

113TH CONGRESS
1ST SESSION

H. R. 3170

To provide that the only health plans that the Federal Government may make available to Federal employees responsible for the administration of the Patient Protection and Affordable Care Act are those created under such Act or offered through a health insurance exchange, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2013

Mr. POSEY (for himself, Mr. ROONEY, and Mr. MILLER of Florida) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Energy and Commerce, House Administration, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide that the only health plans that the Federal Government may make available to Federal employees responsible for the administration of the Patient Protection and Affordable Care Act are those created under such Act or offered through a health insurance exchange, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health Care Regulator
3 Accountability Act”.

4 **SEC. 2. HEALTH PLANS CREATED UNDER PPACA OR OF-**
5 **FERED THROUGH EXCHANGES TO BE ONLY**
6 **HEALTH PLANS FEDERAL GOVERNMENT MAY**
7 **MAKE AVAILABLE TO FEDERAL EMPLOYEES**
8 **RESPONSIBLE FOR ADMINISTRATION OF**
9 **PPACA.**

10 Section 1312(d)(3)(D) of the Patient Protection and
11 Affordable Care Act (42 U.S.C. 18032(d)(3)(D)) is
12 amended—

13 (1) in the subparagraph heading, by striking
14 “MEMBERS OF CONGRESS” and inserting “MEM-
15 BERS OF CONGRESS AND CERTAIN FEDERAL EM-
16 PLOYEES”;

17 (2) in clause (i), in the matter preceding sub-
18 clause (I)—

19 (A) by striking “after the effective date of
20 this subtitle,” and inserting “after December
21 31, 2013,”;

22 (B) by striking “Members of Congress and
23 congressional staff” and inserting “Members of
24 Congress, congressional staff, and Federal em-
25 ployees responsible for the administration of
26 this Act”; and

1 (C) by striking “a Member of Congress or
2 congressional staff” and inserting “a Member
3 of Congress, congressional staff, or Federal em-
4 ployee responsible for the administration of this
5 Act”; and

6 (3) in clause (ii), by adding at the end the fol-
7 lowing:

8 “(III) FEDERAL EMPLOYEE RE-
9 SPONSIBLE FOR THE ADMINISTRATION
10 OF THIS ACT.—The term ‘Federal em-
11 ployee responsible for the administra-
12 tion of this Act’, as used with respect
13 to a year, means a Federal em-
14 ployee—

15 “(aa) who holds a position
16 in the Department of Health and
17 Human Services, the Internal
18 Revenue Service, or any other
19 Executive agency (as defined by
20 section 105 of title 5, United
21 States Code) during such year;
22 and

23 “(bb) the duties and respon-
24 sibilities of whose position (as de-

1 scribed in item (aa)) during such
2 year—

3 “(AA) involves the pro-
4 mulgation of rules or regula-
5 tions to carry out this Act
6 (or amendments made by
7 this Act);

8 “(BB) involves the en-
9 forcement of this Act (or
10 amendments made by this
11 Act); or

12 “(CC) otherwise in-
13 volves the administration of
14 this Act (or amendments
15 made by this Act),

16 as determined under regulations
17 promulgated by the head of the
18 employing agency.

19 “(IV) FEDERAL EMPLOYEE.—

20 The term ‘Federal employee’ means
21 an ‘employee’, as defined in section
22 2105 of title 5, United States Code,
23 and includes an individual to whom
24 subsection (e) or (f) of such section
25 2105 pertains (whether or not such

1 individual otherwise satisfies such sec-
2 tion).”.

3 **SEC. 3. ENFORCEMENT.**

4 (a) IN GENERAL.—The Secretary of Health and
5 Human Services, the Director of the Internal Revenue
6 Service, and the head of any other agency involved in pro-
7 mulgating rules or regulations to carry out or to enforce
8 the Patient Protection and Affordable Care Act or any
9 amendments made by such Act (as described in the
10 amendment made by section 2(3)) may not, in any fiscal
11 year, obligate or expend more than 90 percent of the funds
12 made available for the salaries and expenses of the office
13 of the Secretary, Director, or head (as the case may be)
14 for such fiscal year unless such regulations are promul-
15 gated and take effect before the close of such fiscal year.

16 (b) RESCISSION.—Any amounts which (by virtue of
17 subsection (a)) remain precluded from obligation or ex-
18 penditure on the last day of any fiscal year shall be re-
19 scinded on the close of such last day.

20 (c) LIMITATION.—Nothing in this section shall be
21 considered to affect any funds or other amounts to the
22 extent that such amounts would (disregarding this sec-
23 tion) otherwise be available for purposes apart from sala-
24 ries or other administrative expenses of the office involved.

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