

113TH CONGRESS
2^D SESSION

H. R. 4728

To direct the Office of the Actuary of the Centers for Medicare & Medicaid Services and the Comptroller General of the United States to study the impact of the Patient Protection and Affordable Care Act on small businesses.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2014

Mr. FINCHER (for himself and Mrs. BLACK) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Energy and Commerce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Office of the Actuary of the Centers for Medicare & Medicaid Services and the Comptroller General of the United States to study the impact of the Patient Protection and Affordable Care Act on small businesses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Certify It Act of
5 2014”.

1 **SEC. 2. STUDY ON IMPACT ON SMALL BUSINESS JOBS.**

2 (a) STUDY AND REPORT.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of this Act, and December 1
5 for each of the 4 consecutive years thereafter, the
6 Comptroller General of the United States, shall con-
7 duct a study on the impact of the Affordable Care
8 Act on small businesses, including—

9 (A) the impact of any increased health in-
10 surance costs resulting from the provisions of
11 such Act on economic indicators (including jobs
12 lost, hours worked per employee, and any re-
13 sulting loss of wages); and

14 (B) the impact of section 4980H of the In-
15 ternal Revenue Code of 1986 (relating to
16 shared responsibility for employers regarding
17 health coverage) on economic indicators, includ-
18 ing any jobs lost.

19 (2) REPORT.—The Comptroller General of the
20 United States, using data from the Office of the Ac-
21 tuary, Centers for Medicare & Medicaid Services,
22 under section 3 and economic indicators data from
23 other Federal agencies, shall submit to the appro-
24 priate committees of Congress a report on the study
25 conducted under paragraph (1).

1 (b) APPROPRIATE COMMITTEES OF CONGRESS.—For
2 purposes of this section, the term “appropriate committees
3 of Congress” means the Committee on Ways and Means,
4 the Committee on Education and the Workforce, the Com-
5 mittee on Energy and Commerce, and the Small Business
6 Committee of the House of Representatives and the Com-
7 mittee on Finance, the Committee on Health, Education,
8 Labor, and Pensions, and the Small Business and Entre-
9 preneurship Committee of the Senate.

10 (c) DEFINITIONS.—For purposes of this Act:

11 (1) AFFORDABLE CARE ACT.—The term “Af-
12 fordable Care Act” means the Patient Protection
13 and Affordable Care Act (Public Law 111–148) and
14 title I and subtitle B of title II of the Health Care
15 and Education Reconciliation Act of 2010 (Public
16 Law 111–152).

17 (2) SMALL BUSINESS.—The term “small busi-
18 ness” means an employer with 250 or fewer employ-
19 ees.

20 **SEC. 3. STUDY ON IMPACT ON SMALL BUSINESS HEALTH**
21 **INSURANCE.**

22 (a) STUDY AND REPORT.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of the enactment of this Act, and December
25 1 for each of the 4 consecutive years thereafter, the

1 Office of the Actuary, Centers for Medicare & Med-
2 icaid Services, shall conduct a study on the impact
3 of the Affordable Care Act on small group health in-
4 surance costs, including—

5 (A) the impact of requirements and bene-
6 fits pursuant to such Act on the small group
7 health insurance market, including community
8 rating requirements, minimum actuarial value
9 requirements, requirements to provide for es-
10 sential health benefits described in section
11 1302(b) of the Patient Protection and Afford-
12 able Care Act (42 U.S.C. 18022(b)), require-
13 ments related to cost-sharing, the prohibition
14 on annual and lifetime limits on benefits under
15 section 2711 of the Public Health Service Act
16 (42 U.S.C. 300gg-11), prohibitions on cost-
17 sharing requirements for preventive services,
18 and the extension of dependent coverage under
19 section 2714 of the Public Health Service Act
20 (42 U.S.C. 300gg-14); and

21 (B) the impact of new taxes and fees on
22 the small group health insurance market costs,
23 including the fee imposed under section 9010 of
24 the Patient Protection and Affordable Care Act
25 (relating to imposition of annual fee on health

1 insurance providers), the transitional reinsur-
2 ance program contributions, the fees imposed
3 under subchapter B of chapter 34 of the Inter-
4 nal Revenue Code of 1986 (relating to the Pa-
5 tient Centered Outcome Research Institute
6 fees), and Exchange assessments or user fees.

7 (2) REPORT.—The Office of the Actuary, Cen-
8 ters for Medicare & Medicaid Services, in consulta-
9 tion with the Comptroller General for purposes of
10 verifying the methodology, assumptions, validity, and
11 reasonableness of the data used by the Actuary,
12 shall submit to the appropriate committees of Con-
13 gress a report on the study conducted under para-
14 graph (1).

15 (b) APPROPRIATE COMMITTEES OF CONGRESS.—For
16 purposes of this section, the term “appropriate committees
17 of Congress” means the Committee on Ways and Means,
18 the Committee on Education and the Workforce, the Com-
19 mittee on Energy and Commerce, and the Small Business
20 Committee of the House of Representatives and the Com-
21 mittee on Finance, the Committee on Health, Education,
22 Labor, and Pensions, and the Small Business and Entre-
23 preneurship Committee of the Senate.

1 **SEC. 4. ONE-YEAR DELAY FOR EMPLOYER MANDATE IN**
2 **CASE OF NEGATIVE IMPACT ON SMALL BUSI-**
3 **NESS.**

4 (a) **IN GENERAL.**—If the Comptroller General of the
5 United States or the Office of the Actuary, Centers for
6 Medicare & Medicaid Services, determines in any report
7 submitted under section 2 or 3 that the Affordable Care
8 Act has caused net employment loss amongst small busi-
9 nesses or caused small group health insurance costs to
10 rise, section 4980H of the Internal Revenue Code of 1986
11 shall not apply for months beginning during the 1-year
12 period beginning on the date of the submission of such
13 report.

14 (b) **FAILURE TO SUBMIT.**—If the Comptroller Gen-
15 eral of the United States or the Office of the Actuary,
16 Centers for Medicare & Medicaid Services, fails to submit
17 a report in accordance with the timelines specified in this
18 Act, section 4980H of the Internal Revenue Code of 1986
19 shall not apply the following calendar year.

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