

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

October 4, 2017

Ms. Kathleen McGettigan
Acting Director
Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

Dear Ms. McGettigan:

The Committee on Homeland Security and Governmental Affairs is continuing to examine the regulation issued by the Office of Personnel Management (OPM) in 2013 that enabled Members of Congress and their staff to purchase health insurance offered by a District of Columbia Small Business Health Options Plan (SHOP) exchange and receive an employer contribution.¹

The Senate has long requested information about OPM's 2013 regulation. In 2016, then-Senator David Vitter and I requested material about the development of the regulation.² On August 16, 2017, I wrote to you requesting information and materials regarding OPM's 2013 regulation.³ On September 1, 2017, OPM provided documents consisting primarily of material already provided to the Committee.⁴ This document production is insufficient. The American people have a right to know how and why OPM exempted Members of Congress from the full impact of Obamacare. If OPM does not produce the entirety of the information and materials requested in my August 16 letter by October 18, 2017, the Committee may be forced to consider the use of compulsory process.

In addition, to assist the Committee in better understanding the development and implementation of OPM's 2013 regulation, I request that you make the following individuals available for transcribed interviews:

¹ Federal Employees Health Benefits Program: Members of Congress and Congressional Staff, 78 Fed. Reg. 60,653 (Oct. 2, 2013).

² See Letter from David Vitter, S. Comm. on Small Bus., to Beth F. Cobert, Off. of Personnel Management (Feb. 24, 2016); Letter from David Vitter, S. Comm. on Small Bus., to Beth F. Cobert, Off. of Personnel Management (Feb. 2, 2016). Also in 2016, following the Committee's nomination hearing of Beth F. Cobert to be Director of OPM, Senator Johnson submitted questions for the record requesting information about the development of the OPM rule; U.S. Senate Committee on Homeland Security and Governmental Affairs, *Nomination of the Honorable Beth F. Cobert to be Director, Office of Personnel Management* (Feb. 4, 2016) <https://www.hsgac.senate.gov/hearings/nomination-of-the-honorable-beth-f-cobert-to-be-director-office-of-personnel-management>.

³ Letter from Sen. Ron Johnson, Chairman, S. Comm. on Homeland Security and Governmental Affairs, to Kathleen McGettigan, Acting Director, Off. of Personnel Management (Aug. 16, 2017).

⁴ Letter from Kathleen McGettigan, Acting Director, Off. of Personnel Management, to Sen. Ron Johnson, Chairman, S. Comm. on Homeland Security and Governmental Affairs (Sept. 1, 2017).

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Please contact Committee staff as soon as possible, but no later than October 18, 2017, to arrange the transcribed interviews.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Ron Johnson".

Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
Ranking Member