

112TH CONGRESS
1ST SESSION

H. R. 360

To amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice President, Members of Congress, political appointees, and congressional staff.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2011

Mr. BURGESS (for himself, Mr. PAUL, Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. BROUN of Georgia, Mr. MCCAUL, Mr. JONES, Mr. LATOURETTE, Mr. HELLER, Mrs. BLACKBURN, Mr. PLATTS, Mr. MICA, Mr. BONNER, Mr. MARCHANT, Mr. ROGERS of Michigan, Mr. YOUNG of Alaska, Mr. WITTMAN, Mr. MURPHY of Pennsylvania, Mrs. MYRICK, Mr. WALDEN, Mr. CRAWFORD, Mr. CALVERT, Mr. OLSON, Mrs. MCMORRIS RODGERS, Mr. KLINE, Mr. POSEY, and Mr. NUNNELEE) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration and Energy and Commerce, 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 amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice President, Members of Congress, political appointees, and congressional staff.

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. PARTICIPATION OF PRESIDENT, VICE PRESI-**
2 **DENT, MEMBERS OF CONGRESS, POLITICAL**
3 **APPOINTEES, AND CONGRESSIONAL STAFF IN**
4 **THE EXCHANGE.**

5 (a) IN GENERAL.—Section 1312(d)(3)(D) of the Pa-
6 tient Protection and Affordable Care Act (42 U.S.C.
7 18032(d)(3)(D)) is amended to read as follows:

8 “(D) PRESIDENT, VICE PRESIDENT, POLIT-
9 ICAL APPOINTEES, MEMBERS OF CONGRESS,
10 AND CONGRESSIONAL STAFF IN THE EX-
11 CHANGE.—

12 “(i) IN GENERAL.—Notwithstanding
13 chapter 89 of title 5, United States Code,
14 or any provision of this title—

15 “(I) the President, the Vice
16 President, each political appointee,
17 each Member of Congress, and each
18 Congressional employee shall be treat-
19 ed as a qualified individual entitled to
20 the right under this paragraph to en-
21 roll in a qualified health plan in the
22 individual market offered through an
23 Exchange in the State in which the
24 individual resides; and

25 “(II) any employer contribution
26 under such chapter on behalf of the

1 President, the Vice President, any po-
2 litical appointee, any Member of Con-
3 gress, and any Congressional em-
4 ployee may be paid only to the issuer
5 of a qualified health plan in which the
6 individual enrolled through such Ex-
7 change and not to the issuer of a plan
8 offered through the Federal employees
9 health benefit program under such
10 chapter.

11 “(ii) PAYMENTS BY FEDERAL GOV-
12 ERNMENT.—The Secretary, in consultation
13 with the Director of the Office of Per-
14 sonnel Management, shall establish proce-
15 dures under which—

16 “(I) the employer contributions
17 under such chapter on behalf of the
18 President, the Vice President, each
19 political appointee, each Member of
20 Congress, and each Congressional em-
21 ployee are determined and actuarially
22 adjusted for individual or family cov-
23 erage, rating areas, and age (in ac-
24 cordance with clauses (i) through (iii)

1 of section 2701(a)(1)(A) of the Public
2 Health Service Act); and

3 “(II) the employer contributions
4 may be made directly to an Exchange
5 for payment to an issuer.

6 “(iii) POLITICAL APPOINTEE.—In this
7 subparagraph, the term ‘political ap-
8 pointee’ means any individual who—

9 “(I) is employed in a position de-
10 scribed under sections 5312 through
11 5316 of title 5, United States Code,
12 (relating to the Executive Schedule);

13 “(II) is a limited term appointee,
14 limited emergency appointee, or non-
15 career appointee in the Senior Execu-
16 tive Service, as defined under para-
17 graphs (5), (6), and (7), respectively,
18 of section 3132(a) of title 5, United
19 States Code; or

20 “(III) is employed in a position
21 in the executive branch of the Govern-
22 ment of a confidential or policy-deter-
23 mining character under schedule C of
24 subpart C of part 213 of title 5 of the
25 Code of Federal Regulations.

1 “(iv) CONGRESSIONAL EMPLOYEE.—
2 In this subparagraph, the term ‘Congres-
3 sional employee’ means an employee whose
4 pay is disbursed by the Secretary of the
5 Senate or the Chief Administrative Officer
6 of the House of Representatives.”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 this section shall take effect as if included in the Patient
9 Protection and Affordable Care Act.

○