

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.

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## 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.

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 “Fairness In Failed  
5 Federal Exchange Act of 2013”.

1 **SEC. 2. WAIVER OF INDIVIDUAL MANDATE THROUGH AP-**  
2 **PLICATION OF HARDSHIP EXEMPTION.**

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

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

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

19 “(B) in a subsequent year is deemed (for  
20 such purposes) to have had a certification by  
21 the Secretary under such paragraph with re-  
22 spect to such hardship exemption if the indi-  
23 vidual executes an attestation that the indi-  
24 vidual has been unable to enroll in such a plan

1 through such Exchange for a month in such  
2 year.”.

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