industry and such
23 industry’s health care needs; and

24 “(B) develop a strategic plan, including a
25 detailed financial plan, for implementation of a

1 qualified health care coverage program within
2 the State.

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

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

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

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

22 “(c) IMPLEMENTATION AND PROGRAM ADMINISTRA-
23 TION GRANTS.—

24 “(1) IN GENERAL.—Under the grant program,
25 subject to the succeeding provisions of this sub-

1 section, the Secretary may award the following
2 grants to commercial fishing States:

3 “(A) INITIAL IMPLEMENTATION GRANTS.—

4 A grant, not to exceed \$2,000,000 for each year
5 and for no more than two years, for initial im-
6 plementation of a qualified health care coverage
7 program.

8 “(B) PROGRAM ADMINISTRATION

9 GRANTS.—A grant, not to exceed \$3,000,000
10 for each year and for no more than five years,
11 for administration of a qualified health care
12 coverage program.

13 “(C) CONTINUED ADMINISTRATION

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

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

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

17 “(A) the State demonstrates that the pro-
 18 gram—

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

23 “(ii) requires Federal funding for its
 24 operation; and

1 “(B) the State provides assurances satis-
2 factory to the Secretary that—

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

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

21 “(I) Protection against insol-
22 vency, fraud and abuse.

23 “(II) State-based stop-loss pro-
24 tection.

25 “(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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