

115TH CONGRESS
1ST SESSION

H. R. 2579

AN ACT

To amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

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. SHORT TITLE.**

2 This Act may be cited as the “Broader Options for
3 Americans Act”.

4 **SEC. 2. PREMIUM TAX CREDIT ALLOWED WITH RESPECT TO**
5 **UNSUBSIDIZED COBRA CONTINUATION COV-**
6 **ERAGE.**

7 (a) IN GENERAL.—Section 36B(f) of the Internal
8 Revenue Code of 1986 is amended—

9 (1) by inserting after “in section 9832(b))” the
10 following: “offered in the individual health insurance
11 market within a State (within the meaning of sec-
12 tion 5000A(f)(1)(C)), or any unsubsidized COBRA
13 continuation coverage,” and

14 (2) by striking paragraph (1) and by redesignig-
15 nating paragraphs (2), (3), (4), and (5) as para-
16 graphs (1), (2), (3), and (4), respectively.

17 (b) CERTIFICATION OF UNSUBSIDIZED COBRA CON-
18 TINUATION COVERAGE.—Section 36B(g) of such Code is
19 amended by redesignating paragraph (9) as paragraph
20 (10) and by inserting after paragraph (8) the following
21 new paragraph:

22 “(9) SPECIAL RULE FOR UNSUBSIDIZED COBRA
23 CONTINUATION COVERAGE.—In the case of unsub-
24 sidized COBRA continuation coverage—

25 “(A) subsection (d)(1) shall be applied by
26 substituting ‘COBRA continuation coverage

which is certified by the plan administrator (as defined in section 414(g)) of the group health plan’ for ‘health insurance coverage which is certified by the State in which such insurance is offered’, and

“(B) the requirements of paragraph (8) shall be treated as satisfied if the certification meets such requirements as the Secretary may provide.”.

(c) UNSUBSIDIZED COBRA CONTINUATION COVERAGE.—Section 36B of such Code is amended by adding at the end the following new subsection:

“(h) UNSUBSIDIZED COBRA CONTINUATION COVERAGE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘unsubsidized COBRA continuation coverage’ means COBRA continuation coverage the payment of applicable premiums (as defined in section 4980B(f)(4)) for which is solely the obligation of the taxpayer.

“(2) COBRA CONTINUATION COVERAGE.—The term ‘COBRA continuation coverage’ means continuation coverage provided—

“(A) pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under sections

1 602(5) and 609), title XXII of the Public
 2 Health Service Act, section 4980B (other than
 3 subsection (f)(1) thereof insofar as it relates to
 4 pediatric vaccines), or section 8905a of title 5,
 5 United States Code,

6 “(B) under a State law or program that
 7 provides coverage comparable to coverage de-
 8 scribed in subparagraph (A), or

9 “(C) under a group health plan that is a
 10 church plan (as defined in section 414(e)) and
 11 is comparable to coverage provided pursuant to
 12 section 4980B.

13 Such term shall not include coverage under a health
 14 flexible spending arrangement.”.

15 (d) CONFORMING AMENDMENT.—

16 (1) Section 36B(d)(2)(A) is amended by insert-
 17 ing “COBRA continuation coverage or” after “other
 18 than”.

19 (2) Section 36B(g)(6) of such Code is amended
 20 by striking “subsection (f)(5)” and inserting “sub-
 21 section (f)(4)”.

22 (e) AMENDMENT OF SECTION 36B AS AMENDED BY
 23 AMERICAN HEALTH CARE ACT OF 2017.—Whenever in
 24 this section an amendment is expressed in terms of an
 25 amendment to section 36B of the Internal Revenue Code

1 of 1986, the reference shall be considered to be made to
2 such section as amended by the American Health Care
3 Act of 2017 and in effect for months beginning after De-
4 cember 31, 2019.

5 (f) EFFECTIVE DATE.—The amendments made by
6 this section are contingent upon the enactment of the
7 American Health Care Act of 2017 and shall apply (if at
8 all) to months beginning after December 31, 2019, in tax-
9 able years ending after such date.

Passed the House of Representatives June 15, 2017.

Attest:

Clerk.

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