

113TH CONGRESS  
1ST SESSION

# H. RES. 344

Directing the Speaker of the House of Representatives to direct, for the purpose of interpreting Office of Personnel Management (OPM) guidance with respect to the Patient Protection and Affordable Care Act, that the definition of “congressional staff” employed by an “official office” shall include all committee staff, all joint committee staff, and all staff employed by leadership offices of the House of Representatives.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2013

Mr. GOHMERT submitted the following resolution; which was referred to the Committee on House Administration

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## RESOLUTION

Directing the Speaker of the House of Representatives to direct, for the purpose of interpreting Office of Personnel Management (OPM) guidance with respect to the Patient Protection and Affordable Care Act, that the definition of “congressional staff” employed by an “official office” shall include all committee staff, all joint committee staff, and all staff employed by leadership offices of the House of Representatives.

Whereas on March 23, 2010, the Patient Protection and Affordable Care Act (Public Law 111–148), was signed into law;

Whereas there is a requirement in the Act that “Members of Congress” and “congressional staff” who wish to purchase health insurance through their employer purchase health plans “offered through an Exchange established under” the Act starting in 2014;

Whereas the Act defines congressional staff as “all full-time and part-time employees employed by the official office of a Member of Congress, whether in Washington, DC or outside of Washington, DC”;

Whereas “official office” is not defined under current statutory or regulatory laws;

Whereas according to the Office of Personnel Management (OPM), “[b]ecause there is not an existing statutory or regulatory definition of official office,” OPM defers to the “employing office of the Member of Congress” to determine “whether an employed individual meets the statutory definition” of congressional staff for purposes of the Act;

Whereas currently “congressional employee”, as defined in accordance with section 8901 of title 5, United States Code (the statute determining eligibility for enrollment in the Federal Employees Health Benefits (FEHBP) Program), includes each Member’s respective personal staffs, staffs of House and Senate leadership offices, other committee staff, and administrative office staff;

Whereas the Patient Protection and Affordable Care Act does not amend section 8901 of title 5, United States Code, and therefore does not change the current definition of “congressional employee”; and

Whereas because the committee staff, joint committee staff, and staff employed by leadership offices do not meet the

definition of congressional employee under the Act, they are excluded from the requirement: Now, therefore, be it

1       *Resolved*, That the Speaker of the House of Rep-  
2       resentatives shall direct, for the purpose of interpreting  
3       Office of Personnel Management (OPM) guidance with re-  
4       spect to the Patient Protection and Affordable Care Act,  
5       that the definition of “congressional staff” employed by  
6       an “official office” shall include all committee staff, all  
7       joint committee staff, and all staff employed by leadership  
8       offices of the House of Representatives.

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