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113TH CONGRESS
1ST SESSION

H. R. 3338

To amend the Patient Protection and Affordable Care Act to provide, because of problems relating to the operation of Exchanges, for a hardship exemption from the individual mandate for months of noncoverage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2013

Mrs. ELLMERS (for herself, Mrs. BLACKBURN, and Mr. KINZINGER of Illinois) introduced the following bill; which was referred to the Committee on Ways and Means

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A BILL

To amend the Patient Protection and Affordable Care Act to provide, because of problems relating to the operation of Exchanges, for a hardship exemption from the individual mandate for months of noncoverage, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fairness In Failed Federal Exchange Act of 2013''.

SEC. 2. WAIVER OF INDIVIDUAL MANDATE THROUGH APPLICATION OF HARDSHIP EXEMPTION.

Section 1311(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(d)) is amended by adding at the end the following new paragraph:

"(8) APPLICATION OF HARDSHIP EXEMPTION IN CASES OF NONCOVERAGE.—An applicable individual (as defined in subsection (d) of section 5000A of the Internal Revenue Code of 1986) who is not covered by minimum essential coverage and who is eligible to enroll through an Exchange for coverage under a qualified health plan for a month—

"(A) in 2014 is deemed (for purposes of this Act and the amendments made by this Act) to have had a certification by the Secretary under paragraph (4)(H) with respect to the hardship exemption described in subsection (e)(5)(H) of such section for such month; and

"(B) in a subsequent year is deemed (for such purposes) to have had a certification by the Secretary under such paragraph with respect to such hardship exemption if the individual executes an attestation that the individual has been unable to enroll in such a plan

through such Exchange for a month in such year.''.

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