

112TH CONGRESS  
1ST SESSION

# H. R. 118

To amend the Patient Protection and Affordable Care Act to permit a State to elect not to establish an American Health Benefit Exchange.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. FLEMING introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Patient Protection and Affordable Care Act to permit a State to elect not to establish an American Health Benefit Exchange.

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 “Stop the Federal Ex-  
5 changes from Destroying States Act” or the “STOP the  
6 FEDS Act”.

7 **SEC. 2. STATE OPT OUT FROM AMERICAN HEALTH BENEFIT**  
8 **EXCHANGE REQUIREMENT.**

9 (a) IN GENERAL.—Section 1311 of the Patient Pro-  
10 tection and Affordable Care Act (Public Law 111–148)

1 is amended by adding at the end the following new sub-  
2 section:

3 “(1) STATE OPT OUT.—

4 “(1) IN GENERAL.—A State may elect not to  
5 establish any required Exchange for the State (or to  
6 cease the operation of all required Exchanges for the  
7 State) if the State enacts a law that provides for  
8 such election.

9 “(2) TERMINATION OF OPT OUT.—A State may  
10 repeal a law described in paragraph (1) and provide  
11 for the establishment of an Exchange for the  
12 State.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 1311(b)(1) of the Patient Protec-  
15 tion and Affordable Care Act is amended by striking  
16 “Each State” and inserting “Subject to subsection  
17 (1), each State”.

18 (2) Section 1321(c) of such Act is amended by  
19 adding at the end the following sentence: “The pre-  
20 ceding sentence shall not apply to a State that has  
21 in effect a law described in section 1311(l).”.

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