

114TH CONGRESS
1ST SESSION

S. 568

To extend the trade adjustment assistance program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2015

Mr. BROWN (for himself, Mr. CASEY, Mr. SCHUMER, Ms. STABENOW, Ms. CANTWELL, Mr. MENENDEZ, Mr. CARDIN, Mr. BENNET, Mr. WARNER, Mr. DURBIN, Mrs. MURRAY, Mr. REED, Mrs. GILLIBRAND, Ms. WARREN, Mr. MARKEY, Ms. BALDWIN, Mr. SANDERS, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To extend the trade adjustment assistance program, 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; ETC.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Trade Adjustment Assistance Act of 2015”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—APPLICATION OF PROVISIONS RELATING TO TRADE
ADJUSTMENT ASSISTANCE

Sec. 101. Application of provisions relating to trade adjustment assistance.

TITLE II—EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM

Subtitle A—Extension Provisions

- Sec. 201. Extension of termination provisions.
- Sec. 202. Training funds.
- Sec. 203. Reemployment trade adjustment assistance.
- Sec. 204. Authorizations of appropriations.

Subtitle B—Other Provisions

- Sec. 211. Extension of trade adjustment assistance to public agency workers.
- Sec. 212. Limitations on trade readjustment allowances.
- Sec. 213. Job search and relocation allowances.
- Sec. 214. Reemployment trade adjustment assistance program.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Applicability of trade adjustment assistance provisions.
- Sec. 302. Sunset provisions.

TITLE IV—HEALTH COVERAGE TAX CREDIT

- Sec. 401. Extension and modification of Health Coverage Tax Credit.
- Sec. 402. TAA pre-certification rule for purposes of determining whether there is a 63-day lapse in creditable coverage.
- Sec. 403. Extension of COBRA benefits for certain TAA-eligible individuals and PBGC recipients.

1 **TITLE I—APPLICATION OF PRO-**
 2 **VISIONS RELATING TO TRADE**
 3 **ADJUSTMENT ASSISTANCE**

4 **SEC. 101. APPLICATION OF PROVISIONS RELATING TO**
 5 **TRADE ADJUSTMENT ASSISTANCE.**

6 (a) REPEAL OF SNAPBACK.—Section 233 of the
 7 Trade Adjustment Assistance Extension Act of 2011
 8 (Public Law 112–40; 125 Stat. 416) is repealed.

9 (b) APPLICABILITY OF CERTAIN PROVISIONS.—Ex-
 10 cept as otherwise provided in this Act, the provisions of
 11 chapters 2 through 6 of title II of the Trade Act of 1974,

1 as in effect on December 31, 2013, and as amended by
 2 this Act, shall—

3 (1) take effect on the date of the enactment of
 4 this Act; and

5 (2) apply to petitions for certification filed
 6 under chapter 2, 3, or 6 of title II of the Trade Act
 7 of 1974 on or after such date of enactment.

8 (c) REFERENCES.—Except as otherwise provided in
 9 this Act, whenever in this Act an amendment or repeal
 10 is expressed in terms of an amendment to, or repeal of,
 11 a provision of chapters 2 through 6 of title II of the Trade
 12 Act of 1974, the reference shall be considered to be made
 13 to a provision of any such chapter, as in effect on Decem-
 14 ber 31, 2013.

15 **TITLE II—EXTENSION OF TRADE**
 16 **ADJUSTMENT ASSISTANCE**
 17 **PROGRAM**

18 **Subtitle A—Extension Provisions**

19 **SEC. 201. EXTENSION OF TERMINATION PROVISIONS.**

20 Section 285 of the Trade Act of 1974 (19 U.S.C.
 21 2271 note) is amended by striking “2013” each place it
 22 appears and inserting “2020”.

23 **SEC. 202. TRAINING FUNDS.**

24 Section 236(a)(2)(A) of the Trade Act of 1974 (19
 25 U.S.C. 2296(a)(2)(A)) is amended—

1 (1) in clause (i), by striking “and 2013” and
2 inserting “through 2020”; and

3 (2) in clause (ii), by striking “2013” each place
4 it appears and inserting “2020”.

5 **SEC. 203. REEMPLOYMENT TRADE ADJUSTMENT ASSIST-**
6 **ANCE.**

7 Section 246(b)(1) of the Trade Act of 1974 (19
8 U.S.C. 2318(b)(1)) is amended by striking “2013” and
9 inserting “2020”.

10 **SEC. 204. AUTHORIZATIONS OF APPROPRIATIONS.**

11 (a) TRADE ADJUSTMENT ASSISTANCE FOR WORK-
12 ERS.—Section 245(a) of the Trade Act of 1974 (19 U.S.C.
13 2317(a)) is amended by striking “2013” and inserting
14 “2020”.

15 (b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—
16 Section 255(a) of the Trade Act of 1974 (19 U.S.C.
17 2345(a)) is amended—

18 (1) by striking “\$16,000,000” and inserting
19 “\$50,000,000”;

20 (2) by striking “and 2013” and inserting
21 “through 2020”;

22 (3) by striking “\$4,000,000” and inserting
23 “\$6,250,000”; and

1 (4) by striking “October 1, 2013, and ending
2 on December 31, 2013” and inserting “October 1,
3 2020, and ending on December 31, 2020”.

4 (c) TRADE ADJUSTMENT ASSISTANCE FOR COMMU-
5 NITIES.—Section 272(a) of the Trade Act of 1974 (19
6 U.S.C. 2372(a)) is amended by striking “\$40,000,000”
7 and all that follows through “December 31, 2010” and
8 inserting “such sums as may be necessary for each of the
9 fiscal years 2015 through 2020 and for the period begin-
10 ning October 1, 2020, and ending December 31, 2020”.

11 (d) TRADE ADJUSTMENT ASSISTANCE FOR FARM-
12 ERS.—Section 298(a) of the Trade Act of 1974 (19 U.S.C.
13 2401g(a)) is amended—

14 (1) by striking “and 2013” and inserting
15 “through 2020”; and

16 (2) by striking “October 1, 2013, and ending
17 on December 31, 2013” and inserting “October 1,
18 2020, and ending on December 31, 2020”.

19 **Subtitle B—Other Provisions**

20 **SEC. 211. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE** 21 **TO PUBLIC AGENCY WORKERS.**

22 (a) DEFINITIONS.—Section 247 of the Trade Act of
23 1974 (19 U.S.C. 2319) is amended—

24 (1) in paragraph (3)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “The” and inserting “Subject
3 to section 222(d)(5), the”; and

4 (B) in subparagraph (A), by striking “or
5 service sector firm” and inserting “, service sec-
6 tor firm, or public agency”; and

7 (2) by adding at the end the following:

8 “(19) The term ‘public agency’ means a depart-
9 ment or agency of a State or local government or of
10 the Federal Government, or a subdivision thereof.”.

11 (b) GROUP ELIGIBILITY REQUIREMENTS.—Section
12 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amend-
13 ed—

14 (1) by redesignating subsections (c), (d), and
15 (e) as subsections (d), (e), and (f), respectively;

16 (2) by inserting after subsection (b) the fol-
17 lowing:

18 “(c) ADVERSELY AFFECTED WORKERS IN PUBLIC
19 AGENCIES.—A group of workers in a public agency shall
20 be certified by the Secretary as eligible to apply for adjust-
21 ment assistance under this chapter pursuant to a petition
22 filed under section 221 if the Secretary determines that—

23 “(1) a significant number or proportion of the
24 workers in the public agency have become totally or

1 partially separated, or are threatened to become to-
 2 tally or partially separated;

3 “(2) the public agency has acquired from a for-
 4 eign country services like or directly competitive with
 5 services which are supplied by such agency; and

6 “(3) the acquisition of services described in
 7 paragraph (2) contributed importantly to such work-
 8 ers’ separation or threat of separation.”;

9 (3) in subsection (d) (as redesignated), by add-
 10 ing at the end the following:

11 “(5) REFERENCE TO FIRM.—For purposes of
 12 subsections (a) and (b), the term ‘firm’ does not in-
 13 clude a public agency.”; and

14 (4) in paragraph (2) of subsection (e) (as reded-
 15 igned), by striking “subsection (a) or (b)” and in-
 16 serting “subsection (a), (b), or (c)”.

17 **SEC. 212. LIMITATIONS ON TRADE READJUSTMENT ALLOW-**
 18 **ANCES.**

19 (a) LIMITATIONS.—Section 233(a)(3) of the Trade
 20 Act of 1974 (19 U.S.C. 2293(a)(3)) is amended in the
 21 matter preceding subparagraph (A) by striking “65 addi-
 22 tional weeks in the 78-week period” and inserting “78 ad-
 23 ditional weeks in the 91-week period”.

24 (b) PAYMENT OF TRADE READJUSTMENT ALLOW-
 25 ANCES TO COMPLETE TRAINING.—Section 233(f) of the

1 Trade Act of 1974 (19 U.S.C. 2293(f)) is amended by
2 striking “13” each place it appears and inserting “26”.

3 **SEC. 213. JOB SEARCH AND RELOCATION ALLOWANCES.**

4 (a) **JOB SEARCH ALLOWANCES.**—Section 237 of the
5 Trade Act of 1974 (19 U.S.C. 2297) is amended—

6 (1) in subsection (a)(1)—

7 (A) by striking “Each State” and all that
8 follows through “an adversely affected worker”
9 and inserting “An adversely affected worker”;
10 and

11 (B) by striking “to file” and inserting
12 “may file”;

13 (2) in subsection (b)—

14 (A) in paragraph (1), by striking “not
15 more than 90 percent” and inserting “100 per-
16 cent”; and

17 (B) in paragraph (2), by striking “\$1,250”
18 and inserting “\$1,500”; and

19 (3) in subsection (c), by striking “a State may”
20 and inserting “the Secretary shall”.

21 (b) **RELOCATION ALLOWANCES.**—Section 238 of the
22 Trade Act of 1974 (19 U.S.C. 2298) is amended—

23 (1) in subsection (a)(1)—

24 (A) by striking “Each State” and all that
25 follows through “an adversely affected worker”

1 and inserting “An adversely affected worker”;
2 and

3 (B) by striking “to file” and inserting
4 “may file”; and
5 (2) in subsection (b)—

6 (A) in paragraph (1), by striking “not
7 more than 90 percent” and inserting “100 per-
8 cent”; and

9 (B) in paragraph (2), by striking “\$1,250”
10 and inserting “\$1,500”.

11 **SEC. 214. REEMPLOYMENT TRADE ADJUSTMENT ASSIST-**
12 **ANCE PROGRAM.**

13 Section 246(a) of the Trade Act of 1974 (19 U.S.C.
14 2318(a)) is amended—

15 (1) in paragraph (3)(B)—

16 (A) in clause (ii), by striking “\$50,000”
17 and inserting “\$55,000”; and

18 (B) in clause (iii)(I), by striking “and is
19 not enrolled” and inserting “whether or not the
20 worker is enrolled”; and

21 (2) in paragraph (5), by striking “\$10,000”
22 each place it appears and inserting “\$12,000”.

1 **TITLE III—GENERAL**
2 **PROVISIONS**

3 **SEC. 301. APPLICABILITY OF TRADE ADJUSTMENT ASSIST-**
4 **ANCE PROVISIONS.**

5 (a) TRADE ADJUSTMENT ASSISTANCE FOR WORK-
6 ERS.—

7 (1) PETITIONS FILED ON OR AFTER JANUARY 1,
8 2014, AND BEFORE DATE OF ENACTMENT.—

9 (A) CERTIFICATIONS OF WORKERS NOT
10 CERTIFIED BEFORE DATE OF ENACTMENT.—

11 (i) CRITERIA IF A DETERMINATION
12 HAS NOT BEEN MADE.—If, as of the date
13 of the enactment of this Act, the Secretary
14 of Labor has not made a determination
15 with respect to whether to certify a group
16 of workers as eligible to apply for adjust-
17 ment assistance under section 222 of the
18 Trade Act of 1974 pursuant to a petition
19 described in clause (iii), the Secretary shall
20 make that determination based on the re-
21 quirements of section 222 of the Trade Act
22 of 1974, as in effect on such date of enact-
23 ment.

24 (ii) RECONSIDERATION OF DENIALS
25 OF CERTIFICATIONS.—If, before the date

1 of the enactment of this Act, the Secretary
2 made a determination not to certify a
3 group of workers as eligible to apply for
4 adjustment assistance under section 222 of
5 the Trade Act of 1974 pursuant to a peti-
6 tion described in clause (iii), the Secretary
7 shall—

8 (I) reconsider that determination;

9 and

10 (II) if the group of workers
11 meets the requirements of section 222
12 of the Trade Act of 1974, as in effect
13 on such date of enactment, certify the
14 group of workers as eligible to apply
15 for adjustment assistance.

16 (iii) PETITION DESCRIBED.—A peti-
17 tion described in this clause is a petition
18 for a certification of eligibility for a group
19 of workers filed under section 221 of the
20 Trade Act of 1974 on or after January 1,
21 2014, and before the date of the enactment
22 of this Act.

23 (B) ELIGIBILITY FOR BENEFITS.—

24 (i) IN GENERAL.—Except as provided
25 in clause (ii), a worker certified as eligible

1 to apply for adjustment assistance under
2 section 222 of the Trade Act of 1974 pur-
3 suant to a petition described in subpara-
4 graph (A)(iii) shall be eligible, on and after
5 the date that is 90 days after the date of
6 the enactment of this Act, to receive bene-
7 fits only under the provisions of chapter 2
8 of title II of the Trade Act of 1974, as in
9 effect on such date of enactment.

10 (ii) COMPUTATION OF MAXIMUM BEN-
11 EFITS.—Benefits received by a worker de-
12 scribed in clause (i) under chapter 2 of
13 title II of the Trade Act of 1974 before the
14 date of the enactment of this Act shall be
15 included in any determination of the max-
16 imum benefits for which the worker is eli-
17 gible under the provisions of chapter 2 of
18 title II of the Trade Act of 1974, as in ef-
19 fect on the date of the enactment of this
20 Act.

21 (2) PETITIONS FILED BEFORE JANUARY 1,
22 2014.—A worker certified as eligible to apply for ad-
23 justment assistance pursuant to a petition filed
24 under section 221 of the Trade Act of 1974 on or
25 before December 31, 2013, shall continue to be eligi-

1 ble to apply for and receive benefits under the provi-
2 sions of chapter 2 of title II of such Act, as in effect
3 on December 31, 2013.

4 (3) QUALIFYING SEPARATIONS WITH RESPECT
5 TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF
6 ENACTMENT.—Section 223(b) of the Trade Act of
7 1974, as in effect on the date of the enactment of
8 this Act, shall be applied and administered by sub-
9 stituting “before January 1, 2014” for “more than
10 one year before the date of the petition on which
11 such certification was granted” for purposes of de-
12 termining whether a worker is eligible to apply for
13 adjustment assistance pursuant to a petition filed
14 under section 221 of the Trade Act of 1974 on or
15 after the date of the enactment of this Act and on
16 or before the date that is 90 days after such date
17 of enactment.

18 (b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

19 (1) CERTIFICATION OF FIRMS NOT CERTIFIED
20 BEFORE DATE OF ENACTMENT.—

21 (A) CRITERIA IF A DETERMINATION HAS
22 NOT BEEN MADE.—If, as of the date of the en-
23 actment of this Act, the Secretary of Commerce
24 has not made a determination with respect to
25 whether to certify a firm as eligible to apply for

1 adjustment assistance under section 251 of the
2 Trade Act of 1974 pursuant to a petition de-
3 scribed in subparagraph (C), the Secretary shall
4 make that determination based on the require-
5 ments of section 251 of the Trade Act of 1974,
6 as in effect on such date of enactment.

7 (B) RECONSIDERATION OF DENIAL OF
8 CERTAIN PETITIONS.—If, before the date of the
9 enactment of this Act, the Secretary made a de-
10 termination not to certify a firm as eligible to
11 apply for adjustment assistance under section
12 251 of the Trade Act of 1974 pursuant to a pe-
13 tition described in subparagraph (C), the Sec-
14 retary shall—

15 (i) reconsider that determination; and

16 (ii) if the firm meets the requirements
17 of section 251 of the Trade Act of 1974,
18 as in effect on such date of enactment, cer-
19 tify the firm as eligible to apply for adjust-
20 ment assistance.

21 (C) PETITION DESCRIBED.—A petition de-
22 scribed in this subparagraph is a petition for a
23 certification of eligibility filed by a firm or its
24 representative under section 251 of the Trade

1 Act of 1974 on or after January 1, 2014, and
2 before the date of the enactment of this Act.

3 (2) CERTIFICATION OF FIRMS THAT DID NOT
4 SUBMIT PETITIONS BETWEEN JANUARY 1, 2014, AND
5 DATE OF ENACTMENT.—

6 (A) IN GENERAL.—The Secretary of Com-
7 merce shall certify a firm described in subpara-
8 graph (B) as eligible to apply for adjustment
9 assistance under section 251 of the Trade Act
10 of 1974, as in effect on the date of the enact-
11 ment of this Act, if the firm or its representa-
12 tive files a petition for a certification of eligi-
13 bility under section 251 of the Trade Act of
14 1974 not later than 90 days after such date of
15 enactment.

16 (B) FIRM DESCRIBED.—A firm described
17 in this subparagraph is a firm that the Sec-
18 retary determines would have been certified as
19 eligible to apply for adjustment assistance if—

20 (i) the firm or its representative had
21 filed a petition for a certification of eligi-
22 bility under section 251 of the Trade Act
23 of 1974 on a date during the period begin-
24 ning on January 1, 2014, and ending on

1 the day before the date of the enactment
2 of this Act; and

3 (ii) the provisions of chapter 3 of title
4 II of the Trade Act of 1974, as in effect
5 on such date of enactment, had been in ef-
6 fect on that date during the period de-
7 scribed in clause (i).

8 **SEC. 302. SUNSET PROVISIONS.**

9 (a) APPLICATION OF PRIOR LAW.—Subject to sub-
10 section (b), beginning on January 1, 2021, the provisions
11 of chapters 2, 3, 5, and 6 of title II of the Trade Act
12 of 1974 (19 U.S.C. 2271 et seq.), as in effect on January
13 1, 2014, shall be in effect and apply, except that in apply-
14 ing and administering such chapters—

15 (1) paragraph (1) of section 231(c) of that Act
16 shall be applied and administered as if subpara-
17 graphs (A), (B), and (C) of that paragraph were not
18 in effect;

19 (2) section 233 of that Act shall be applied and
20 administered—

21 (A) in subsection (a)—

22 (i) in paragraph (2), by substituting
23 “104-week period” for “104-week period”
24 and all that follows through “130-week pe-
25 riod)”; and

1 (ii) in paragraph (3)—

2 (I) in the matter preceding sub-
3 paragraph (A), by substituting “65”
4 for “52”; and

5 (II) by substituting “78-week pe-
6 riod” for “52-week period” each place
7 it appears; and

8 (B) by applying and administering sub-
9 section (g) as if it read as follows:

10 “(g) PAYMENT OF TRADE READJUSTMENT ALLOW-
11 ANCES TO COMPLETE TRAINING.—Notwithstanding any
12 other provision of this section, in order to assist an ad-
13 versely affected worker to complete training approved for
14 the worker under section 236 that leads to the completion
15 of a degree or industry-recognized credential, payments
16 may be made as trade readjustment allowances for not
17 more than 13 weeks within such period of eligibility as
18 the Secretary may prescribe to account for a break in
19 training or for justifiable cause that follows the last week
20 for which the worker is otherwise entitled to a trade read-
21 justment allowance under this chapter if—

22 “(1) payment of the trade readjustment allow-
23 ance for not more than 13 weeks is necessary for the
24 worker to complete the training;

1 “(2) the worker participates in training in each
2 such week; and

3 “(3) the worker—

4 “(A) has substantially met the perform-
5 ance benchmarks established as part of the
6 training approved for the worker;

7 “(B) is expected to continue to make
8 progress toward the completion of the training;
9 and

10 “(C) will complete the training during that
11 period of eligibility.”;

12 (3) section 234 shall be applied and adminis-
13 tered as in effect on December 31, 2013;

14 (4) section 245(a) of that Act shall be applied
15 and administered by substituting “2021” for
16 “2007”;

17 (5) section 246(b)(1) of that Act shall be ap-
18 plied and administered by substituting “December
19 31, 2021” for “the date that is 5 years” and all that
20 follows through “State”;

21 (6) section 256(b) of that Act shall be applied
22 and administered by substituting “the 1-year period
23 beginning on January 1, 2021” for “each of fiscal
24 years 2003 through 2007, and \$4,000,000 for the 3-
25 month period beginning on October 1, 2007”;

1 (7) section 298(a) of that Act shall be applied
2 and administered by substituting “the 1-year period
3 beginning on January 1, 2021” for “each of the fis-
4 cal years” and all that follows through “October 1,
5 2007”; and

6 (8) section 285 of that Act shall be applied and
7 administered—

8 (A) in subsection (a), by substituting
9 “2021” for “2007” each place it appears; and

10 (B) by applying and administering sub-
11 section (b) as if it read as follows:

12 “(b) OTHER ASSISTANCE.—

13 “(1) ASSISTANCE FOR FIRMS.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), assistance may not be pro-
16 vided under chapter 3 after December 31,
17 2021.

18 “(B) EXCEPTION.—Notwithstanding sub-
19 paragraph (A), any assistance approved under
20 chapter 3 pursuant to a petition filed under sec-
21 tion 251 on or before December 31, 2021, may
22 be provided—

23 “(i) to the extent funds are available
24 pursuant to such chapter for such purpose;
25 and

1 “(ii) to the extent the recipient of the
2 assistance is otherwise eligible to receive
3 such assistance.

4 “(2) FARMERS.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), assistance may not be pro-
7 vided under chapter 6 after December 31,
8 2021.

9 “(B) EXCEPTION.—Notwithstanding sub-
10 paragraph (A), any assistance approved under
11 chapter 6 on or before December 31, 2021, may
12 be provided—

13 “(i) to the extent funds are available
14 pursuant to such chapter for such purpose;
15 and

16 “(ii) to the extent the recipient of the
17 assistance is otherwise eligible to receive
18 such assistance.”.

19 (b) EXCEPTIONS.—The provisions of chapters 2, 3,
20 5, and 6 of title II of the Trade Act of 1974, as in effect
21 on the date of the enactment of this Act, shall continue
22 to apply on and after January 1, 2021, with respect to—

23 (1) workers certified as eligible for trade adjust-
24 ment assistance benefits under chapter 2 of title II

1 of that Act pursuant to petitions filed under section
2 221 of that Act before January 1, 2021;

3 (2) firms certified as eligible for technical as-
4 sistance or grants under chapter 3 of title II of that
5 Act pursuant to petitions filed under section 251 of
6 that Act before January 1, 2021; and

7 (3) agricultural commodity producers certified
8 as eligible for technical or financial assistance under
9 chapter 6 of title II of that Act pursuant to petitions
10 filed under section 292 of that Act before January
11 1, 2021.

12 **TITLE IV—HEALTH COVERAGE**
13 **TAX CREDIT**

14 **SEC. 401. EXTENSION AND MODIFICATION OF HEALTH COV-**
15 **ERAGE TAX CREDIT.**

16 (a) EXTENSION.—Subparagraph (B) of section
17 35(b)(1) of the Internal Revenue Code of 1986 is amended
18 by striking “before January 1, 2014” and inserting “be-
19 fore January 1, 2021”.

20 (b) INCREASE.—Subsection (a) of section 35 of the
21 Internal Revenue Code of 1986 is amended by striking
22 “72.5 percent” and inserting “80 percent”.

23 (c) COORDINATION WITH PPACA CREDIT FOR COV-
24 ERAGE UNDER A QUALIFIED HEALTH PLAN.—

1 (1) IN GENERAL.—Subsection (a) of section 35
 2 of the Internal Revenue Code of 1986 is amended by
 3 striking “In the case of an individual,” and inserting
 4 “In the case of an individual who elects the applica-
 5 tion of this section for the taxable year,”.

6 (2) COORDINATION RULE.—Subsection (g) of
 7 section 35 of such Code is amended by redesignating
 8 paragraph (11) as paragraph (12) and by inserting
 9 after paragraph (10) the following:

10 “(11) COORDINATION WITH PREMIUM TAX
 11 CREDIT.—

12 “(A) IN GENERAL.—In the case of a tax-
 13 payer who elects the application of this section
 14 for any taxable year, no credit shall be allowed
 15 under section 36B with respect to such tax-
 16 payer for such taxable year.

17 “(B) ELECTION.—Any election for this
 18 section to apply for a taxable year, once made,
 19 shall be irrevocable.”.

20 (3) ADVANCE PAYMENT.—Section 7527 of such
 21 Code is amended by adding at the end the following
 22 new subsection:

23 “(f) COORDINATION WITH ADVANCE PAYMENT OF
 24 PREMIUM TAX CREDIT.—No payment shall be made
 25 under this section on behalf of any individual with respect

1 to whom any advance payment is made under section 1412
2 of the Patient Protection and Affordable Care Act for the
3 taxable year.”.

4 (4) PROCEDURES.—The Secretary of the Treas-
5 ury shall issue such procedures and guidance as may
6 be necessary or appropriate to coordinate, and facili-
7 tate taxpayer choices between, advance payments
8 under section 7527 of the Internal Revenue Code of
9 1986 and section 1412 of the Patient Protection and
10 Affordable Care Act.

11 (d) HEALTH PLANS OFFERED THROUGH EXCHANGE
12 TREATED AS QUALIFIED HEALTH INSURANCE.—Para-
13 graph (1) of section 35(e) of such Code is amended by
14 adding at the end the following new subparagraph:

15 “(L) Coverage under a qualified health
16 plan which was enrolled in through an Ex-
17 change established under title I of the Patient
18 Protection and Affordable Care Act.”.

19 (e) EFFECTIVE DATE.—

20 (1) IN GENERAL.—The amendments made by
21 this section shall apply to coverage months begin-
22 ning after December 31, 2013.

23 (2) ADVANCE PAYMENT PROVISIONS.—The
24 amendment made by subsection (c)(3) shall apply to

1 certificates issued after the date of the enactment of
2 this Act.

3 **SEC. 402. TAA PRE-CERTIFICATION RULE FOR PURPOSES**
4 **OF DETERMINING WHETHER THERE IS A 63-**
5 **DAY LAPSE IN CREDITABLE COVERAGE.**

6 (a) IN GENERAL.—The following provisions are each
7 amended by striking “January 1, 2014” and inserting
8 “January 1, 2021”:

9 (1) Section 9801(c)(2)(D).

10 (2) Section 701(c)(2)(C) of the Employee Re-
11 tirement Income Security Act of 1974.

12 (3) Section 2701(c)(2)(C) of the Public Health
13 Service Act (as in effect for plan years beginning be-
14 fore January 1, 2014).

15 (4) Section 2704(c)(2)(C) of the Public Health
16 Service Act (as in effect for plan years beginning on
17 or after January 1, 2014).

18 (b) EFFECTIVE DATE.—

19 (1) IN GENERAL.—The amendments made by
20 this section shall apply to plan years beginning after
21 December 31, 2013.

22 (2) TRANSITIONAL RULES.—

23 (A) BENEFIT DETERMINATIONS.—Not-
24 withstanding the amendments made by this sec-
25 tion (and the provisions of law amended there-

1 by), a plan shall not be required to modify ben-
2 efit determinations for the period beginning on
3 January 1, 2014, and ending 30 days after the
4 date of the enactment of this Act, but a plan
5 shall not fail to be qualified health insurance
6 within the meaning of section 35(e) of the In-
7 ternal Revenue Code of 1986 during this period
8 merely due to such failure to modify benefit de-
9 terminations.

10 (B) GUIDANCE CONCERNING PERIODS BE-
11 FORE 30 DAYS AFTER ENACTMENT.—Except as
12 provided in subparagraph (A), the Secretary of
13 the Treasury (or his designee), in consultation
14 with the Secretary of Health and Human Serv-
15 ices and the Secretary of Labor, may issue reg-
16 ulations or other guidance regarding the scope
17 of the application of the amendments made by
18 this section to periods before the date which is
19 30 days after the date of the enactment of this
20 Act.

21 (C) SPECIAL RULE RELATING TO CERTAIN
22 LOSS OF COVERAGE.—In the case of a TAA-re-
23 lated loss of coverage (as defined in section
24 4980B(f)(5)(C)(iv) of the Internal Revenue
25 Code of 1986) that occurs during the period be-

1 ginning on January 1, 2014, and ending 30
2 days after the date of the enactment of this
3 Act, the 7-day period described in section
4 9801(c)(2)(D) of the Internal Revenue Code of
5 1986, section 701(c)(2)(C) of the Employee Re-
6 tirement Income Security Act of 1974, and sec-
7 tion 2701(c)(2)(C) of the Public Health Service
8 Act shall be extended until 30 days after such
9 date of enactment.

10 **SEC. 403. EXTENSION OF COBRA BENEFITS FOR CERTAIN**
11 **TAA-ELIGIBLE INDIVIDUALS AND PBGC RE-**
12 **CIPIENTS.**

13 (a) **IN GENERAL.**—The following provisions are each
14 amended by striking “January 1, 2014” and inserting
15 “January 1, 2021”:

16 (1) Section 4980B(f)(2)(B)(i)(V).

17 (2) Section 4980B(f)(2)(B)(i)(VI).

18 (3) Section 602(2)(A)(v) of the Employee Re-
19 tirement Income Security Act of 1974.

20 (4) Section 602(2)(A)(vi) of such Act.

21 (5) Section 2202(2)(A)(iv) of the Public Health
22 Service Act.

23 (b) **EFFECTIVE DATE.**—The amendments made by
24 this section shall apply to periods of coverage which would
25 (without regard to the amendments made by this section)

- 1 end on or after the date which is 30 days after the date
- 2 of the enactment of this Act.

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