

113TH CONGRESS
1ST SESSION

H. R. 3362

To amend the Patient Protection and Affordable Care Act to require transparency in the operation of American Health Benefit Exchanges.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2013

Mr. TERRY (for himself and Mr. CASSIDY) 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 amend the Patient Protection and Affordable Care Act to require transparency in the operation of American Health Benefit Exchanges.

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 Information
5 Disclosure Act”.

1 **SEC. 2. WEEKLY REPORTS ON HEALTH BENEFIT EX-**
2 **CHANGES.**

3 Section 1311(c)(5) of the Patient Protection and Af-
4 fordable Care Act (42 U.S.C. 18031(c)(5)) is amended—

5 (1) in subparagraph (A), by striking “and” at
6 the end;

7 (2) in subparagraph (B), by striking the period
8 and inserting a semicolon; and

9 (3) by inserting after subparagraph (B) the fol-
10 lowing:

11 “(C) not later than the first Monday after
12 the date of enactment of this subparagraph,
13 and each Monday thereafter through March 31,
14 2015 (or the next business day when Monday
15 occurs on a Federal holiday), in coordination
16 with the with Secretary of the Treasury and the
17 Secretary of Labor, submit to Congress and
18 make available to State governors, State insur-
19 ance commissioners, and the public, a report
20 concerning consumer interactions with the
21 Internet website maintained by the Federal
22 Government for health insurance coverage
23 (healthcare.gov or any subsequent Internet site
24 (or sites) that is established in whole or in part
25 by the Federal Government to facilitate enroll-
26 ment in qualified health plans, the receipt of

1 advance premium tax credits or cost sharing re-
2 duction assistance, or comparisons of available
3 qualified health plans) and any efforts under-
4 taken to remedy problems that impact tax-
5 payers and consumers, such report to include—

6 “(i) a State-by-State break down of—

7 “(I) the number of unique
8 website visits;

9 “(II) the number of web chat
10 logins;

11 “(III) the number of individuals
12 who create an account;

13 “(IV) the number of individuals
14 who enrolled in a qualified health plan
15 or Medicaid;

16 “(V) the number of enrollees in
17 each zip code; and

18 “(VI) the level of coverage ob-
19 tained;

20 “(ii) a detailed description of the
21 problems identified with website
22 functionality, the actions that have been
23 taken to resolve those problems, the iden-
24 tity of the contractors that are involved in
25 such actions, the cost of such actions, how

1 such actions are being paid for, and the
2 names of the Federal officials responsible
3 for overseeing the process; and

4 “(iii) a description of the separate
5 problems with the website, including prob-
6 lems relating to—

7 “(I) logging into the website;

8 “(II) enrolling in coverage;

9 “(III) transferring to the State
10 Medicaid programs;

11 “(IV) the calculation of advance
12 premium tax credits or cost sharing
13 reductions;

14 “(V) eligibility for qualified
15 health plans, advance premium tax
16 credits, cost sharing reductions, Med-
17 icaid, or the Children’s Health Insur-
18 ance Program;

19 “(VI) income or identity
20 verification;

21 “(VII) the transfer of informa-
22 tion to health insurance issuers; and

23 “(VIII) consumer privacy and
24 data security; and

1 “(D) not later than the first Monday after
2 the date of enactment of this Act, and each
3 Monday thereafter through March 31, 2015 (or
4 the next business day when Monday occurs on
5 a Federal holiday), in coordination with the
6 with Secretary of the Treasury and the Sec-
7 retary of Labor, submit to Congress and make
8 available to State governors, State insurance
9 commissioners, and the public, a report con-
10 cerning the Federally operated customer service
11 call center, including the number of calls re-
12 ceived by the call center, the Internet website or
13 enrollment problems identified by users, how
14 many calls are referred to the Centers for Con-
15 sumer Information and Insurance Oversight,
16 how many calls are referred to State insurance
17 commissioners, and how many callers enrolled
18 in a qualified health plan through the call cen-
19 ter.”.

20 **SEC. 3. DISCLOSURE OF NAVIGATOR AND CERTIFIED AP-**
21 **PLICATION COUNSELOR GRANTEES.**

22 Section 1311(i) of the Patient Protection and Afford-
23 able Care Act (42 U.S.C. 18031(i)) is amended by adding
24 at the end the following:

1 “(7) PUBLIC AVAILABILITY OF LIST OF NAVIGA-
2 TORS.—Not later than 5 days after the date of en-
3 actment of the Exchange Information Disclosure
4 Act, the Secretary shall make available to Congress,
5 State attorneys general, State insurance commis-
6 sioners, and the public a list of all navigators and
7 certified application counselors that have been
8 trained and certified by Exchanges, including con-
9 tact information for all navigator entities and their
10 partner organizations, including subcontractors.
11 Such list shall be updated by the Secretary on a
12 weekly basis through March 31, 2015.”.

13 **SEC. 4. DISCLOSURE OF CERTIFIED AGENTS AND BROKERS.**

14 Section 1312(e) of the Patient Protection and Afford-
15 able Care Act (42 U.S.C. 18032(e)) is amended by adding
16 at the end the following flush sentence: “Not later than
17 5 days after the date of the enactment of the Exchange
18 Information Disclosure Act, the Secretary shall make
19 available on the Internet website maintained by the Fed-
20 eral Government for health insurance coverage
21 (healthcare.gov or any subsequent Internet site (or sites)
22 that is established in whole or in part by the Federal Gov-
23 ernment to facilitate enrollment in qualified health plans,
24 the receipt of tax credits or cost sharing reduction assist-
25 ance, or comparisons of available qualified health plans)

1 a list of all agents and brokers who have been trained and
2 certified by the Federal Exchange, including their name,
3 business address (if available), and phone number. Such
4 list shall be updated on a weekly basis through March 31,
5 2015.”.

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