

107TH CONGRESS
1ST SESSION

H. R. 2642

To establish a National Commission on Farmworkers and Federal Health Coverage to study the problems of farmworkers under the Medicaid Program and the State children's health insurance program (SCHIP).

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2001

Mr. UPTON (for himself and Mr. STUPAK) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a National Commission on Farmworkers and Federal Health Coverage to study the problems of farmworkers under the Medicaid Program and the State children's health insurance program (SCHIP).

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 Farmworkers and Federal Health Coverage Act of
6 2001”.

1 **SEC. 2. ESTABLISHMENT.**

2 There is established a commission to be known as the
3 National Commission on Farmworkers and Federal
4 Health Coverage (in this Act referred to as the “Commis-
5 sion”).

6 **SEC. 3. DUTIES OF COMMISSION.**

7 (a) **IN GENERAL.**—The Commission shall examine
8 problems experienced by farmworkers (including their
9 families) under medicaid and SCHIP. Specifically, the
10 Commission shall examine the following:

11 (1) **BARRIERS TO ENROLLMENT.**—Barriers to
12 their enrollment, including a lack of outreach and
13 outstationed eligibility workers, complicated applica-
14 tions and eligibility determination procedures, and
15 linguistic and cultural barriers.

16 (2) **LACK OF PORTABILITY.**—The lack of port-
17 ability of medicaid and SCHIP coverage for farm-
18 workers who are determined eligible in one State but
19 who move to other States on a seasonal or other
20 periodic basis.

21 (3) **POSSIBLE SOLUTIONS.**—The development of
22 possible solutions to increase enrollment and access
23 to benefits for farmworkers, because, in part, of the
24 problems identified in paragraphs (1) and (2), and
25 the associated costs of each of the possible solution
26 described in subsection (b).

1 (b) POSSIBLE SOLUTIONS.—Possible solutions to be
2 examined shall include each of the following:

3 (1) INTERSTATE COMPACTS.—The use of inter-
4 state compacts among States that establish port-
5 ability and reciprocity for eligibility for farmworkers
6 under the medicaid and SCHIP and potential finan-
7 cial incentives for States to enter into such com-
8 pacts.

9 (2) DEMONSTRATION PROJECTS.—The use of
10 multi-state demonstration waiver projects under sec-
11 tion 1115 of the Social Security Act (42 U.S.C.
12 1315) to develop comprehensive migrant coverage
13 demonstration projects.

14 (3) USE OF CURRENT LAW FLEXIBILITY.—Use
15 of current law medicaid and SCHIP State plan pro-
16 visions relating to coverage of residents and out-of-
17 State coverage.

18 (4) NATIONAL MIGRANT FAMILY COVERAGE.—
19 The development of programs of national migrant
20 family coverage in which States could participate.

21 (5) PUBLIC-PRIVATE PARTNERSHIPS.—The pro-
22 vision of incentives for development of public-private
23 partnerships to develop private coverage alternatives
24 for farmworkers.

1 (6) OTHER POSSIBLE SOLUTIONS.—Such other
2 solutions as the Commission deems appropriate.

3 (c) DEFINITIONS.—For purposes of this Act:

4 (1) FARMWORKER.—The term “farmworker”
5 means a migratory agricultural worker or seasonal
6 agricultural worker, as such terms are defined in
7 section 330(g)(3) of the Public Health Service Act
8 (42 U.S.C. 254c(g)(3)), and includes a family mem-
9 ber of such a worker.

10 (2) MEDICAID.—The term “medicaid” means
11 the program under title XIX of the Social Security
12 Act.

13 (3) SCHIP.—The term “SCHIP” means the
14 State children’s health insurance program under
15 title XXI of the Social Security Act.

16 (4) SECRETARY.—The term “Secretary” means
17 Secretary of Health and Human Services.

18 **SEC. 4. MEMBERSHIP.**

19 (a) NUMBER AND APPOINTMENT.—The Commission
20 shall be composed of 15 members appointed by the Sec-
21 retary of Health and Human Services from among the fol-
22 lowing:

23 (1) Farmworkers affected by the lack of port-
24 ability of coverage under the medicaid program or
25 the State children’s health insurance program

1 (under titles XIX and XXI of the Social Security
2 Act).

3 (2) Representatives with expertise in providing
4 health care to farmworkers, including designees of
5 national and local organizations representing mi-
6 grant health centers and other providers.

7 (3) Researchers with expertise in health care fi-
8 nancing.

9 (4) Representatives of foundations and other
10 nonprofit entities that have conducted or supported
11 research on farmworker health care financial issues.

12 (5) Representatives of Federal agencies which
13 are involved in the provision or financing of health
14 care to farmworkers, including the Health Care Fi-
15 nancing Administration and the Health Research
16 and Services Administration.

17 (6) Representatives of State governments.

18 (7) Representatives from the farm and agricul-
19 tural industries.

20 (8) Designees of labor organizations rep-
21 resenting farmworkers.

22 (b) TERMS.—Each member shall be appointed for the
23 life of the Commission.

24 (c) CHAIRPERSON.—The Chairperson of the Commis-
25 sion shall be designated by the Secretary of Health and

1 Human Services at the time of the appointment of mem-
2 bers.

3 (d) MEETINGS.—The Commission shall meet at the
4 call of the Chairperson or a majority of its members.

5 (e) QUORUM.—A majority of the members of the
6 Commission shall constitute a quorum but a lesser number
7 may hold hearings.

8 (f) COMPENSATION AND EXPENSES.—

9 (1) COMPENSATION.—Members of the Commis-
10 sion shall receive no additional pay, allowances, or
11 benefits by reason of their service on the Commis-
12 sion, except that, to the extent or in the amounts
13 provided in advance in appropriation Acts, farm-
14 worker members described in subsection (a)(1) shall
15 be entitled to receive reasonable compensation for
16 lost wages for days (including travel time) during
17 which they are engaged in the actual performance of
18 duties vested in the Commission. In no case shall
19 such reasonable compensation exceed the daily
20 equivalent of the annual rate of basic pay for grade
21 GS–15 of the General Schedule.

22 (2) TRAVEL EXPENSES.—Each member of the
23 Commission shall receive travel expenses, including
24 per diem in lieu of subsistence, in accordance with

1 applicable provisions under subchapter I of chapter
2 57 of title 5, United States Code.

3 **SEC. 5. DIRECTOR AND STAFF OF COMMISSION; EXPERTS**
4 **AND CONSULTANTS.**

5 (a) DIRECTOR.—The Commission shall have a Direc-
6 tor who shall be appointed by the Commission. To the ex-
7 tent or in the amounts provided in advance in appropria-
8 tion Acts, the Commission shall establish the rate of pay
9 for the Director, which shall not exceed the rate of basic
10 pay for GS–15 of the General Schedule.

11 (b) STAFF.—With the approval of the Commission,
12 the Director may appoint and fix the pay of such addi-
13 tional personnel as the Director considers appropriate.

14 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
15 LAWS.—The Director and staff of the Commission may
16 be appointed without regard to the provisions of title 5,
17 United States Code, governing appointments in the com-
18 petitive service, and may be paid without regard to the
19 provisions of chapter 51 and subchapter III of chapter 53
20 of that title relating to classification and General Schedule
21 pay rates, except that an individual so appointed may not
22 receive pay in excess of the annual rate of basic pay for
23 level GS–15 of the General Schedule.

24 (d) EXPERTS AND CONSULTANTS.—With the ap-
25 proval of the Commission, Director may procure tem-

1 porary and intermittent services under section 3109(b) of
2 title 5, United States Code.

3 (e) STAFF OF FEDERAL AGENCIES.—Upon request
4 of the Commission, the head of any Federal department
5 or agency may detail, on a reimbursable basis, any of the
6 personnel of that department or agency to the Commission
7 to assist it in carrying out its duties under this Act. Any
8 such detail shall not interrupt or otherwise affect the civil
9 service status or privileges of the Federal employee.

10 **SEC. 6. POWERS OF COMMISSION.**

11 (a) HEARINGS AND SESSIONS.—The Commission
12 may, for the purpose of carrying out this Act, hold hear-
13 ings, sit and act at times and places, take testimony, and
14 receive evidence as the Commission considers appropriate.

15 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
16 ber or agent of the Commission may, if authorized by the
17 Commission, take any action which the Commission is au-
18 thorized to take by this section.

19 (c) OBTAINING OFFICIAL DATA.—The Commission
20 may secure directly from any department or agency of the
21 United States information necessary to enable it to carry
22 out this Act. Upon request of the Chairperson, the head
23 of that department or agency shall furnish that informa-
24 tion to the Commission.

1 (d) GIFTS, BEQUESTS, AND DEVISES.—To the extent
2 or in the amounts provided in advance in appropriation
3 Acts, the Commission may accept, use, and dispose of
4 gifts, bequests, or devises of services or property, both real
5 and personal, for the purpose of aiding or facilitating the
6 work of the Commission. Gifts, bequests, or devises of
7 money and proceeds from sales of other property received
8 as gifts, bequests, or devises shall be deposited in the
9 Treasury and shall be available for disbursement upon
10 order of the Chairperson.

11 (e) MAILS.—The Commission may use the United
12 States mails in the same manner and under the same con-
13 ditions as other departments and agencies of the United
14 States.

15 (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the
16 request of the Commission, the Administrator of General
17 Services shall provide to the Commission, on a reimburs-
18 able basis, the administrative support services necessary
19 for the Commission to carry out its responsibilities under
20 this Act.

21 **SEC. 7. REPORT.**

22 Not later than 18 months after the date of the enact-
23 ment of this Act, the Commission shall transmit a report
24 to the President, the Secretary of Health and Human
25 Services, and the Congress on the study conducted under

1 this Act. The report shall contain a detailed statement of
2 the findings and conclusions of the Commission, together
3 with its recommendations for such legislation and admin-
4 istrative actions as the Commission considers appropriate.

5 **SEC. 8. TERMINATION.**

6 The Commission shall terminate 30 days after the
7 date of submission of the report under section 7.

8 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums
10 as may be necessary to carry out this Act.

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