

Union Calendar No. 107

115TH CONGRESS
1ST SESSION

H. R. 2579

[Report No. 115–160]

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

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2017

Mr. TIBERI introduced the following bill; which was referred to the Committee on Ways and Means

JUNE 2, 2017

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 19, 2017]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Broader Options for*
 5 *Americans Act”.*

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

9 *(a) IN GENERAL.—Section 36B(f) of the Internal Rev-*
 10 *enue Code of 1986 is amended—*

11 *(1) by inserting after “in section 9832(b))” the*
 12 *following: “offered in the individual health insurance*
 13 *market within a State (within the meaning of section*
 14 *5000A(f)(1)(C)), or any unsubsidized COBRA con-*
 15 *tinuation coverage,” and*

16 *(2) by striking paragraph (1) and by redesign-*
 17 *ating paragraphs (2), (3), (4), and (5) as para-*
 18 *graphs (1), (2), (3), and (4), respectively.*

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

1 “(9) *SPECIAL RULE FOR UNSUBSIDIZED COBRA*
 2 *CONTINUATION COVERAGE.—In the case of unsub-*
 3 *sidized COBRA continuation coverage—*

4 “(A) *subsection (d)(1) shall be applied by*
 5 *substituting ‘COBRA continuation coverage*
 6 *which is certified by the plan administrator (as*
 7 *defined in section 414(g)) of the group health*
 8 *plan’ for ‘health insurance coverage which is cer-*
 9 *tified by the State in which such insurance is of-*
 10 *fered’, and*

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

15 (c) *UNSUBSIDIZED COBRA CONTINUATION COV-*
 16 *ERAGE.—Section 36B of such Code is amended by adding*
 17 *at the end the following new subsection:*

18 “(h) *UNSUBSIDIZED COBRA CONTINUATION COV-*
 19 *ERAGE.—For purposes of this section—*

20 “(1) *IN GENERAL.—The term ‘unsubsidized*
 21 *COBRA continuation coverage’ means COBRA con-*
 22 *tinuation coverage the payment of applicable pre-*
 23 *miums (as defined in section 4980B(f)(4)) for which*
 24 *is solely the obligation of the taxpayer.*

1 “(2) *COBRA CONTINUATION COVERAGE.*—*The*
 2 *term ‘COBRA continuation coverage’ means continu-*
 3 *ation coverage provided—*

4 “(A) *pursuant to part 6 of subtitle B of title*
 5 *I of the Employee Retirement Income Security*
 6 *Act of 1974 (other than under sections 602(5)*
 7 *and 609), title XXII of the Public Health Service*
 8 *Act, section 4980B (other than subsection (f)(1)*
 9 *thereof insofar as it relates to pediatric vac-*
 10 *cines), or section 8905a of title 5, United States*
 11 *Code,*

12 “(B) *under a State law or program that*
 13 *provides coverage comparable to coverage de-*
 14 *scribed in subparagraph (A), or*

15 “(C) *under a group health plan that is a*
 16 *church plan (as defined in section 414(e)) and is*
 17 *comparable to coverage provided pursuant to sec-*
 18 *tion 4980B.*

19 *Such term shall not include coverage under a health*
 20 *flexible spending arrangement.”.*

21 (d) *CONFORMING AMENDMENT.*—

22 (1) *Section 36B(d)(2)(A) is amended by insert-*
 23 *ing “COBRA continuation coverage or” after “other*
 24 *than”.*

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

4 (e) *AMENDMENT OF SECTION 36B AS AMENDED BY*
5 *AMERICAN HEALTH CARE ACT OF 2017.—Whenever in this*
6 *section an amendment is expressed in terms of an amend-*
7 *ment to section 36B of the Internal Revenue Code of 1986,*
8 *the reference shall be considered to be made to such section*
9 *as amended by the American Health Care Act of 2017 and*
10 *in effect for months beginning after December 31, 2019.*

11 (f) *EFFECTIVE DATE.—The amendments made by this*
12 *section are contingent upon the enactment of the American*
13 *Health Care Act of 2017 and shall apply (if at all) to*
14 *months beginning after December 31, 2019, in taxable years*
15 *ending after such date.*

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