

115TH CONGRESS
1ST SESSION

H. R. 2400

To amend title 5, United States Code, to allow individuals who are not Federal employees to enroll in the Federal Employees Health Benefits Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2017

Mr. ISSA introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 5, United States Code, to allow individuals who are not Federal employees to enroll in the Federal Employees Health Benefits Program, 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. EXTENSION AND MODIFICATION OF FEDERAL**
4 **EMPLOYEE HEALTH INSURANCE.**

5 (a) FEHBP.—

6 (1) IN GENERAL.—Chapter 89 of title 5, United
7 States Code, is amended by adding at the end the
8 following:

1 **“§ 8915. Health insurance for individuals who are not**
2 **Federal employees**

3 “(a) Except as provided in this section, any individual
4 may enroll in a health benefits plan provided under this
5 chapter and receive health benefits, to the greatest extent
6 practicable, in the same manner as an employee.

7 “(b) An individual may not enroll in a health benefits
8 plan under this section if the individual—

9 “(1) is enrolled or eligible to enroll for coverage
10 under a public health insurance program, includ-
11 ing—

12 “(A) title XVIII of the Social Security Act;

13 “(B) a State plan under title XIX of the
14 Social Security Act;

15 “(C) a State plan under title XXI of the
16 Social Security Act; or

17 “(D) any other program determined by the
18 Office;

19 “(2) is a member of the uniformed services as
20 defined under section 101(a)(5) of title 10; or

21 “(3) is not a citizen or national of the United
22 States or an alien lawfully present in the United
23 States.

24 “(c)(1) No Government contribution may be made for
25 any individual enrolled in a health benefits plan pursuant
26 to this section.

1 “(2) Pursuant to regulations that the Office of Per-
2 sonnel Management may prescribe, an employer of an in-
3 dividual enrolled in such a plan may make a contribution
4 on behalf of the individual.

5 “(d) In carrying out this section, the Office shall en-
6 sure that individuals enrolled in a health benefits plan
7 under this section shall be in the same risk pool main-
8 tained for employees covered by this chapter.

9 “(e) The Office shall issue regulations as are nec-
10 essary to carry out this section.

11 **“§ 8916. No lifetime or annual limits**

12 “(a) A carrier offering a health benefits plan under
13 this chapter may not establish—

14 “(1) lifetime limits on the dollar value of bene-
15 fits for any individual enrolled in such plan; or

16 “(2) unreasonable annual limits (within the
17 meaning of section 223 of the Internal Revenue
18 Code of 1986) on the dollar value of benefits for any
19 such individual.

20 “(b) Subsection (a) shall not be construed to prevent
21 a health benefits plan under this chapter from placing an-
22 nual or lifetime per beneficiary limits on specific covered
23 benefits to the extent that such limits are otherwise per-
24 mitted under Federal or State law.

1 **“§ 8917. Non-discrimination in health care**

2 “A carrier offering a health benefits plan under this
3 chapter may not discriminate with respect to participation
4 under the plan or coverage against any health care pro-
5 vider who is acting within the scope of that provider’s li-
6 cense or certification under applicable State law. This sec-
7 tion shall not require that a health benefits plan or carrier
8 contract with any health care provider willing to abide by
9 the terms and conditions for participation established by
10 the plan or issuer. Nothing in this section shall be con-
11 strued as preventing a health benefits plan, a carrier, or
12 the Director of the Office of Personnel Management from
13 establishing varying reimbursement rates based on quality
14 or performance measures.”.

15 (2) CHILD UNDER THE AGE OF 26.—Section
16 8901(5) of title 5, United States Code, is amended
17 by striking “22” in each instance it appears and in-
18 serting “26”.

19 (3) APPLICATION.—Sections 8916 and 8917 of
20 such title (as added by paragraph (1)) shall begin to
21 apply to any contract for health benefits plans en-
22 tered into by the Office of Personnel Management
23 under chapter 89 of such title after the date of en-
24 actment of this Act.

25 (4) CLERICAL AMENDMENT.—The table of sec-
26 tions of chapter 89 of title 5, United States Code,

1 is amended by inserting after the item relating to
2 section 8914 the following new items:

“8915. Health insurance for individuals who are not Federal employees.

“8616. No lifetime or annual limits.

“8917. Non-discrimination in health care.”.

3 (b) DENTAL AND VISION BENEFITS.—

4 (1) DENTAL.—Section 8952 of title 5, United
5 States Code, is amended by adding at the end the
6 following:

7 “(d) The Office shall issue regulations necessary to
8 enroll individuals described in section 8915 in dental bene-
9 fits plan offered under this chapter, consistent with the
10 requirements of such section.”.

11 (2) VISION.—Section 8982 of title 5, United
12 States Code, is amended by adding at the end the
13 following:

14 “(d) The Office shall issue regulations necessary to
15 enroll individuals described in section 8915 in vision bene-
16 fits plan offered under this chapter, consistent with the
17 requirements of such section.”.

18 (c) ENROLLMENT OF INSURED INDIVIDUALS WHO
19 ARE NOT FEDERAL EMPLOYEES.—For plan years begin-
20 ning in the year immediately following the year in which
21 this subsection is enacted, the Director of the Office of
22 Personnel Management shall issue regulations to provide
23 for the enrollment of individuals (as described under sec-
24 tion 8915 of title 5, United States Code, as added by sub-

1 section (a)) in health benefits plans under chapter 89,
2 89A, or 89B of such title.

3 (d) PLAN FOR EXTENSION OF FEDERAL EMPLOYEE
4 HEALTH BENEFITS PROGRAM.—Not later than 6 months
5 after the date of enactment of this Act and after consulta-
6 tion with appropriate experts, representatives of affected
7 individuals, and Federal officers, the Director of the Office
8 of Personnel Management shall submit a comprehensive
9 plan to Congress that—

10 (1) provides for the orderly implementation of
11 the amendments made by this section; and

12 (2) includes a schedule of actions to be taken
13 to provide for that implementation.

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