

104TH CONGRESS
2D SESSION

S. 1876

To amend chapter 89 of title 5, United States Code, to end health insurance portability for Members of Congress and eliminate continued coverage for departing Members of Congress until health insurance portability for other United States citizens is enacted into law, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 1996

Mr. HARKIN (for himself and Mr. BAUCUS) introduced the following bill;
which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend chapter 89 of title 5, United States Code, to end health insurance portability for Members of Congress and eliminate continued coverage for departing Members of Congress until health insurance portability for other United States citizens is enacted into law, 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. LIMITATIONS OF HEALTH CARE COVERAGE**

4 **FOR MEMBERS OF CONGRESS.**

5 (a) FINDINGS.—The Congress finds that—

1 (1) an estimated 81,000,000 United States citi-
2 zens suffer from some type of preexisting medical
3 condition that could make it difficult to obtain
4 health coverage, especially for that condition;

5 (2) millions of citizens are at risk of being sub-
6 jected to preexisting condition exclusions under cur-
7 rent law because they change jobs, lose jobs, or work
8 for employers who change insurance policies;

9 (3) Members of Congress may—

10 (A) choose to receive a health plan through
11 the Federal Employees Health Benefits Pro-
12 gram; and

13 (B) enroll in a plan without facing restric-
14 tions because of health status or preexisting
15 medical conditions;

16 (4) health care coverage for Members of Con-
17 gress under such program—

18 (A) is portable because Members can
19 change plans without worry of preexisting con-
20 dition exclusions or waiting periods; and

21 (B) cannot be canceled and is required to
22 be renewed;

23 (5) Members of Congress are often eligible to
24 continue to receive health care through the Federal

1 Employees Health Benefits Program after they leave
 2 Congress; and

3 (6) Congress should pass legislation to ensure
 4 health insurance portability for United States citi-
 5 zens.

6 (b) ENDING HEALTH INSURANCE PORTABILITY AND
 7 OTHER PROTECTIONS FOR MEMBERS OF CONGRESS.—

8 (1) IN GENERAL.—Section 8902 of title 5,
 9 United States Code, is amended by adding at the
 10 end the following new subsection:

11 “(o)(1) Notwithstanding subsection (f) or (h), or any
 12 other provision of this chapter, a contract for a plan under
 13 this chapter shall provide that a carrier may—

14 “(A) include in a plan offered to an individual
 15 described under paragraph (2) preexisting condition
 16 exclusions and impose a limitation or exclusion of
 17 benefits relating to treatment of a preexisting condi-
 18 tion based on the fact that the condition existed
 19 prior to enrollment;

20 “(B) exclude from enrollment an individual de-
 21 scribed under paragraph (2) due to health status or
 22 preexisting condition; or

23 “(C) refuse to renew the health plan of an indi-
 24 vidual described under paragraph (2) due to health
 25 status or preexisting condition.

1 “(2) Paragraph (1) shall apply with respect to the
 2 health status or preexisting condition of a member of fam-
 3 ily of an individual described under paragraph (3).

4 “(3) An individual referred to under paragraphs (1)
 5 and (2) is—

6 “(A) a Member of Congress; or

7 “(B) an annuitant who on the date immediately
 8 preceding the date of retirement described under
 9 section 8901(3)(A) was a Member of Congress.

10 “(4) This subsection shall cease to be effective on and
 11 after the date on which the Director of the Office of Per-
 12 sonnel Management has received certification from the
 13 Secretary of Labor that a statute has been enacted into
 14 law that—

15 “(A) makes health coverage for United States
 16 citizens portable by limiting exclusions for preexist-
 17 ing conditions;

18 “(B) guarantees availability of health insurance
 19 to United States citizens; and

20 “(C) guarantees renewability of health coverage
 21 to employers and individuals as long as premiums
 22 are paid.”.

23 (2) EFFECTIVE DATE.—This subsection shall
 24 take effect 30 days after the date of the enactment
 25 of this section.

1 (c) ELIMINATION OF COVERAGE FOR DEPARTING
2 MEMBERS OF CONGRESS.—Section 8905 of title 5, United
3 States Code, is amended—

4 (1) in subsection (b) by striking “An annu-
5 itant” and inserting “Subject to subsection (g), an
6 annuitant”; and

7 (2) by adding at the end the following new sub-
8 section:

9 “(g)(1) This section shall not apply to any annuitant
10 who—

11 “(A) on the date immediately preceding the
12 date of retirement described under section
13 8901(3)(A) was a Member of Congress; and

14 “(B) becomes an annuitant on or after the date
15 which occurs 30 days after the date of the enact-
16 ment of this subsection.

17 “(2) This subsection shall cease to be effective on and
18 after the date on which the Director of the Office of Per-
19 sonnel Management has received certification from the
20 Secretary of Labor that a statute has been enacted into
21 law that—

22 “(A) makes health coverage for United States
23 citizens portable by limiting exclusions for preexist-
24 ing conditions;

1 “(B) guarantees availability of health insurance
2 to United States citizens; and

3 “(C) guarantees renewability of health coverage
4 to employers and individuals as long as premiums
5 are paid.”.

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