

113TH CONGRESS
1ST SESSION

H. R. 3429

To protect personal and financial information by requiring certain certifications by entities awarded funds under the Patient Protection and Affordable Care Act for the operation of a Navigator program or certain other Exchange activities.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2013

Mrs. McMORRIS RODGERS (for herself and Mr. LANKFORD) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To protect personal and financial information by requiring certain certifications by entities awarded funds under the Patient Protection and Affordable Care Act for the operation of a Navigator program or certain other Exchange activities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROTECTING PERSONAL AND FINANCIAL IN-**
2 **FORMATION BY REQUIRING CERTAIN CER-**
3 **TIFICATIONS BY ENTITIES AWARDED ACA**
4 **FUNDS FOR THE OPERATION OF A NAVI-**
5 **GATOR PROGRAM OR CERTAIN OTHER EX-**
6 **CHANGE ACTIVITIES.**

7 (a) IN GENERAL.—The Secretary of Health and
8 Human Services (in this section referred to as the “Sec-
9 retary”) shall require that in the case of an entity des-
10 ignated by or awarded funds by an Exchange or the Sec-
11 retary for the operation of a Navigator program under
12 subsection (i) of section 1311 of the Patient Protection
13 and Affordable Care Act (42 U.S.C. 18031) or for car-
14 rying out activities to facilitate enrollment in qualified
15 health plans or to advocate for enrolling certain popu-
16 lations in qualified health plans, such entity shall certify
17 to the Secretary (and periodically recertify during the pe-
18 riod of such designation or award) the following:

19 (1) The entity has in place appropriate policies
20 and safeguards to protect any personally identifiable
21 information and financial information collected or
22 used by such entity with respect to the operation of
23 such program or with respect to carrying out such
24 activities, as applicable.

25 (2) The entity has in place appropriate policies
26 prohibiting the employment by such entity, with re-

1 spect to the operation of such program or with re-
2 spect to carrying out such activities, as applicable, of
3 any individual who has been convicted of—

4 (A) an offense under section 1028 or
5 1028A of title 18, United States Code, or any
6 similar crime pertaining to identity theft under
7 the laws of a State; or

8 (B) a criminal felony involving dishonesty
9 or a breach of trust described in section
10 1033(e) of title 18, United States Code, or any
11 similar criminal felony pertaining to dishonesty
12 or a breach of trust under the laws of a State.

13 (b) ENFORCEMENT.—If the Secretary determines,
14 after notice and opportunity to appeal, that an entity de-
15 scribed in subsection (a) is in violation of paragraph (1)
16 or (2) of such subsection, the Secretary shall disqualify
17 the entity from eligibility for any designation described in
18 such subsection and from receipt of any funds awarded,
19 after the date of such determination, under section 1311
20 of the Patient Protection and Affordable Care Act (42
21 U.S.C. 18031) for a purpose described in such subsection.

22 (c) CERTIFICATION TO CONGRESS.—The Secretary
23 shall annually certify to Congress that all entities receiving
24 a designation described in subsection (a) or awarded funds
25 under section 1311 of the Patient Protection and Afford-

1 able Care Act (42 U.S.C. 18031) for the year involved
2 for a purpose described in such subsection are in compli-
3 ance with paragraphs (1) and (2) of such subsection.

4 (d) EFFECTIVE DATE.—The provisions of this sec-
5 tion shall apply to designations made and funds awarded
6 before, on, or after the date of the enactment of this Act.

○