United States Senate
WASHINGTON, DC 20510

March 13, 2014

Mrs. Sylvia Mathews Burwell
Director
Office of Management and Budget
301 G Street, Southwest
Washington, DC 20024

RE: Final Rule No. RIN 0938-AR89

Dear Director Burwell:

We write to express deep disappointment that your agency has approved a final rule creating an unwarranted special carve out benefitting certain unions over other Americans. We demand that the rule be immediately rescinded or we will consider using options such as the *Congressional Review Act* ("CRA") to stop the rule from going into effect. The CRA is an important backstop against executive branch excess and overreach. It is regulations such as this one that demonstrate why a Republican-led Congress enacted this law in 1996.

On September 18 and November 13, 2013, 21 U.S. Senators wrote to ask that you not authorize the release of any regulation that would create any special exemptions from Obamacare for labor unions who are now unhappy with a law they once supported. Those letters not only went unanswered, they were blatantly ignored. The American people deserve answers when their own government proposes to undermine their right to equal treatment under law. Carving out some unions from a multi-billion dollar reinsurance fee, the cost of which will ultimately be borne by every other American with private health insurance, is unacceptable.

Obamacare is not working. This regulation is the most recent in a long line of confusing delays, exemptions, and politically motivated crony rewards. Obamacare should be repealed and replaced with step-by-step, patient-centered reforms that drive down costs and that Americans actually want. We reiterate what we communicated to you in September: We stand willing to work with anyone who will help enact common-sense laws that could actually lower premiums and insure more people.

Sincerely,

Mitch McConnell

Mike Enzi

Mike Johanns

Tom Coburn

John Barrasso

Saxby Chambliss

John Cornyn

Chuck Grassley

John Boozman

Ron Johnson

Enclosures