

United States Senate

WASHINGTON, DC 20510

August 28, 2013

COMMITTEES:
ENERGY AND NATURAL RESOURCES
COMMERCE, SCIENCE, AND
TRANSPORTATION
BANKING, HOUSING, AND
URBAN AFFAIRS
SPECIAL COMMITTEE ON AGING
VETERANS' AFFAIRS

The Honorable Elaine Kaplan
Acting Director
Office of Personnel Management
1900 E Street, NW
Washington, D.C. 20415

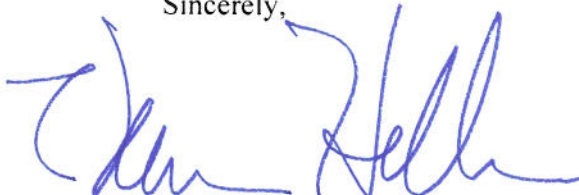
Dear Acting Director Kaplan:

I write to you today expressing my disappointment with your agency's proposed rule to amend the Federal Employees Health Benefits (FEHB) Program regarding coverage for Members of Congress and their staff. Rather than seizing this opportunity to clearly mandate that all Congressional staff, including Committee and Leadership, be subject to the consequences of ObamaCare, you simply perpetuated this uncertainty. This is a missed opportunity for the Office of Personnel Management (OPM), which currently administers and operates Congressional health care, to ensure that all Congressional staff, including Committee and Leadership, play by the same rules as the American taxpayer.

Since my time on the House of Representatives' Ways and Means Committee, I pushed for legislation to include all Members of Congress and their dependents in the exchanges. As details became clearer as to who would be exempt from the legislation, I asked that all Congressional staff, the President, and political appointees be included under the exchanges so we could avoid this exact issue we face today. As you issue your final rule in order to comply with Section 1312 of the Affordable Care Act, I encourage you to clarify this issue once and for all and require in addition to Members of Congress that all Congressional staff – Committee and Leadership – to go into the exchanges. In the absence of such a regulatory certainty, Congress should provide a legislative fix that will determine who is and who is not covered under the exchanges. I have cosponsored legislation with Senator David Vitter (R-LA), requiring Leadership and Committee staff, as well as the executive branch, to be included under the health care exchanges so that the application of this section of the Affordable Care Act can finally be determined. I will continue to push both Senate and House Leadership for consideration of this legislation.

By no means should those who wrote this massive health care law be exempt from the health care exchanges. When the Administration issued its draft rule determining how this law applies to staff, this principle should have been made very clear. Let me reiterate my deep concern for the implementation of the health care exchanges. However, if every American must be subject to ObamaCare, then all Members of Congress and their staff, you, and all political appointees must be included in this onerous mandate as well.

Sincerely,



DEAN HELLER
U.S. Senator