

ONE HUNDRED ELEVENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
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July 17, 2009

The Honorable Edolphus Towns  
Chairman  
Committee on Oversight and Government Reform  
2157 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Towns,

This week, the Energy and Commerce, Ways and Means and Education and Labor Committees began marking up H.R. 3200, the "America's Affordable Health Choices Act," and the full House is slated to consider the legislation shortly.

H.R. 3200 contains provisions regarding the Federal Advisory Commission Act (FACA) and the Federal Employees Health Benefits Program (FEHBP). As you know, the references to both FEHBP and FACA trigger referral to this Committee.

For example, Sec. 100 (c) (6) of the bill includes in the definition of "employment-based health plans," Federal, State and Tribal Governmental plans, defined as "a governmental plan, including a health benefits plan offered under chapter 89 of title 5, United States Code." The Federal Employees Health Benefits Plan (FEHBP) was established by P.L. 86-382 (5 U.S.C. 8909).

The final language of this complicated bill was made available only four days ago, and it may have a significant impact on FEHBP plans and participants. As drafted, H.R. 3200 requires all individuals to have a government-determined minimum level of health insurance. To be in compliance, every individual must obtain coverage through enrollment in a "qualified health benefits plan or other acceptable coverage," or, if not enrolled in a "qualified health benefits plan or other acceptable coverage," through the Health Insurance Exchange.

However, it is not clear from the legislation if FEHBP is a "qualified health benefits plan," or if federal employees and their dependants who are enrolled in FEHBP would be in compliance. Currently, over 8 million people are enrolled in FEHBP and any changes to the program or its operation by the Office of Personnel Management

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(OPM) could have serious costs and consequences for the federal government and federal employees. This legislation should not move forward until we know its effect on our federal employees.

The Oversight and Government Reform Committee is uniquely positioned to examine this legislation to get a broad view of how it will affect federal employees. For this reason, I request that you not waive committee jurisdiction of this important legislation and that you hold a hearing on H.R. 3200 and its effect on federal employees.

Sincerely,



Darrell Issa  
Ranking Member