

HR 660

Small Business Health Fairness Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Health

Introduced: Feb 11, 2003

Current Status: Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and

Latest Action: Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Jun 20, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/660>

Sponsor

Name: Rep. Fletcher, Ernie [R-KY-6]

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

Cosponsors (168 total)

Cosponsor	Party / State	Role	Date Joined
Del. Christensen, Donna M. [D-VI-At Large]	D · VI		Feb 11, 2003
Rep. Aderholt, Robert B. [R-AL-4]	R · AL		Feb 11, 2003
Rep. Akin, W. Todd [R-MO-2]	R · MO		Feb 11, 2003
Rep. Baca, Joe [D-CA-43]	D · CA		Feb 11, 2003
Rep. Ballenger, Cass [R-NC-10]	R · NC		Feb 11, 2003
Rep. Beauprez, Bob [R-CO-7]	R · CO		Feb 11, 2003
Rep. Biggert, Judy [R-IL-13]	R · IL		Feb 11, 2003
Rep. Boehner, John A. [R-OH-8]	R · OH		Feb 11, 2003
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Feb 11, 2003
Rep. Calvert, Ken [R-CA-44]	R · CA		Feb 11, 2003
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Feb 11, 2003
Rep. Carter, John R. [R-TX-31]	R · TX		Feb 11, 2003
Rep. Collins, Mac [R-GA-8]	R · GA		Feb 11, 2003
Rep. Costello, Jerry F. [D-IL-12]	D · IL		Feb 11, 2003
Rep. Cramer, Robert E. (Bud), Jr. [D-AL-5]	D · AL		Feb 11, 2003
Rep. Cunningham, Randy (Duke) [R-CA-50]	R · CA		Feb 11, 2003
Rep. Davis, Jo Ann [R-VA-1]	R · VA		Feb 11, 2003
Rep. DeMint, Jim [R-SC-4]	R · SC		Feb 11, 2003
Rep. Diaz-Balart, Mario [R-FL-25]	R · FL		Feb 11, 2003
Rep. Dooley, Calvin M. [D-CA-20]	D · CA		Feb 11, 2003
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Feb 11, 2003
Rep. Everett, Terry [R-AL-2]	R · AL		Feb 11, 2003
Rep. Fossella, Vito [R-NY-13]	R · NY		Feb 11, 2003
Rep. Franks, Trent [R-AZ-2]	R · AZ		Feb 11, 2003
Rep. Gillmor, Paul E. [R-OH-5]	R · OH		Feb 11, 2003
Rep. Gonzalez, Charles A. [D-TX-20]	D · TX		Feb 11, 2003
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Feb 11, 2003
Rep. Granger, Kay [R-TX-12]	R · TX		Feb 11, 2003
Rep. Graves, Sam [R-MO-6]	R · MO		Feb 11, 2003
Rep. Greenwood, James C. [R-PA-8]	R · PA		Feb 11, 2003
Rep. Grijalva, Raúl M. [D-AZ-7]	D · AZ		Feb 11, 2003
Rep. Hart, Melissa A. [R-PA-4]	R · PA		Feb 11, 2003
Rep. Hastert, J. Dennis [R-IL-14]	R · IL		Feb 11, 2003
Rep. Herger, Wally [R-CA-2]	R · CA		Feb 11, 2003
Rep. Houghton, Amo [R-NY-29]	R · NY		Feb 11, 2003
Rep. Isakson, Johnny [R-GA-6]	R · GA		Feb 11, 2003
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Feb 11, 2003
Rep. Jenkins, William L. [R-TN-1]	R · TN		Feb 11, 2003
Rep. Johnson, Sam [R-TX-3]	R · TX		Feb 11, 2003
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Feb 11, 2003
Rep. Keller, Ric [R-FL-8]	R · FL		Feb 11, 2003

Cosponsor	Party / State	Role	Date Joined
Rep. Kelly, Sue W. [R-NY-19]	R · NY		Feb 11, 2003
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Feb 11, 2003
Rep. Kolbe, Jim [R-AZ-8]	R · AZ		Feb 11, 2003
Rep. Lucas, Ken [D-KY-4]	D · KY		Feb 11, 2003
Rep. Manzullo, Donald A. [R-IL-16]	R · IL		Feb 11, 2003
Rep. McHugh, John M. [R-NY-23]	R · NY		Feb 11, 2003
Rep. McInnis, Scott [R-CO-3]	R · CO		Feb 11, 2003
Rep. McKeon, Howard P. "Buck" [R-CA-25]	R · CA		Feb 11, 2003
Rep. Musgrave, Marilyn N. [R-CO-4]	R · CO		Feb 11, 2003
Rep. Northup, Anne M. [R-KY-3]	R · KY		Feb 11, 2003
Rep. Peterson, John E. [R-PA-5]	R · PA		Feb 11, 2003
Rep. Petri, Thomas E. [R-WI-6]	R · WI		Feb 11, 2003
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Feb 11, 2003
Rep. Radanovich, George [R-CA-19]	R · CA		Feb 11, 2003
Rep. Rehberg, Dennis R. [R-MT-At Large]	R · MT		Feb 11, 2003
Rep. Ryan, Paul [R-WI-1]	R · WI		Feb 11, 2003
Rep. Schrock, Edward L. [R-VA-2]	R · VA		Feb 11, 2003
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Feb 11, 2003
Rep. Sessions, Pete [R-TX-32]	R · TX		Feb 11, 2003
Rep. Shays, Christopher [R-CT-4]	R · CT		Feb 11, 2003
Rep. Shimkus, John [R-IL-19]	R · IL		Feb 11, 2003
Rep. Simmons, Rob [R-CT-2]	R · CT		Feb 11, 2003
Rep. Smith, Lamar [R-TX-21]	R · TX		Feb 11, 2003
Rep. Souder, Mark E. [R-IN-3]	R · IN		Feb 11, 2003
Rep. Tancredo, Thomas G. [R-CO-6]	R · CO		Feb 11, 2003
Rep. Tiahrt, Todd [R-KS-4]	R · KS		Feb 11, 2003
Rep. Toomey, Patrick J. [R-PA-15]	R · PA		Feb 11, 2003
Rep. Upton, Fred [R-MI-6]	R · MI		Feb 11, 2003
Rep. Velazquez, Nydia M. [D-NY-12]	D · NY		Feb 11, 2003
Rep. Weldon, Dave [R-FL-15]	R · FL		Feb 11, 2003
Rep. Whitfield, Ed [R-KY-1]	R · KY		Feb 11, 2003
Rep. Wilson, Joe [R-SC-2]	R · SC		Feb 11, 2003
Rep. Wolf, Frank R. [R-VA-10]	R · VA		Feb 11, 2003
Resident Commissioner Acevedo-Vila, Anibal [D-PR-At Large]	D · PR		Feb 11, 2003
Rep. Carson, Brad [D-OK-2]	D · OK		Feb 25, 2003
Rep. Chocola, Chris [R-IN-2]	R · IN		Feb 25, 2003
Rep. Cole, Tom [R-OK-4]	R · OK		Feb 25, 2003
Rep. Crane, Philip M. [R-IL-8]	R · IL		Feb 25, 2003
Rep. Foley, Mark [R-FL-16]	R · FL		Feb 25, 2003
Rep. Hostettler, John N. [R-IN-8]	R · IN		Feb 25, 2003
Rep. Napolitano, Grace F. [D-CA-38]	D · CA		Feb 25, 2003
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Feb 25, 2003

Cosponsor	Party / State	Role	Date Joined
Rep. Bartlett, Roscoe G. [R-MD-6]	R · MD		Mar 6, 2003
Rep. Johnson, Eddie Bernice [D-TX-30]	D · TX		Mar 6, 2003
Rep. King, Steve [R-IA-5]	R · IA		Mar 6, 2003
Rep. Rogers, Harold [R-KY-5]	R · KY		Mar 6, 2003
Rep. Shuster, Bill [R-PA-9]	R · PA		Mar 6, 2003
Rep. Weller, Jerry [R-IL-11]	R · IL		Mar 6, 2003
Del. Faleomavaega, Eni F. H. [D-AS-At Large]	D · AS		Mar 11, 2003
Rep. Brown-Waite, Ginny [R-FL-5]	R · FL		Mar 11, 2003
Rep. Case, Ed [D-HI-2]	D · HI		Mar 11, 2003
Rep. Cox, Christopher [R-CA-48]	R · CA		Mar 11, 2003
Rep. Sanchez, Loretta [D-CA-47]	D · CA		Mar 11, 2003
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Mar 12, 2003
Rep. Gingrey, Phil [R-GA-11]	R · GA		Mar 12, 2003
Rep. Barrett, J. Gresham [R-SC-3]	R · SC		Mar 20, 2003
Rep. Miller, Gary G. [R-CA-42]	R · CA		Mar 20, 2003
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Mar 20, 2003
Rep. Weldon, Curt [R-PA-7]	R · PA		Mar 20, 2003
Rep. Bonner, Jo [R-AL-1]	R · AL		Mar 25, 2003
Rep. Cubin, Barbara [R-WY-At Large]	R · WY		Mar 25, 2003
Rep. Deal, Nathan [R-GA-10]	R · GA		Mar 25, 2003
Rep. McIntyre, Mike [D-NC-7]	D · NC		Mar 25, 2003
Rep. Latham, Tom [R-IA-4]	R · IA		Mar 26, 2003
Rep. Brown, Henry E., Jr. [R-SC-1]	R · SC		Mar 27, 2003
Rep. Cantor, Eric [R-VA-7]	R · VA		Mar 27, 2003
Rep. Shaw, E. Clay, Jr. [R-FL-22]	R · FL		Mar 27, 2003
Rep. Burton, Dan [R-IN-5]	R · IN		Apr 1, 2003
Rep. Hefley, Joel [R-CO-5]	R · CO		Apr 1, 2003
Rep. Kirk, Mark Steven [R-IL-10]	R · IL		Apr 1, 2003
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Apr 1, 2003
Rep. Wicker, Roger F. [R-MS-1]	R · MS		Apr 1, 2003
Rep. Wynn, Albert Russell [D-MD-4]	D · MD		Apr 1, 2003
Rep. Davis, Lincoln [D-TN-4]	D · TN		Apr 3, 2003
Rep. Ehlers, Vernon J. [R-MI-3]	R · MI		Apr 3, 2003
Rep. English, Phil [R-PA-3]	R · PA		Apr 3, 2003
Rep. Pastor, Ed [D-AZ-4]	D · AZ		Apr 3, 2003
Rep. Pickering, Charles W. "Chip" [R-MS-3]	R · MS		Apr 3, 2003
Rep. Stearns, Cliff [R-FL-6]	R · FL		Apr 3, 2003
Rep. Burns, Max [R-GA-12]	R · GA		Apr 8, 2003
Rep. Bonilla, Henry [R-TX-23]	R · TX		Apr 30, 2003
Rep. Feeney, Tom [R-FL-24]	R · FL		Apr 30, 2003
Rep. Harris, Katherine [R-FL-13]	R · FL		Apr 30, 2003
Rep. Israel, Steve [D-NY-2]	D · NY		Apr 30, 2003

Cosponsor	Party / State	Role	Date Joined
Rep. LaHood, Ray [R-IL-18]	R · IL		Apr 30, 2003
Rep. Miller, Jeff [R-FL-1]	R · FL		Apr 30, 2003
Rep. Moran, James P. [D-VA-8]	D · VA		Apr 30, 2003
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		Apr 30, 2003
Rep. Smith, Nick [R-MI-7]	R · MI		Apr 30, 2003
Rep. Sullivan, John [R-OK-1]	R · OK		Apr 30, 2003
Rep. Thompson, Bennie G. [D-MS-2]	D · MS		Apr 30, 2003
Rep. Nethercutt, George R., Jr. [R-WA-5]	R · WA		May 6, 2003
Rep. Thomas, William M. [R-CA-22]	R · CA		May 6, 2003
Rep. Turner, Jim [D-TX-2]	D · TX		May 6, 2003
Rep. Taylor, Charles H. [R-NC-11]	R · NC		May 14, 2003
Rep. Crenshaw, Ander [R-FL-4]	R · FL		May 20, 2003
Rep. Doolittle, John T. [R-CA-4]	R · CA		May 21, 2003
Rep. Hensarling, Jeb [R-TX-5]	R · TX		May 21, 2003
Rep. Lipinski, William O. [D-IL-3]	D · IL		May 21, 2003
Rep. Barton, Joe [R-TX-6]	R · TX		May 22, 2003
Rep. Brady, Kevin [R-TX-8]	R · TX		May 22, 2003
Rep. Culberson, John Abney [R-TX-7]	R · TX		May 22, 2003
Rep. DeLay, Tom [R-TX-22]	R · TX		May 22, 2003
Rep. Paul, Ron [R-TX-14]	R · TX		May 22, 2003
Rep. Renzi, Rick [R-AZ-1]	R · AZ		May 22, 2003
Rep. Thornberry, Mac [R-TX-13]	R · TX		May 22, 2003
Rep. Bono, Mary [R-CA-45]	R · CA		Jun 3, 2003
Rep. Hobson, David L. [R-OH-7]	R · OH		Jun 3, 2003
Rep. Hyde, Henry J. [R-IL-6]	R · IL		Jun 3, 2003
Rep. Ros-Lehtinen, Ileana [R-FL-18]	R · FL		Jun 3, 2003
Rep. Chabot, Steve [R-OH-1]	R · OH		Jun 4, 2003
Rep. Gibbons, Jim [R-NV-2]	R · NV		Jun 4, 2003
Rep. Hulshof, Kenny C. [R-MO-9]	R · MO		Jun 4, 2003
Rep. Istook, Ernest J., Jr. [R-OK-5]	R · OK		Jun 4, 2003
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Jun 4, 2003
Rep. Shadegg, John B. [R-AZ-3]	R · AZ		Jun 4, 2003
Rep. Cooper, Jim [D-TN-5]	D · TN		Jun 9, 2003
Rep. Janklow, William J. [R-SD-At Large]	R · SD		Jun 9, 2003
Rep. Pearce, Stevan [R-NM-2]	R · NM		Jun 10, 2003
Rep. Blunt, Roy [R-MO-7]	R · MO		Jun 12, 2003
Rep. Bradley, Jeb [R-NH-1]	R · NH		Jun 12, 2003
Rep. Pryce, Deborah [R-OH-15]	R · OH		Jun 12, 2003
Rep. Turner, Michael R. [R-OH-3]	R · OH		Jun 12, 2003
Rep. Gutknecht, Gil [R-MN-1]	R · MN		Jun 16, 2003
Rep. Mica, John L. [R-FL-7]	R · FL		Jun 16, 2003
Rep. Neugebauer, Randy [R-TX-19]	R · TX		Jun 16, 2003

Cosponsor	Party / State	Role	Date Joined
Rep. Ney, Robert W. [R-OH-18]	R · OH		Jun 16, 2003

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Reported by	Apr 8, 2003
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Jun 20, 2003

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
108 HR 4281	Related bill	May 13, 2004: Pursuant to the provisions of H. Res. 638, H.R. 4281 is laid on the table.
108 HRES 283	Procedurally related	Jun 19, 2003: Motion to reconsider laid on the table Agreed to without objection.
108 S 545	Identical 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 reported to the House on June 16, 2003. The summary of that version is repeated here.)

Small Business Health Fairness Act of 2003 - 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 provisions.

Directs the Secretary of Labor to apply for appointment, and carry out specified duties, as trustee of any such 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, 2008, 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

- **Jun 20, 2003:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
- **Jun 19, 2003:** Rule H. Res. 283 passed House.
- **Jun 19, 2003:** Considered under the provisions of rule H. Res. 283. (consideration: CR H5597-5638; text of measure as reported: CR H5598-5604)
- **Jun 19, 2003:** Rule provides for consideration of H.R. 660 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. The amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. Measure will be considered read. A specified amendment is in order.
- **Jun 19, 2003:** DEBATE - The House proceeded with one hour of debate on H.R. 660.
- **Jun 19, 2003:** DEBATE - Pursuant to the provisions of H. Res. 283, the House proceeded with one hour of debate on the Kind amendment in the nature of a substitute.
- **Jun 19, 2003:** Mrs. McCarthy (NY) moved to recommit with instructions to Education and Labor. (consideration: CR H5636-5637; text: CR H5636)
- **Jun 19, 2003:** Floor summary: DEBATE - The House proceeded with ten minutes of debate on the McCarthy (NY) motion to recommit with instructions.
- **Jun 19, 2003:** The previous question on the motion to recommit with instructions was ordered without objection.
- **Jun 19, 2003:** On motion to recommit with instructions Failed by recorded vote: 192 - 230 (Roll no. 295).
- **Jun 19, 2003:** Passed/agreed to in House: On passage Passed by recorded vote: 262 - 162 (Roll no. 296).(text: CR H5598-5604)
- **Jun 19, 2003:** On passage Passed by recorded vote: 262 - 162 (Roll no. 296). (text: CR H5598-5604)
- **Jun 19, 2003:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 18, 2003:** Rules Committee Resolution H. Res. 283 Reported to House. Rule provides for consideration of H.R. 660 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. The amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. Measure will be considered read. A specified amendment is in order.
- **Jun 16, 2003:** Reported (Amended) by the Committee on Education and the Workforce. H. Rept. 108-156.
- **Jun 16, 2003:** Reported (Amended) by the Committee on Education and the Workforce. H. Rept. 108-156.
- **Jun 16, 2003:** Placed on the Union Calendar, Calendar No. 78.
- **Jun 12, 2003:** Committee Consideration and Mark-up Session Held.
- **Jun 12, 2003:** Ordered to be Reported (Amended) by the Yeas and Nays: 26 - 21.
- **Apr 8, 2003:** Subcommittee Consideration and Mark-up Session Held.
- **Apr 8, 2003:** Forwarded by Subcommittee to Full Committee (Amended) by the Yeas and Nays: 13 - 8.
- **Mar 13, 2003:** Referred to the Subcommittee on Employer-Employee Relations.
- **Mar 13, 2003:** Subcommittee Hearings Held.
- **Feb 11, 2003:** Introduced in House
- **Feb 11, 2003:** Introduced in House
- **Feb 11, 2003:** Referred to the House Committee on Education and the Workforce.