

Colloquy with Chairman Waxman

Mr. Chairman, I move to strike the last word.

**Buyer:**

I would like to enter into a colloquy with you regarding the amendments that I offered during our last markup of H.R. 3200 to protect our veterans, guardsmen, and reservists and the agreements that you and I have reached on these amendments.

**First**, regarding my amendment to ensure that VA coverage is deemed acceptable coverage under H.R. 3200 under Subpart A of the bill, Section 59B relating to the tax on individuals without acceptable health care coverage. It is my understanding that under Subsection (d) on page 171 titled "Acceptable Coverage Requirement," subsection F on page 172 will be changed to include a period after "United States Code" on line 23 and the rest of the paragraph will be struck. With this change, the language will read "Coverage under the veteran's health care program under chapter 17 of title 38, United States Code."

And with this change, veterans enrolled in the VA health care system will be deemed to have acceptable health coverage for the purposes of the individual coverage mandate and will not be subject to the 2.5% tax.

According to a letter that I received last night from yourself, Chairman Miller of the Ed and Labor Committee, and Chairman Rangel of the Ways and Means Committee, the three Chairmen are committed to ensuring that veterans will have met their obligations for obtaining health insurance under the tax code.

Will the exact changes that I just outlined to Section 59B of H.R. 3200 be made with this commitment? When can we expect to see those changes?

**Waxman:**

The three Chairman commit to Chairman Filner, you and all veterans that enrollment in VA healthcare will meet the commitments under this bill to have health insurance by making the specific language changes you cited.

| **Buyer:**

**Second,** I appreciate the addition of my amendment to your substitute amendment to ensure the public option created under H.R. 3200 reimburses the VA for treatment of non-service connected conditions. This provision ensures that the public plan is on the same playing field as private plans in reimbursing the VA for non-service connected care provided by the VA. Thank you for making this important change to H.R. 3200.

**Third,** I understand that you are working with Chairman Rangel on clarifying the existing deminimus language to take into consideration guard and reservists returning from active duty. While it is our hope that the transition is fluid for these servicemembers so that they are never without health insurance, we must ensure that they are protected from the individual mandate tax should they, for reasons beyond their control, be temporarily without health insurance due to the process of enrolling them into, and out of, Tricare.

**Waxman:**

I agree that a smooth transition is important and I commit to working with Chairman Rangel to see what we can do in reference such individuals return from active duty as a part of what the Secretary of Treasury considers when developing the deminimus rules.

| **Buyer:**

**Fourth,** I understand your concerns about the amendment that I offered during the markup to protect employers of guard and reservists, and I agree with you that guard and reservists must have the option to continue with their employer-provided care, especially when their families are concerned. I agree with you that our guard and reservists should be given the choice to stay with their employer-provided health insurance or enter into Tricare, and that this decision should be left solely up to them and their families.

However, it is important that we also consider the employers of our guard and reservists and ensure that we do not, in any way, provide disincentives for employers to hire guard and reservists. One notable disincentive is the 8% employer penalty tax for not providing health insurance to their employees.

Can you please explain the intent of H.R. 3200 on the obligations of employers to offer or provide health insurance to their employees?

**Waxman:**

Individuals and families are dealing with numerous changes in their lives as a member goes off to defend this country in a war. It is important that we protect their ability to choose, particularly for families, employer sponsored insurance for continuity of care purposes. Employers, like they do for other employees, are required to not discontinue their offering of health insurance to the individual or their family while the employee is fighting in war. The obligations are no different than what is required for other employees.

**Buyer:**

Finally, Mr. Chairman, I want to thank you for accepting two of the amendments that I offered at our last markup of H.R. 3200 which will allow veterans, servicemembers, and their families to choose to carry additional health insurance, other than that provided by the VA and Tricare, and to access the health exchange created under H.R. 3200. My other amendment preserves the authorities of the VA and DOD to ensure that Veterans and Defense Secretaries retain their decision making authority for their respective health care systems, and their authorities will never be challenged or obstructed by the HHS Secretary or the Health Commissioner created under H.R. 3200.