

113TH CONGRESS  
2D SESSION

# H. J. RES. 110

Granting the consent of Congress to the Health Care Compact.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2014

Mr. LANKFORD introduced the following joint resolution; which was referred  
to the Committee on the Judiciary

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## JOINT RESOLUTION

Granting the consent of Congress to the Health Care  
Compact.

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled,*

3                               CONGRESSIONAL CONSENT

4       SECTION 1.

5       Except as provided in section 2, Congress hereby con-  
6       sents to the Health Care Compact. The Compact reads  
7       as follows:

8       **“SECTION 1. DEFINITIONS.**

9       “As used in this Compact, unless the context clearly  
10      indicates otherwise:

1           “(1) ‘Commission’ means the Interstate Advi-  
2       sory Health Care Commission.

3           “(2) ‘Effective Date’ means the date upon  
4       which this Compact shall become effective for pur-  
5       poses of the operation of State and Federal law in  
6       a Member State, which shall be the later of—

7           “(A) the date upon which this Compact  
8       shall be adopted under the laws of the Member  
9       State; or

10          “(B) the date upon which this Compact re-  
11       ceives the consent of Congress pursuant to Arti-  
12       cle I, Section 10, of the United States Constitu-  
13       tion, after at least two Member States adopt  
14       this Compact.

15          “(3) ‘Health Care’ means care, services, sup-  
16       plies, or plans related to the health of an individual  
17       and includes but is not limited to—

18          “(A) preventive, diagnostic, therapeutic,  
19       rehabilitative, maintenance, or palliative care  
20       and counseling, service, assessment, or proce-  
21       dure with respect to the physical or mental con-  
22       dition or functional status of an individual or  
23       that affects the structure or function of the  
24       body;

1           “(B) sale or dispensing of a drug, device,  
2           equipment, or other item in accordance with a  
3           prescription; and

4           “(C) an individual or group plan that pro-  
5           vides, or pays the cost of, care, services, or sup-  
6           plies related to the health of an individual,  
7           except any care, services, supplies, or plans provided  
8           by the United States Department of Defense and  
9           United States Department of Veterans Affairs, or  
10          provided to Native Americans.

11          “(4) ‘Member State’ means a State that is sig-  
12          natory to this Compact and has adopted it under the  
13          laws of that State.

14          “(5) ‘Member State Base Funding Level’  
15          means a number equal to the total Federal spending  
16          on Health Care in the Member State during Federal  
17          fiscal year 2010. On or before the Effective Date,  
18          each Member State shall determine the Member  
19          State Base Funding Level for its State, and that  
20          number shall be binding upon that Member State.

21          “(6) ‘Member State Current Year Funding  
22          Level’ means the Member State Base Funding Level  
23          multiplied by the Member State Current Year Popu-  
24          lation Adjustment Factor multiplied by the Current  
25          Year Inflation Adjustment Factor.

1           “(7) ‘Member State Current Year Population  
2       Adjustment Factor’ means the average population of  
3       the Member State in the current year less the aver-  
4       age population of the Member State in Federal fiscal  
5       year 2010, divided by the average population of the  
6       Member State in Federal fiscal year 2010, plus 1.  
7       Average population in a Member State shall be de-  
8       termined by the United States Census Bureau.

9           “(8) ‘Current Year Inflation Adjustment Fac-  
10      tor’ means the Total Gross Domestic Product  
11      Deflator in the current year divided by the Total  
12      Gross Domestic Product Deflator in Federal fiscal  
13      year 2010. Total Gross Domestic Product Deflator  
14      shall be determined by the Bureau of Economic  
15      Analysis of the United States Department of Com-  
16      merce.

17   **“SEC. 2. PLEDGE.**

18       “The Member States shall take joint and separate ac-  
19      tion to secure the consent of the United States Congress  
20      to this Compact in order to return the authority to regu-  
21      late Health Care to the Member States consistent with  
22      the goals and principles articulated in this Compact, the  
23      Member States shall improve Health Care policy within  
24      their respective jurisdictions and according to the judg-  
25      ment and discretion of each Member State.

1 **“SEC. 3. LEGISLATIVE POWER.**

2 “The legislatures of the Member States have the pri-  
3 mary responsibility to regulate Health Care in their re-  
4 spective States.

5 **“SEC. 4. STATE CONTROL.**

6 “Each Member State, within its State, may suspend  
7 by legislation the operation of all Federal laws, rules, regu-  
8 lations, and orders regarding Health Care that are incon-  
9 sistent with the laws and regulations adopted by the Mem-  
10 ber State pursuant to this Compact. Federal and State  
11 laws, rules, regulations, and orders regarding Health Care  
12 will remain in effect unless a Member State expressly sus-  
13 pends them pursuant to its authority under this Compact.  
14 For any Federal law, rule, regulation, or order that re-  
15 mains in effect in a Member State after the Effective  
16 Date, that Member State shall be responsible for the asso-  
17 ciated funding obligations in its State.

18 **“SEC. 5. FUNDING.**

19 “(a) Each Federal fiscal year, each Member State  
20 shall have the right to Federal monies up to an amount  
21 equal to its Member State Current Year Funding Level  
22 for that Federal fiscal year, funded by Congress as man-  
23 datory spending and not subject to annual appropriation,  
24 to support the exercise of Member State authority under  
25 this Compact. This funding shall not be conditional on any

1 action of or regulation, policy, law, or rule being adopted  
2 by the Member State.

3 “(b) By the start of each Federal fiscal year, Con-  
4 gress shall establish an initial Member State Current Year  
5 Funding Level for each Member State, based upon reason-  
6 able estimates. The final Member State Current Year  
7 Funding Level shall be calculated, and funding shall be  
8 reconciled by the United States Congress based upon in-  
9 formation provided by each Member State and audited by  
10 the United States Government Accountability Office.

11 **“SEC. 6. INTERSTATE ADVISORY HEALTH CARE COMMIS-**  
12 **SION.**

13 “(a) The Interstate Advisory Health Care Commis-  
14 sion is established. The Commission consists of members  
15 appointed by each Member State through a process to be  
16 determined by each Member State. A Member State may  
17 not appoint more than two members to the Commission  
18 and may withdraw membership from the Commission at  
19 any time. Each Commission member is entitled to one  
20 vote. The Commission shall not act unless a majority of  
21 the members are present, and no action shall be binding  
22 unless approved by a majority of the Commission’s total  
23 membership.

24 “(b) The Commission may elect from among its mem-  
25 bership a Chairperson. The Commission may adopt and

1 publish bylaws and policies that are not inconsistent with  
2 this Compact. The Commission shall meet at least once  
3 a year, and may meet more frequently.

4 “(c) The Commission may study issues of Health  
5 Care regulation that are of particular concern to the Mem-  
6 ber States. The Commission may make non-binding rec-  
7 ommendations to the Member States. The legislatures of  
8 the Member States may consider these recommendations  
9 in determining the appropriate Health Care policies in  
10 their respective States.

11 “(d) The Commission shall collect information and  
12 data to assist the Member States in their regulation of  
13 Health Care, including assessing the performance of var-  
14 ious State Health Care programs and compiling informa-  
15 tion on the prices of Health Care. The Commission shall  
16 make this information and data available to the legisla-  
17 tures of the Member States. Notwithstanding any other  
18 provision in this Compact, no Member State shall disclose  
19 to the Commission the health information of any indi-  
20 vidual, nor shall the Commission disclose the health infor-  
21 mation of any individual.

22 “(e) The Commission shall be funded by the Member  
23 States as agreed to by the Member States. The Commis-  
24 sion shall have the responsibilities and duties as may be  
25 conferred upon it by subsequent action of the respective

1 legislatures of the Member States in accordance with the  
 2 terms of this Compact.

3 “(f) The Commission shall not take any action within  
 4 a Member State that contravenes any State law of that  
 5 Member State.

6 **“SEC. 7. CONGRESSIONAL CONSENT.**

7 “This Compact shall be effective on its adoption by  
 8 at least two Member States and consent of the United  
 9 States Congress. This Compact shall be effective unless  
 10 the United States Congress, in consenting to this Com-  
 11 pact, alters the fundamental purposes of this Compact,  
 12 which are—

13 “(1) to secure the right of the Member States  
 14 to regulate Health Care in their respective States  
 15 pursuant to this Compact and to suspend the oper-  
 16 ation of any conflicting Federal laws, rules, regula-  
 17 tions, and orders within their States; and

18 “(2) to secure Federal funding for Member  
 19 States that choose to invoke their authority under  
 20 this Compact, as prescribed by Section 5 above.

21 **“SEC. 8. AMENDMENTS.**

22 “The Member States, by unanimous agreement, may  
 23 amend this Compact from time to time without the prior  
 24 consent or approval of Congress and any amendment shall  
 25 be effective unless, within one year, the Congress dis-

1 approves that amendment. Any State may join this Com-  
2 pact after the date on which Congress consents to the  
3 Compact by adoption into law under its State Constitu-  
4 tion.

5 **“SEC. 9. WITHDRAWAL; DISSOLUTION.**

6 “Any Member State may withdraw from this Com-  
7 pact by adopting a law to that effect, but no such with-  
8 drawal shall take effect until six months after the Gov-  
9 ernor of the withdrawing Member State has given notice  
10 of the withdrawal to the other Member States. A with-  
11 drawing State shall be liable for any obligations that it  
12 may have incurred prior to the date on which its with-  
13 drawal becomes effective. This Compact shall be dissolved  
14 upon the withdrawal of all but one of the Member  
15 States.”.

16 **AGENCIES FOR WHICH CONSENT IS NOT GRANTED**

17 **SEC. 2.**

18 (a) **IN GENERAL.**—Notwithstanding the consent to  
19 the Health Care Compact granted under section 1, the  
20 powers granted to Member States under sections 3, 4, and  
21 5 of the Health Care Compact shall not apply with regard  
22 to the agencies listed under subsection (b), and the Mem-  
23 ber State Base Funding Level and Member State Current  
24 Year Funding Level shall not include funds spent by such  
25 agencies.

1       (b) EXCLUDED AGENCIES.—The agencies to which  
2 subsection (a) applies are as follows:

3           (1) The National Institutes for Health.

4           (2) The Centers for Disease Control and Pre-  
5       vention.

6           (3) The Food and Drug Administration.

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