



Legislative Bulletin.....September 30, 2013

Senate Amendment (II) to H.J. Res. 59 — Making Continuing Appropriations for Fiscal Year 2014, and for Other Purposes (Rep. Rogers, R-KY)

Note: The RSC Steering Committee has voted unanimously to endorse today’s House amendment to the Senate Amendment (II) as an official RSC position.

Order of Business: The bill is scheduled to be considered on Monday, September 30, subject to a rule that makes in order one amendment (text [here](#)). The rule also allows same-day consideration through October 7, 2013.

Summary: This package represents the third effort on the part of the House to fund the government while protecting American families from the harmful effects of Obamacare. On Thursday, September 19, the House passed a continuing resolution which funded the government and permanently defunded Obamacare (roll call vote [here](#), RSC analysis [here](#)). On September 29, the House passed another continuing resolution which delayed Obamacare for one year and repealed the medical device tax (roll call votes [here](#) and [here](#), RSC analysis [here](#)). On the same day, the House acted to ensure that the troops are paid in the event of a shutdown by passing H.R. 3210, the Pay Our Military Act. This bill passed the Senate by unanimous consent today.

Senate Action: Today, September 30, on a party-line vote, the Senate tabled (rejected) the House-passed amendments to delay yet-to-be-implemented provisions of Obamacare for one year and to repeal the medical device tax (Senate roll call vote [here](#)). This effectively re-sent the exact same funding package to the House that the Senate sent on Friday, September 27.

The Senate package (1) shortens the length of the CR back to 45 days (November 15, 2013 rather than December 15, 2013); (2) does not delay, defund or repeal any portion of Obamacare; (3) does not include House-passed language from the Full Faith and Credit Act (H.R. 807) to prevent sovereign default; and (4) provides discretionary funding at the House-passed level of \$986.3 billion, which is the Budget Control Act post-sequester level for Fiscal Year 2013. The Senate package also included a number of technical changes to the anomalies included in the House bill.

House Amendment: Today, September 30, the House will take up an amendment to the second Senate amendment. In addition to a couple minor provisions, the House amendment would

maintain discretionary funding at \$986.3 billion and would amend the Senate package in the following ways:

- Lengthen the period of the continuing resolution to 75 days (ending December 15, 2013, rather than November 15, 2013.)
- Provide a delay of Obamacare's individual mandate to purchase health insurance, thus putting American families on equal footing with businesses, which have already received from the Obama Administration a one-year delay of the employer mandate (note: the employer mandate is not addressed by this amendment). This provision echoes the July 17, 2013, House vote to delay the individual mandate on a bi-partisan basis with 22 Democrats voting for delay (roll call vote [here](#), RSC analysis [here](#)).
- Finally, the amendment would require all Members of Congress, all congressional staff (including committee and leadership staff), the President, Vice-President, and all political appointees within the administration to purchase their health insurance on the Obamacare exchange. No subsidy would be provided beyond what is required by law for all Americans.
 - Background: Currently, only Members of Congress and certain congressional staff are required to enter the exchanges. Further, the Office of Personnel Management (OPM) has ruled (for the final ruling, issued today, click [here](#)) that those Members and staffers entering the exchanges would continue to receive a health care insurance subsidy comparable to what they currently receive as part of the Federal Employees Health Benefits Program. Many conservatives, led by Sen. Vitter (R-LA), Rep. DeSantis (R-FL), and others, argue that the OPM's decision to allow Members of Congress and their staffs to receive an employer subsidy not available to all American families is in direct contravention of the law.
 - Changes Made: The amendment expands the Affordable Care Act's requirement to enroll in the Obamacare exchanges to include the Executive Branch and congressional leadership and committee staffers, who are currently exempted. The amendment also clarifies that the law does not allow a special employer subsidy which is not available to all American families. This effectively overturns the OPM ruling.

Administration Position: The White House has issued a [veto threat](#).

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. In fact, with the addition of the amendment, this bill would reduce the Obamacare mandates placed on American families.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No. In fact, it reasserts congressional prerogative in the face of Executive (OPM) overreach.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Outside Organizations: The Club for Growth announced it will score in favor of tonight's House amendment (text [here](#)). As of press time, no other Conservative Movement group had announced its official position.

RSC Staff Contact: Will Dunham, will.dunham@mail.house.gov, Ex. 6-0718.

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