

115TH CONGRESS
1ST SESSION

S. 2132

To amend the Internal Revenue Code of 1986 to ensure that working families have access to affordable health insurance coverage.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2017

Mr. FRANKEN (for himself, Mr. BENNET, Mr. LEAHY, Ms. HEITKAMP, Mr. COONS, Mr. BROWN, Ms. STABENOW, Mr. UDALL, Mr. BOOKER, Mr. CASEY, Mr. MERKLEY, Mrs. SHAHEEN, Ms. BALDWIN, Mr. KING, Mr. BLUMENTHAL, Mr. HEINRICH, Ms. KLOBUCHAR, Mr. KAINE, Mr. SANDERS, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to ensure that working families have access to affordable health insurance coverage.

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 “Family Coverage Act”.

5 **SEC. 2. SENSE OF CONGRESS.**

6 Notwithstanding the amendments made by section 3,
7 it is the sense of Congress that the Secretary of Health
8 and Human Services and the Secretary of the Treasury,

1 within their respective jurisdictions, have the administra-
 2 tive authority necessary to apply the affordability provi-
 3 sion in section 36B of the Internal Revenue Code of 1986
 4 in such a manner as to expand access to affordable health
 5 insurance coverage for working families without further
 6 legislation.

7 **SEC. 3. CLARIFICATION REGARDING DETERMINATION OF**
 8 **AFFORDABILITY OF EMPLOYER-SPONSORED**
 9 **MINIMUM ESSENTIAL COVERAGE.**

10 (a) IN GENERAL.—Clause (i) of section 36B(c)(2)(C)
 11 of the Internal Revenue Code of 1986 is amended to read
 12 as follows:

13 “(i) COVERAGE MUST BE AFFORD-
 14 ABLE.—

15 “(I) IN GENERAL.—Except as
 16 provided in clause (iii), an individual
 17 shall not be treated as eligible for
 18 minimum essential coverage if such
 19 coverage consists of an eligible em-
 20 ployer-sponsored plan (as defined in
 21 section 5000A(f)(2)) and the required
 22 contribution with respect to the plan
 23 exceeds 9.56 percent of the applicable
 24 taxpayer’s household income.

1 “(II) REQUIRED CONTRIBUTION
 2 WITH RESPECT TO EMPLOYEE.—In
 3 the case of the employee eligible to en-
 4 roll in the plan, the required contribu-
 5 tion for purposes of subclause (I) is
 6 the employee’s required contribution
 7 (within the meaning of section
 8 5000A(e)(1)(B)(i)) with respect to the
 9 plan.

10 “(III) REQUIRED CONTRIBUTION
 11 WITH RESPECT TO FAMILY MEM-
 12 BERS.—In the case of an individual
 13 who is eligible to enroll in the plan by
 14 reason of a relationship the individual
 15 bears to the employee, the required
 16 contribution for purposes of subclause
 17 (I) is the employee’s required con-
 18 tribution (within the meaning of sec-
 19 tion 5000A(e)(1)(B)(i), determined by
 20 substituting ‘family’ for ‘self-only’)
 21 with respect to the plan.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) Clause (ii) of section 36B(c)(2)(C) of the
 24 Internal Revenue Code of 1986 is amended by add-
 25 ing at the end the following: “This clause shall also

1 apply to an individual who is eligible to enroll in the
2 plan by reason of a relationship the individual bears
3 to the employee.”.

4 (2) Clause (iii) of section 36B(c)(2)(C) of such
5 Code is amended by striking “the last sentence of
6 clause (i)” and inserting “clause (i)(III)”.

7 (3) Clause (iv) of section 36B(c)(2)(C) of such
8 Code is amended by striking “clause (i)(II)” and in-
9 serting “clause (i)(I)”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to taxable years beginning after
12 December 31, 2017.

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