

117TH CONGRESS
1ST SESSION

S. 2099

To amend the Internal Revenue Code of 1986 to allow individuals who are not enrolled in a high deductible health plan to have access to health savings accounts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2021

Mr. SASSE 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 allow individuals who are not enrolled in a high deductible health plan to have access to health savings accounts, and for other purposes.

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 “Health Savings Ac-
5 count Expansion Act of 2021”.

1 **SEC. 2. EXPANSION OF HEALTH SAVINGS ACCOUNT ELIGI-**
2 **BILITY.**

3 (a) IN GENERAL.—Section 223 of the Internal Rev-
4 enue Code of 1986 is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (2)—

7 (i) in subparagraph (A), by striking
8 “high deductible health plan as of the first
9 day of such month, \$2,250” and inserting
10 “qualified health plan as of the first day of
11 such month, \$5,000”, and

12 (ii) in subparagraph (B), by striking
13 “high deductible health plan as of the first
14 day of such month, \$4,500” and inserting
15 “qualified health plan as of the first day of
16 such month, twice the dollar amount under
17 subparagraph (A)”, and

18 (B) in paragraph (8)—

19 (i) in subparagraph (A)(ii), by strik-
20 ing “high deductible health plan” and in-
21 serting “qualified health plan”, and

22 (ii) in the heading of subparagraph
23 (B), by striking “HIGH DEDUCTIBLE
24 HEALTH PLAN” and inserting “QUALIFIED
25 HEALTH PLAN”,

26 (2) in subsection (c)—

1 (A) in paragraph (1)(A), by striking “high
2 deductible health plan” each place it appears
3 and inserting “qualified health plan”, and

4 (B) in paragraph (2)—

5 (i) in the heading, by striking “HIGH
6 DEDUCTIBLE HEALTH PLAN” and inserting
7 “QUALIFIED HEALTH PLAN”,

8 (ii) by amending subparagraph (A) to
9 read as follows:

10 “(A) IN GENERAL.—The term ‘qualified
11 health plan’ means a health plan that provides
12 a level of coverage that is designed to provide
13 benefits that are actuarially equivalent to not
14 greater than 80 percent of the full actuarial
15 value of the benefits provided under the plan.”,

16 (iii) by amending subparagraph (C) to
17 read as follows:

18 “(C) ABSENCE OF DEDUCTIBLE.—A health
19 plan shall not fail to be treated as a qualified
20 health plan by reason of failing to have a de-
21 ductible for any care, services, or coverage, such
22 as preventive care, primary care, or prescription
23 drug coverage.”,

24 (iv) by striking subparagraph (D),

1 (v) by striking “high deductible health
2 plan” each place it appears in subpara-
3 graphs (E) and (F) and inserting “quali-
4 fied health plan”, and

5 (vi) by redesignating subparagraphs
6 (E) and (F), as amended by clause (v), as
7 subparagraphs (D) and (E), respectively,

8 (3) in subsection (g)(1)—

9 (A) by striking “Each dollar amount in
10 subsections (b)(2) and (c)(2)(A)” and inserting
11 “The dollar amount in subsection (b)(2)(A)”,

12 (B) by amending subparagraph (B) to read
13 as follows:

14 “(B) the cost-of-living adjustment deter-
15 mined under section 1(f)(3) for the calendar
16 year in which such taxable year begins, deter-
17 mined by substituting ‘2003’ for ‘2016’ in sub-
18 paragraph (A)(ii) thereof.”, and

19 (C) by striking “adjusted amounts under
20 subsections (b)(2) and (c)(2)(A)” and inserting
21 “adjusted amounts under subsection (b)(2)”,
22 and

23 (4) in subsection (h)(2), by striking “high de-
24 ductible health plan” and inserting “qualified health
25 plan”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) Section 26(b)(2)(S) of the Internal Revenue
3 Code of 1986 is amended by striking “high deduct-
4 ible health plan” and inserting “qualified health
5 plan”.

6 (2) Section 106(e) of such Code is amended—

7 (A) in the heading of paragraph (3), by
8 striking “HIGH DEDUCTIBLE HEALTH PLAN”
9 and inserting “QUALIFIED HEALTH PLAN”, and

10 (B) in paragraph (5)(B)(ii), by striking
11 “high deductible health plan” and inserting
12 “qualified health plan”.

13 (3) Section 408(d)(9) of such Code is amend-
14 ed—

15 (A) in subparagraph (C)—

16 (i) in clause (i)(I), by striking “high
17 deductible health plan” and inserting
18 “qualified health plan”, and

19 (ii) in clause (ii)(II), by striking “high
20 deductible health plan” each place it ap-
21 pears and inserting “qualified health
22 plan”, and

23 (B) in the heading of subparagraph (D),
24 by striking “HIGH DEDUCTIBLE HEALTH PLAN”
25 and inserting “QUALIFIED HEALTH PLAN”.

1 (4) Section 1906A(b)(2)(B) of the Social Secu-
2 rity Act (42 U.S.C. 1396e–1(b)(2)(B)) is amended
3 by striking “high deductible health plan” and insert-
4 ing “qualified health plan”.

5 (5) Section 1938(a)(3) of the Social Security
6 Act (42 U.S.C. 1396u–8(a)(3)) is amended by in-
7 serting “(as in effect on the day before the date of
8 the enactment of the Health Savings Account Ex-
9 pansion Act of 2021)” after “section 223(c)(2)(C) of
10 the Internal Revenue Code of 1986”.

11 (6) Section 2105(c)(10)(B)(ii)(II) of the Social
12 Security Act (42 U.S.C. 1397ee(c)(10)(B)(ii)(II)) is
13 amended by striking “high deductible health plan”
14 and inserting “qualified health plan”.

15 (7) Section 1101(c)(2)(B)(ii) of the Patient
16 Protection and Affordable Care Act (42 U.S.C.
17 18001(c)(2)(B)(ii)) is amended by striking “section
18 223(c)(2)” and inserting “section 223(b)(2)”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to taxable years beginning after
21 December 31, 2021.

○