

HR 4281

Small Business Health Fairness Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Health

Introduced: May 5, 2004

Current Status: Pursuant to the provisions of H. Res. 638, H.R. 4281 is laid on the table.

Latest Action: Pursuant to the provisions of H. Res. 638, H.R. 4281 is laid on the table. (May 13, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/4281>

Sponsor

Name: Rep. Johnson, Sam [R-TX-3]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (17 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Boehner, John A. [R-OH-8]	R · OH		May 5, 2004
Rep. Burns, Max [R-GA-12]	R · GA		May 5, 2004
Rep. Dooley, Calvin M. [D-CA-20]	D · CA		May 5, 2004
Rep. Velazquez, Nydia M. [D-NY-12]	D · NY		May 5, 2004
Rep. Emerson, Jo Ann [R-MO-8]	R · MO		May 6, 2004
Rep. Ballenger, Cass [R-NC-10]	R · NC		May 11, 2004
Rep. Blackburn, Marsha [R-TN-7]	R · TN		May 11, 2004
Rep. Burgess, Michael C. [R-TX-26]	R · TX		May 11, 2004
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		May 11, 2004
Rep. Crane, Philip M. [R-IL-8]	R · IL		May 11, 2004
Rep. Greenwood, James C. [R-PA-8]	R · PA		May 11, 2004
Rep. Keller, Ric [R-FL-8]	R · FL		May 11, 2004
Rep. Kolbe, Jim [R-AZ-8]	R · AZ		May 11, 2004
Rep. McInnis, Scott [R-CO-3]	R · CO		May 11, 2004
Rep. Miller, Candice S. [R-MI-10]	R · MI		May 11, 2004
Rep. Pearce, Stevan [R-NM-2]	R · NM		May 11, 2004
Rep. Shays, Christopher [R-CT-4]	R · CT		May 11, 2004

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred To	May 5, 2004

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
108 HR 4279	Related bill	May 21, 2004: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 539.
108 HR 4275	Related bill	May 18, 2004: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 518.
108 HRES 638	Related bill	May 12, 2004: Motion to reconsider laid on the table Agreed to without objection.
108 HR 660	Related bill	Jun 20, 2003: Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
108 S 545	Related bill	Mar 6, 2003: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (text of measure as introduced: CR S3256-3263)

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Small Business Health Fairness Act of 2004 - Amends the Employee Retirement Income Security Act of 1974 (ERISA) to provide for establishment and governance of association health plans (AHPs), which are group health plans whose sponsors are trade, industry, professional, chamber of commerce, or similar business associations, and which meet certain ERISA certification requirements. (Thus, through ERISA preemption of State laws, certified AHPs are exempted from State regulation of health insurance providers, including State consumer protection laws and State requirements for health care benefits to be offered by such entities, with certain exceptions.)

(Sec. 2) Establishes rules governing AHPs, including requirements relating to certification, sponsors and boards of trustees, participation and coverage, nondiscrimination, plan documents, contribution rates, benefit options, applications for certification, notice of voluntary termination, corrective actions, and mandatory termination.

Requires AHPs which provide health benefits in addition to health insurance coverage to maintain certain reserves and comply with other solvency requirements.

Directs the Secretary of Labor to apply for appointment, and carry out specified duties, as trustee of any insolvent AHPs which provide health benefits in addition to health insurance coverage.

Allows a State to impose a contribution tax on any AHP commencing operations in such State after the enactment of this Act. Sets forth limits on such tax, including reduction by the amount of any tax or assessment otherwise imposed by the State on specified other insurance related items maintained by the AHP.

Requires AHPs to include in their summary plan descriptions, in connection with each benefit option, a description of the form of any solvency or guarantee fund protection secured under ERISA or applicable State law.

Allows a certified AHP to exist in a State regardless of any State law that would preclude it.

Preempts State requirements for benefits to be offered by AHPs; but allows a State in which an AHP is domiciled to require the domiciled AHP to cover particular types of diseases and conditions. Allows health insurance issuers to offer coverage of the same policy type offered in connection with a particular AHP to eligible employers, regardless of whether such employers are members of the particular association and regardless of State law. Deems health insurance coverage policy forms filed and approved in a particular State in connection with an insurer's offering under an AHP as approved in any other State in which such coverage is offered when the insurer provides a complete filing in the same form and manner to the authority in the other State.

Makes inapplicable to certified AHPs certain current ERISA provisions which allow State regulation of multiple employer welfare arrangements (MEWAs). Revises ERISA preemption rules to permit State regulation of self-insured MEWAs providing medical care which do not elect to meet the certification requirements for AHPs.

Directs the Secretary to report to specified congressional committees by January 1, 2009, on the effect, if any, AHPs have had on the number of uninsured individuals.

(Sec. 3) Revises requirements for treatment of single employer arrangements. Allows two or more trades or businesses to be deemed a single employer if they are in the same control group offering medical care benefits, under specified

conditions.

(Sec. 4) Provides for enforcement of AHP requirements, including criminal penalties for certain willful misrepresentations, issuance of cease and desist orders, and the responsibility of AHP boards of trustees for certain claims procedures.

(Sec. 5) Directs the Secretary, regarding the exercise of authority, to consult only with the recognized primary domicile State for an AHP.

(Sec. 6) Provides for transitional and other rules relating to treatment of certain existing health benefit programs.

Actions Timeline

- **May 13, 2004:** Considered under the provisions of rule H. Res. 638. (consideration: CR H2951-2960, CR 5/14/2004 H2967-2986)
- **May 13, 2004:** Rule provides for consideration of H.R. 4279, H.R. 4280 and H.R. 4281. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. A specified amendment is in order.
- **May 13, 2004:** DEBATE - The House proceeded with one hour of debate on H.R. 4281.
- **May 13, 2004:** DEBATE - Pursuant to House Resolution 638 the House proceeded with one hour of debate on the Kind amendment in the nature of a substitute.
- **May 13, 2004:** Mrs. McCarthy (NY) moved to recommit with instructions to Education and the Workforce. (consideration: CR 5/14/2004 H2984-2986; text: CR 5/14/2004 H2984)
- **May 13, 2004:** Floor summary: DEBATE - The House proceeded with ten minutes of debate on the McCarthy (NY) motion to recommit with instructions.
- **May 13, 2004:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR 5/14/2004 H2983)
- **May 13, 2004:** On motion to recommit with instructions Failed by recorded vote: 196 - 218 (Roll no. 173).
- **May 13, 2004:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 252 - 162, 1 Present (Roll no. 174).(text: CR H2951-2957)
- **May 13, 2004:** On passage Passed by the Yeas and Nays: 252 - 162, 1 Present (Roll no. 174). (text: CR H2951-2957)
- **May 13, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **May 13, 2004:** Pursuant to the provisions of H. Res. 638, H.R. 4281 is laid on the table.
- **May 12, 2004:** Rule H. Res. 638 passed House.
- **May 11, 2004:** Rules Committee Resolution H. Res. 638 Reported to House. Rule provides for consideration of H.R. 4279, H.R. 4280 and H.R. 4281. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments.
- **May 5, 2004:** Introduced in House
- **May 5, 2004:** Introduced in House
- **May 5, 2004:** Sponsor introductory remarks on measure. (CR E761)
- **May 5, 2004:** Referred to the House Committee on Education and the Workforce.