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Congress Unwittingly Forfeits Own Health Care Plans

Written by Sarah McIntosh

While many Americans remain unsure how the federal health care law will work, members of Congress could be facing their own challenges in adapting to it. In a report issued by the Congressional Research Service, analysts found the new law may remove the health coverage of new Congress members and staff before alternative coverage is available to them.

The CRS report, issued in April, indicates current members of Congress could retain their previous coverage but new members and newly hired staffers cannot obtain coverage through the Federal Employee Health Benefits Program

Major Error

According to the language of Obama's legislation, "Notwithstanding any other provision of law, after the effective date of this subtitle, the only health plans that the Federal Government may make available to Members of Congress and congressional staff with respect to their service as a Member of Congress or congressional staff shall be health plans that are (I) created under this Act (or an amendment made by this Act); or (II) offered through an Exchange established under this Act (or an amendment made by this Act)."

Requiring Congressional members and their staffs to obtain insurance through the exchanges was meant to be a sign that Congress would not exempt themselves from the ramifications of health care reform.

But since the exchanges do not have to be in operation until 2014 and Congress did not include an effective date for the section

excluding lawmakers, the requirement went into effect at the moment President Obama signed the law. No health plans exist yet which meet the legislative requirements.

Rush Resulted in Mistakes

Christie Herrera, director of the Health and Human Services Task Force at the American Legislative Exchange Council in Washington, DC, says the rush to pass the bill resulted in mistakes of this sort.

"That's what happens when you have a hastily drawn bill shoved through the legislative process. I guess Speaker Nancy Pelosi was right—we did have to pass it to find out what's in it," said Herrera.

Congress Will Fix Quickly

Devon Herrick, senior fellow for the National Center for Policy Analysis in Dallas, Texas, wonders whether this was an oversight "given that Congress typically exempts itself from following its own regulations.

According to Herrick, if the law does indeed leave Congress members and staff without insurance, they will rush to fix that blunder.

"Depending how the law is interpreted and how the regulations are written, which could take some time, the government could face a fine for not offering Members of Congress health plans that conform to the employer mandate," said Herrick.