

Questions and Answers

Federal Employees Health Benefits Program: Members of Congress and Congressional Staff

Q. Why is OPM publishing this final rule?

A. This final rule is being published to clarify the eligibility of Members of Congress and designated Congressional staff members for health insurance coverage under the Federal Employees Health Benefits (FEHB) Program. Section 1312 of the Affordable Care Act requires that Members of Congress and designated Congressional staff must obtain coverage by health plans created under the Affordable Care Act or coverage offered via an Affordable Insurance Exchange (Exchanges).

Q. What changes have been made to the final rule?

A. The final rule differs from the proposed rule in the following ways:

- Members of Congress and designated congressional staff must enroll in an appropriate SHOP as determined by the Director in order to receive a Government contribution.
- References to annuitants purchasing coverage on the Exchange have been deleted.
- OPM has provided a one month extension for staff designations for the 2014 plan year.
- Additional non-substantive edits have been made to improve clarity.

Q. What is a SHOP?

A. The Small Business Health Options Program (SHOP) was established by the ACA and administers group health benefits to employees of small businesses.

Q. When will current coverage terminate for Members of Congress and designated Congressional staff?

A. Current FEHB health plan enrollment for Members of Congress and designated congressional staff will terminate at midnight on December 31, 2013. An additional 31 days of coverage is included after the termination date at no cost to the enrollee. Members of Congress and designated congressional staff who chose to purchase health insurance via the appropriate SHOP as determined by the Director may do so with an effective date of January 1, 2014.

Q. When can Members of Congress and designated congressional staff enroll in health benefits plan via the SHOP?

A. The open enrollment period for coverage under the SHOP will coincide with the FEHB open season. New enrollments made during the open enrollment period will be effective on January 1, 2014. In addition, Members of Congress and designated congressional staff will be allowed to enroll or make enrollment changes upon being hired or upon experiencing an allowed life event.

Q. Will Members of Congress receive a Government contribution for their health insurance?

A. Yes, so long as they purchase a health benefits plan via the appropriate SHOP as determined by the Director of OPM. Given the location of Congress in the District of Columbia, OPM has determined that the DC SHOP, administered by the DC Health Benefit Exchange Authority, is the appropriate SHOP from which Members of Congress and designated congressional staff will purchase health insurance in order to receive a Government contribution. The formula for Government contributions is set forth in 5 USC §8906 and is the same formula used for other Federal employees.

Q. May a Member of Congress or designated congressional staff decline the Government contribution?

A. Nothing in this rule or the law prevents a Member of Congress or designated congressional staff from declining a Government contribution for him or herself by choosing a different option for their health insurance coverage.

Q. Will Members of Congress and congressional staff who are retiring be eligible to enroll in the same plans made available by OPM to other retirees, or will they need to continue to purchase their insurance from an Exchange?

A. They will be eligible for the same health benefits plans made available to other retired federal employees. In fact, upon retirement, coverage under the SHOP plan will terminate and the annuitant will then have the option to select coverage from the same plans offered by OPM to other Federal annuitants. Members of Congress and congressional staff will be subject to the same rules of participation in the FEHB Program in retirement as other Federal annuitants.

Q. Are Abortion services covered under the Health Exchanges?

A. No Federal funds, including administrative funds, will be used to cover abortions or administer plans that cover abortions.

Q. Are Members of Congress who are in U.S. Territories eligible to enroll for coverage under the DC SHOP?

A. Like other Members of Congress and congressional staff, representatives from U.S. Territories and their designated staff must enroll for coverage under the DC SHOP in order to receive a Government contribution. The DC SHOP offers health plan options with in-network access to medical providers across the nation and overseas.