



Legislative Bulletin.....January 16, 2014

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H.R. 3362 — Exchange Information Disclosure Act

H.R. 3362 — Exchange Information Disclosure Act— (Terry, R-NE)

Order of Business: [H.R. 3362](#) is scheduled to be considered on Thursday, January 16, 2014, subject to a closed rule. The text of the rule can be viewed [here](#). In addition, the rule provides that the [amendment](#) to H.R. 3362 shall be considered as adopted.

Summary: This bill requires the Secretary of Health and Human Services (HHS) in coordination with the Secretary of the Treasury and the Secretary of Labor to submit to Congress and make available for governors, state insurance commissioners, and the public a report which has information regarding consumer interactions with the health insurance website healthcare.gov or any subsequent site. The following is required to be included in the report:

- State-by-State breakdown:
 - Number of unique website visits
 - Number of web chat logins
 - Number of individuals who create an account
 - Number of individuals who enrolled in a qualified health plan
 - Number of individuals who enrolled in Medicaid, and of those, the number who became eligible due to eligibility changes under the ACA
 - Number of enrollees per zip code
 - Number of individuals who have paid their first monthly premium after enrollment
 - Age of the individuals who have enrolled and paid their first monthly premium
 - Level of coverage obtained
- A description of problems identified within the website and the actions taken to resolve the problems. The identity of the contractors that were involved, the names of the federal officials who oversaw the process as well as the costs and the means for paying for any actions taken to resolve problems.

- Any separate website problems relating to logging on, enrolling in coverage, transferring to Medicaid, calculation of eligibility for premium tax credits or Medicaid/ CHIP, income verification, and privacy and data security.

This bill will also require a list of all navigators (including their partner organizations), certified application counselors, agents, and brokers to be made available to the public and updated on a weekly basis.

Additional Background: HHS [announced](#) on December 29, 2013, more than 1.1 million people have enrolled in qualified health plans through the Federally-facilitated exchange from October 1 through December 24. However, the data they released does not thoroughly breakdown enrollments and may provide an inflated number of enrollees. It is important to note that an individual is not actually enrolled in a plan until the insurer receives the first premium payment. HHS says they are not sure the percentage of people who have paid their first premiums under their new plans.

Committee Action: H.R. 3362 was introduced on October 29, 2013. It was then referred to the Energy and Commerce Committee and the Committee on Ways and Means where it awaits further action.

Administration Position: According to the administration, “The Administration opposes House passage of H.R. 3362 because it would require unfunded, unprecedented, and unnecessary reporting requirements of Health Insurance Marketplaces that exceed those of other public and private programs.” Read their full statement, [here](#).

Cost to Taxpayers: No CBO score is available at this time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 of the United States Constitution.” Read the Constitutional authority statement, [here](#).

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