



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

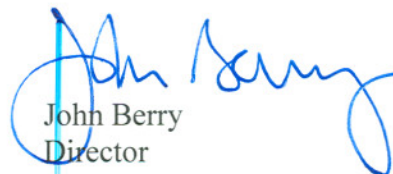
April 16, 2010

The Honorable Nancy Pelosi  
Speaker of the House of Representatives  
Washington, DC 20515

Dear Madam Speaker:

In response to your inquiries, this is to advise you that the Office of Personnel Management has concluded that Section 1312(d)(3)(D) of the Affordable Care Act, Public Law No. 111-148, is not effective until the state exchanges referenced in section 1312(d)(3)(D) become operational. The provision accordingly has no current effect upon the eligibility of Members of Congress or their staffs to participate in the Federal Employees Health Benefits Program (FEHBP). Members and their staffs are eligible to continue to participate fully in the FEHBP. Accordingly, the responsible employing offices within Congress should continue to process the enrollments of Members and their staffs in FEHBP plans.

Sincerely,

  
John Berry  
Director



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Washington, DC 20415

The Director

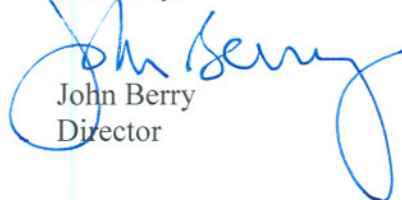
April 16, 2010

The Honorable Harry Reid  
Majority Leader  
United States Senate  
Washington, DC 20510

Dear Majority Leader Reid:

In response to your inquiries, this is to advise you that the Office of Personnel Management has concluded that Section 1312(d)(3)(D) of the Affordable Care Act, Public Law No. 111-148, is not effective until the state exchanges referenced in section 1312(d)(3)(D) become operational. The provision accordingly has no current effect upon the eligibility of Members of Congress or their staffs to participate in the Federal Employees Health Benefits Program (FEHBP). Members and their staffs are eligible to continue to participate fully in the FEHBP. Accordingly, the responsible employing offices within Congress should continue to process the enrollments of Members and their staffs in FEHBP plans.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Berry".

John Berry  
Director