

ADVISORY

FROM THE COMMITTEE ON WAYS AND MEANS SUBCOMMITTEE ON HEALTH

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CONTACT: (202) 225-3625

Chairman Brady Announces Second Hearing on the Delay of the Employer Mandate Penalties and Reporting Requirements

House Ways and Means Health Subcommittee Chairman Kevin Brady (R-TX) today announced that the Subcommittee on Health will hold a hearing on the Obama Administration's recent decision to delay the information reporting requirements and penalties associated with the employer mandate in the Affordable Care Act until 2015. This hearing will allow the Subcommittee to hear directly from the U.S. Department of the Treasury (Treasury) about its decision to not enforce statutory provisions in law. The Subcommittee will hear testimony from J. Mark Iwry, Senior Advisor to the Secretary and Deputy Assistant Secretary for Retirement and Health Policy. **The hearing will take place on Wednesday, July 17, 2013, in 1100 Longworth House Office Building, beginning at 10:00 A.M.**

In view of the limited time available to hear from the witness, oral testimony at this hearing will be from the invited witness only. However, any individual or organization not scheduled for an appearance may submit a written statement for consideration by the Committee and for inclusion in the printed record of the hearing.

BACKGROUND:

On Tuesday July 2, 2013, a posting on Treasury's tax blog announced that the employer reporting requirements and the employer mandate tax penalties "will not apply until 2015." The announcement came as a surprise to opponents and proponents of the law, and it raises new questions about how the shift will affect other aspects of the Affordable Care Act. The hearing will examine what led to the decision to delay the employer mandate, what authority Treasury relied on to delay statutory provisions dates and Treasury's analysis of how the delay will affect implementation of other provisions of the health care law.

This hearing follows a July 10, 2013, Subcommittee hearing examining the impact of a delay of the employer mandate reporting and penalties provisions on jobs and the economy. This hearing raised additional questions about the Administration's decision and legal authority to render such action and highlighted the need for further regulatory guidance from the Department.

In announcing the hearing, Chairman Brady stated, **“Our hearing today showed that businesses and their employees are grappling with the effects of this ruling, potentially putting not only their financial security at risk, but also their health security. This is too big of a decision to put in a ‘blog’ post. The Treasury Department owes American families, businesses and this Committee answers. The White House also needs to come clean with the American people: if, ObamaCare is not ready, as this decision implies, then why didn’t the Administration delay both the employer mandate and the individual mandate? It is a reasonable question, and the Administration ought to be prepared to answer that very question – for Congress, and more importantly, for families across America struggling under this law.”**

FOCUS OF THE HEARING:

The hearing will focus on the Obama Administration's decision to delay the penalties for the employer mandate and the employer information reporting requirements under the Affordable Care Act.

DETAILS FOR SUBMISSION OF WRITTEN COMMENTS:

Please Note: Any person(s) and/or organization(s) wishing to submit for the hearing record must follow the appropriate link on the hearing page of the Committee website and complete the informational forms. From the Committee homepage, <http://waysandmeans.house.gov>, select “Hearings.” Select the hearing for which you would like to submit, and click on the link entitled, “Click here to provide a submission for the record.” Once you have followed the online instructions, submit all requested information. ATTACH your submission as a Word document, in compliance with the formatting requirements listed below, **by the close of business on Wednesday, July 31, 2013**. Finally, please note that due to the change in House mail policy, the U.S. Capitol Police will refuse sealed-package deliveries to all House Office Buildings. For questions, or if you encounter technical problems, please call (202) 225-1721 or (202) 225-3625.

FORMATTING REQUIREMENTS:

The Committee relies on electronic submissions for printing the official hearing record. As always, submissions will be included in the record according to the discretion of the Committee. The Committee will not alter the content of your submission, but we reserve the right to format it according to our guidelines. Any submission provided to the Committee by a witness, any supplementary materials submitted for the printed record, and any written comments in response to a request for written comments must conform to

the guidelines listed below. Any submission or supplementary item not in compliance with these guidelines will not be printed, but will be maintained in the Committee files for review and use by the Committee.

1. All submissions and supplementary materials must be provided in Word format and MUST NOT exceed a total of 10 pages, including attachments. Witnesses and submitters are advised that the Committee relies on electronic submissions for printing the official hearing record.

2. Copies of whole documents submitted as exhibit material will not be accepted for printing. Instead, exhibit material should be referenced and quoted or paraphrased. All exhibit material not meeting these specifications will be maintained in the Committee files for review and use by the Committee.

3. All submissions must include a list of all clients, persons and/or organizations on whose behalf the witness appears. A supplemental sheet must accompany each submission listing the name, company, address, telephone, and fax numbers of each witness.

The Committee seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-1721 or 202-226-3411 TTD/TTY in advance of the event (four business days notice is requested). Questions with regard to special accommodation needs in general (including availability of Committee materials in alternative formats) may be directed to the Committee as noted above.

Note: All Committee advisories and news releases are available on the World Wide Web at <http://www.waysandmeans.house.gov/>.