

113TH CONGRESS
1ST SESSION

H. R. 3425

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 website is fully operational, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2013

Mr. LIPINSKI (for himself, Ms. SINEMA, Mr. PETERS of California, Mr. GALLEGOS, Mr. BARBER, Mr. MURPHY of Florida, Mr. BARROW of Georgia, Mr. VELA, and Mr. GARCIA) 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health Care Access
5 Fairness and Penalty Delay Act of 2013”.

1 **SEC. 2. DELAY IN APPLYING INDIVIDUAL HEALTH INSUR-**
2 **ANCE MANDATE AND PENALTY FOR VIO-**
3 **LATING THE MANDATE BEFORE**
4 **HEALTHCARE.GOV IS CERTIFIED AS BEING**
5 **FULLY OPERATIONAL.**

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

8 “(h) DELAY IN APPLICATION.—

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

17 “(2) GAO REPORT ON PROGRESS ON MAKING
18 THE WEBSITE FULLY OPERATIONAL.—Beginning not
19 later than 30 days after the date of the enactment
20 of the Health Care Access Fairness and Penalty
21 Delay Act of 2013 and monthly thereafter (until
22 such time as the Inspector General submits the cer-
23 tification under paragraph (3)), the Comptroller
24 General of the United States shall submit to Con-
25 gress and to the Inspector General for the Depart-
26 ment of Health and Human Services monthly re-

1 ports on the progress of the healthcare.gov website
2 in becoming fully operational (as defined in para-
3 graph (5)).

4 “(3) INSPECTOR GENERAL OF HEALTH AND
5 HUMAN SERVICES CERTIFICATION.—Taking into ac-
6 count the reports submitted under paragraph (2),
7 the Inspector General of the Department of Health
8 and Human Services shall make a determination on
9 whether or not the healthcare.gov website is fully
10 operational and, if so, shall submit to Congress (and
11 post on an appropriate public website) a certification
12 that the healthcare.gov website is fully operational.

13 “(4) EXTENSION OF INITIAL ENROLLMENT PE-
14 RIOD.—The Secretary of Health and Human Serv-
15 ices shall take such steps as are necessary to extend
16 the initial enrollment period for individuals in quali-
17 fied health plans offered through Exchanges under
18 the Patient Protection and Affordable Care Act so
19 that such period does not end earlier than 90 days
20 after the date of the submittal to Congress of the
21 certification under paragraph (3).

22 “(5) FULLY OPERATIONAL DEFINED.—In this
23 subsection, the term ‘fully operational’ means, with
24 respect to the healthcare.gov website, that the
25 website is fully functional and operating in a manner

1 consistent with the role envisioned for Exchanges
2 under the Patient Protection and Affordable Care
3 Act (and the amendments made by such Act).”.

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