

113TH CONGRESS  
1ST SESSION

# H. R. 2938

To provide that certain requirements of the Patient Protection and Affordable Care Act do not apply if the American Health Benefit Exchanges are not operating on October 1, 2013.

---

## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2013

Ms. JENKINS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 provide that certain requirements of the Patient Protection and Affordable Care Act do not apply if the American Health Benefit Exchanges are not operating on October 1, 2013.

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 “Exchange Sunset Act  
5 of 2013”.

1 **SEC. 2. NONAPPLICATION OF THE PATIENT PROTECTION**  
2 **AND AFFORDABLE CARE ACT.**

3 (a) **TERMINATION OF EXCHANGE REQUIREMENT.**—  
4 Section 1311 of the Patient Protection and Affordable  
5 Care Act (42 U.S.C. 18031) is amended by adding at the  
6 end the following:

7 “(l) **FAILURE TO OFFER COVERAGE.**—If one or more  
8 Exchanges fails to accept applications for enrollment in  
9 qualified health plans beginning on October 1, 2013, the  
10 requirements of this section shall cease to apply, and any  
11 other provisions of this Act (or an amendment made by  
12 this Act) relating to Exchanges shall not be applicable.”.

13 (b) **REQUIREMENT OF COVERAGE.**—Section 5000A  
14 of the Internal Revenue Code of 1986 is amended by add-  
15 ing at the end the following:

16 “(h) **TERMINATION.**—The provisions of this section  
17 shall terminate on October 1, 2013, if the Secretary of  
18 the Treasury determines that one or more Exchanges fails  
19 to accept applications for enrollment in qualified health  
20 plans on such date.”.

○