

113TH CONGRESS
1ST SESSION

H. R. 3517

To amend the Patient Protection and Affordable Care Act to delay the individual health insurance mandate and any penalties for violating the individual mandate until after there is a certification that the healthcare.gov or other applicable State Exchange website is fully operational, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2013

Mr. SCHRADER introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 amend the Patient Protection and Affordable Care Act to delay the individual health insurance mandate and any penalties for violating the individual mandate until after there is a certification that the healthcare.gov or other applicable State Exchange website is fully operational, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal and State In-
3 surance Exchange Access Fairness and Penalty Delay Act
4 of 2013”.

5 **SEC. 2. DELAY IN APPLYING INDIVIDUAL HEALTH INSUR-**
6 **ANCE MANDATE AND PENALTY FOR VIO-**
7 **LATING THE MANDATE BEFORE**
8 **HEALTHCARE.GOV OR OTHER APPLICABLE**
9 **STATE WEBSITE IS CERTIFIED AS BEING**
10 **FULLY OPERATIONAL.**

11 Section 5000A of the Internal Revenue Code of 1986
12 is amended by adding at the end the following:

13 “(h) DELAY IN APPLICATION.—

14 “(1) IN GENERAL.—The provisions of this sec-
15 tion shall not apply to an individual for any month
16 that begins earlier than 30 days after the end of the
17 extension of enrollment period provided under para-
18 graph (4). In applying the previous provisions of this
19 section, the Secretary of the Treasury shall adjust
20 the dates in this section accordingly based on the
21 application of this subsection.

22 “(2) GAO REPORT ON PROGRESS ON MAKING
23 THE EXCHANGE WEBSITES FULLY OPERATIONAL.—
24 Beginning not later than 30 days after the date of
25 the enactment of the Federal and State Insurance
26 Exchange Access Fairness and Penalty Delay Act of

1 2013 and monthly thereafter (until such time as the
2 Inspector General submits the certification under
3 paragraph (3)), the Comptroller General of the
4 United States shall submit to Congress and to the
5 Inspector General for the Department of Health and
6 Human Services monthly reports on the progress of
7 the healthcare.gov website and applicable State Ex-
8 change websites in becoming fully operational (as de-
9 fined in paragraph (5)).

10 “(3) INSPECTOR GENERAL OF HEALTH AND
11 HUMAN SERVICES CERTIFICATION.—Taking into ac-
12 count the reports submitted under paragraph (2),
13 the Inspector General of the Department of Health
14 and Human Services shall make a determination on
15 whether or not the healthcare.gov website and each
16 applicable State Exchange website is fully oper-
17 ational and, if so, shall submit to Congress (and
18 post on an appropriate public website) a certification
19 that the healthcare.gov website or the applicable
20 State Exchange website (as the case may be) is fully
21 operational.

22 “(4) EXTENSION OF INITIAL ENROLLMENT PE-
23 RIOD.—The Secretary of Health and Human Serv-
24 ices shall take such steps as are necessary to extend
25 the initial enrollment period for individuals in quali-

1 fied health plans offered through Exchanges under
2 the Patient Protection and Affordable Care Act so
3 that such period does not end earlier than 90 days
4 after—

5 “(A) in the case of an individual residing
6 in a State with an applicable State Exchange
7 website, the date of the submittal to Congress
8 of the certification under paragraph (3) both
9 for the healthcare.gov website and for the appli-
10 cable State Exchange website; or

11 “(B) in the case of an individual residing
12 in a State without an applicable State Ex-
13 change website, the date of the submittal to
14 Congress of the certification under paragraph
15 (3) for the healthcare.gov website.

16 “(5) FULLY OPERATIONAL DEFINED.—In this
17 subsection, the term ‘fully operational’ means, with
18 respect to the healthcare.gov website or an applica-
19 ble State Exchange website, that the website is fully
20 functional and operating in a manner consistent
21 with the role envisioned for Exchanges under the
22 Patient Protection and Affordable Care Act (and the
23 amendments made by such Act).

24 “(6) APPLICABLE STATE EXCHANGE WEBSITE
25 DEFINED.—In this subsection, the term ‘applicable

1 State Exchange website’ means a website that is es-
2 tablished by a State in connection with enrollment
3 activities in such State for an American Health Ben-
4 efits Exchange and that is separate from the
5 healthcare.gov website.”.

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