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April 3, 2017

The President
The White House
Washington, DC 20500

Dear Mr. President:

I write to express my desire to work alongside you as we seek to fulfill a promise we made to the American people; repealing and replacing Obamacare. While I share your frustration with the legislative difficulties encountered thus far, the key to motivating Congress to expeditiously consider such legislation lies in ending the illegal health insurance subsidy legislators currently receive. And, as president, you can begin the process to repeal those subsidies with the stroke of a pen.

As you know, Section 1312(d)(3)(D) of the Affordable Care Act explicitly states that the only health plans made available to Members of Congress are those created by Obamacare or through an exchange established by Obamacare; individuals on these exchanges are not permitted to use an employer contribution towards purchasing policies. This provision of federal law forced Members of Congress into Obamacare and rendered them ineligible for Federal Employee Health Benefit Program (FEHB) plans. Additionally, the legislative language in Section 1312(d)(3)(D) does not provide for health insurance subsidies for Members of Congress. Congress only realized that it failed to provide itself with an employer contribution subsidy at a time when the prospect of millions of Americans losing their health plans became real. But, unlike the average citizen, Congress found an extralegal solution to its problem.

Members of Congress looked to the Obama Administration for a bailout, and the Office of Personnel Management (OPM) delivered. In 2013, OPM issued a final rule entitled "Federal Employees Health benefits Program: Members of Congress and Congressional Staff," which contravened federal law and improperly provided Members of Congress a subsidy that can only lawfully be provided to individuals eligible for FEHB plans. Indeed, Members of Congress received their health plans through the D.C. Small Business exchange, which is by law limited to businesses with fewer than 50 employees. Thus, the executive branch provided Members of Congress a subsidy that, by federal law, they could not receive. In a word, Congress found a way to protect itself against the law it just enacted.

As Obamacare continues to collapse in the several states, time is of the essence to repeal and replace this flawed law. Only by removing the shield Congress uses to insulate itself from the effects of the law it imposed on the rest of the country can we expect speedy legislative action. I respectfully urge you to repeal the illegal subsidies the OPM rule provided to Members of Congress so that we can keep our promise to the American people, repeal the failed experiment of Obamacare, and replace it with a healthcare system that works.

Respectfully,

Ron DeSantis
Member of Congress

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