

115TH CONGRESS  
1ST SESSION

# H. R. 2579

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## 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

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

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

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

13          “(h) UNSUBSIDIZED COBRA CONTINUATION COV-  
14 ERAGE.—For purposes of this section—

15                   “(1) IN GENERAL.—The term ‘unsubsidized  
16 COBRA continuation coverage’ means COBRA con-  
17 tinuation coverage the payment of applicable pre-  
18 miums (as defined in section 4980B(f)(4)) for which  
19 is solely the obligation of the taxpayer.

20                   “(2) COBRA CONTINUATION COVERAGE.—The  
21 term ‘COBRA continuation coverage’ means con-  
22 tinuation coverage provided—

23                           “(A) pursuant to part 6 of subtitle B of  
24 title I of the Employee Retirement Income Se-  
25 curity 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.*

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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