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.

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 ''Delay Until Fully Functional Act of 2013''.

SEC. 2. DELAY IN THE INDIVIDUAL MANDATE AND EXEMPTION FROM PENALTY.

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

''(d) EFFECTIVE DATE.—

''(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning 6 months after the date on which the Inspector General for the Department of Health and Human Services submits to Congress the certification described in paragraph (3).

''(2) GAO STUDY AND REPORT.—

''(A) IN GENERAL.—Not later than 30 days after the date of enactment of the Delay Until Fully Functional Act of 2013, the Comptroller General of the United States shall conduct a study to determine whether the American Health Benefit Exchanges, including the Exchange administered by the Federal Government, and all other point of enrollment options (including telephone and postal options), are fully functional and operating in a manner consistent with the role envisioned for Exchanges under this Act, and submit to the appropriate

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

''(B) SUBSEQUENT STUDIES AND REPORTS.—If, based on the results of the study conducted under subparagraph (A), the Comptroller General determines that the Exchanges are not fully functional and operating in a manner consistent with the role envisioned for Exchanges under this Act, the Comptroller General shall conduct one or more subsequent studies every 60 days (and submit reports based on the results of such studies) until the Comptroller General determines that the Exchanges are fully functional and operating in such manner.

''(3) CERTIFICATION.—Upon the submission of a report under paragraph (2) that determines that the American Health Benefit Exchanges are fully functional and operating in a manner consistent with the role envisioned for Exchanges under this Act, the Inspector General for the Department of Health and Human Services shall submit to Congress a certification (in writing) of the results of such report.

''(4) ADJUSTMENT OF DATES.—In applying section 5000A of the Internal Revenue Code of 1986, the Secretary of the Treasury shall adjust the dates in such section accordingly based on the application of this subsection.''.

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

''(h) EXEMPTION.—The provisions of this section shall not apply to an individual who is unable to enroll in a qualified health plan because of the technical or customer service issues of an American Health Benefit Exchange, as determined by the Secretary.''.