

113TH CONGRESS
1ST SESSION

S. _____

To provide for a delay of the individual mandate under the Patient Protection and Affordable Care Act until the American Health Benefit Exchanges are functioning properly.

IN THE SENATE OF THE UNITED STATES

Mr. RUBIO (for himself, Mr. HATCH, Mr. INHOFE, Mr. MORAN, Mr. WICKER, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for a delay of the individual mandate under the Patient Protection and Affordable Care Act until the American Health Benefit Exchanges are functioning properly.

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 “Delay Until Fully
5 Functional Act of 2013”.

1 **SEC. 2. DELAY IN THE INDIVIDUAL MANDATE AND EXEMP-**
2 **TION FROM PENALTY.**

3 (a) DELAY IN APPLICABILITY.—Section 1501(d) of
4 the Patient Protection and Affordable Care Act (42
5 U.S.C. 18091(d)) is amended to read as follows:

6 “(d) EFFECTIVE DATE.—

7 “(1) IN GENERAL.—The amendments made by
8 this section shall apply to taxable years beginning 6
9 months after the date on which the Inspector Gen-
10 eral for the Department of Health and Human Serv-
11 ices submits to Congress the certification described
12 in paragraph (3).

13 “(2) GAO STUDY AND REPORT.—

14 “(A) IN GENERAL.—Not later than 30
15 days after the date of enactment of the Delay
16 Until Fully Functional Act of 2013, the Comp-
17 troller General of the United States shall con-
18 duct a study to determine whether the Amer-
19 ican Health Benefit Exchanges, including the
20 Exchange administered by the Federal Govern-
21 ment, and all other point of enrollment options
22 (including telephone and postal options), are
23 fully functional and operating in a manner con-
24 sistent with the role envisioned for Exchanges
25 under this Act, and submit to the appropriate

1 committees of Congress a report concerning the
2 results of such study.

3 “(B) SUBSEQUENT STUDIES AND RE-
4 PORTS.—If, based on the results of the study
5 conducted under subparagraph (A), the Comp-
6 troller General determines that the Exchanges
7 are not fully functional and operating in a man-
8 ner consistent with the role envisioned for Ex-
9 changes under this Act, the Comptroller Gen-
10 eral shall conduct one or more subsequent stud-
11 ies every 60 days (and submit reports based on
12 the results of such studies) until the Comp-
13 troller General determines that the Exchanges
14 are fully functional and operating in such man-
15 ner.

16 “(3) CERTIFICATION.—Upon the submission of
17 a report under paragraph (2) that determines that
18 the American Health Benefit Exchanges are fully
19 functional and operating in a manner consistent
20 with the role envisioned for Exchanges under this
21 Act, the Inspector General for the Department of
22 Health and Human Services shall submit to Con-
23 gress a certification (in writing) of the results of
24 such report.

1 “(4) ADJUSTMENT OF DATES.—In applying sec-
2 tion 5000A of the Internal Revenue Code of 1986,
3 the Secretary of the Treasury shall adjust the dates
4 in such section accordingly based on the application
5 of this subsection.”.

6 (b) EXEMPTION FROM PENALTY.—Section 5000A of
7 the Internal Revenue Code of 1986 is amended by adding
8 at the end the following:

9 “(h) EXEMPTION.—The provisions of this section
10 shall not apply to an individual who is unable to enroll
11 in a qualified health plan because of the technical or cus-
12 tomer service issues of an American Health Benefit Ex-
13 change, as determined by the Secretary.”.