

1 Purpose: To amend the Patient Protection and Affordable Care Act to apply the provisions of the
2 Act to certain Congressional staff and members of the executive branch.

3
4
5 S. 761

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7 To promote energy savings in residential and commercial
8 buildings and industry, and for other purposes.

9
10 Referred to the Committee on _____ and ordered to be
11 printed

12 Ordered to lie on the table and to be printed

13 AMENDMENT INTENDED TO BE PROPOSED BY MR. VITTER (for
14 himself and Mr. ENZI)

15 Viz:

16 At the appropriate place, insert the following:

17 **SEC. ____ . HEALTH INSURANCE COVERAGE FOR**
18 **CERTAIN CONGRESSIONAL STAFF AND MEMBERS OF**
19 **THE EXECUTIVE BRANCH.**

20 Section 1312(d)(3)(D) of the Patient Protection and Affordable Care Act (42 U.S.C.
21 18032(d)(3)(D)) is amended—

22 (1) by striking the subparagraph heading and inserting the following:

23 “(D) MEMBERS OF CONGRESS, CONGRESSIONAL STAFF, AND POLITICAL APPOINTEES IN
24 THE EXCHANGE.—”;

25 (2) in clause (i), in the matter preceding subclause (I)—

26 (A) by striking “and congressional staff with” and inserting “, congressional staff,
27 the President, the Vice President, and political appointees with”; and

28 (B) by striking “or congressional staff shall” and inserting “, congressional staff, the
29 President, the Vice President, or a political appointee shall”;

30 (3) in clause (ii)—

31 (A) in subclause (II), by inserting after “Congress,” the following: “of a committee
32 of Congress, or of a leadership office of Congress,”; and

33 (B) by adding at the end the following:

1 “(III) POLITICAL APPOINTEE.—In this subparagraph, the term ‘political
2 appointee’ means any individual who—

3 “(aa) is employed in a position described under sections 5312 through
4 5316 of title 5, United States Code, (relating to the Executive
5 Schedule);

6 “(bb) is a limited term appointee, limited emergency appointee, or
7 noncareer appointee in the Senior Executive Service, as defined under
8 paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5,
9 United States Code; or

10 “(cc) is employed in a position in the executive branch of the
11 Government of a confidential or policy-determining character under
12 schedule C of subpart C of part 213 of title 5 of the Code of Federal
13 Regulations.”; and

14 (4) by adding at the end the following:

15 “(iii) GOVERNMENT CONTRIBUTION.—A Government contribution under section
16 8906 of title 5, United States Code, that is provided on behalf of an individual
17 who is a Member of Congress, a congressional staff member, the President, the
18 Vice President, or a political appointee with respect to coverage under this
19 paragraph shall not exceed the total amount for which a similarly situated
20 individual (who is not so described) is entitled under the tax credit under section
21 36B of the Internal Revenue Code of 1986 and reduced cost-sharing under section
22 1402 of this Act.

23 “(iv) LIMITATION ON DISCRETION FOR DESIGNATION OF STAFF.—
24 Notwithstanding any other provision of law, a Member of Congress shall not have
25 discretion in determinations with respect to which employees employed by the
26 office of such Member are eligible to enroll for coverage through an Exchange.”.
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