

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6311
OFFERED BY MR. BRADY OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Increasing Access to
3 Lower Premium Plans Act of 2018”.

**4 SEC. 2. MODIFICATION OF DEFINITION OF QUALIFIED
5 HEALTH PLAN.**

6 (a) IN GENERAL.—Section 36B(c)(3)(A) of the In-
7 ternal Revenue Code of 1986 is amended—

8 (1) by inserting “(determined without regard to
9 subparagraphs (A), (C)(ii), and (C)(iv) of paragraph
10 (1) thereof and without regard to whether the plan
11 is offered on an Exchange)” after “1301(a) of the
12 Patient Protection and Affordable Care Act”, and

13 (2) by striking “shall not include” and all that
14 follows and inserting “shall not include any health
15 plan that—

16 “(i) is a grandfathered health plan or
17 a grandmothere health plan, or

1 “(ii) includes coverage for abortions
2 (other than any abortion necessary to save
3 the life of the mother or any abortion with
4 respect to a pregnancy that is the result of
5 an act of rape or incest).”.

6 (b) DEFINITION OF GRANDMOTHERED HEALTH
7 PLAN.—Section 36B(e)(3) of such Code is amended by
8 adding at the end the following new subparagraph:

9 “(C) GRANDMOTHERED HEALTH PLAN.—

10 “(i) IN GENERAL.—The term
11 ‘grandmothered health plan’ means health
12 insurance coverage which is offered in the
13 individual health insurance market as of
14 October 1, 2013, and is permitted to be of-
15 fered in such market after January 1,
16 2014, as a result of CCIIO guidance.

17 “(ii) CCIIO GUIDANCE DEFINED.—
18 The term ‘CCIIO guidance’ means the let-
19 ter issued by the Centers for Medicare &
20 Medicaid Services on November 14, 2013,
21 to the State Insurance Commissioners out-
22 lining a transitional policy for non-grand-
23 fathered coverage in the individual health
24 insurance market, as subsequently ex-
25 tended and modified (including by a com-

1 munication entitled ‘Insurance Standards
2 Bulletin Series—INFORMATION—Ex-
3 tension of Transitional Policy through
4 2019’ issued on April 9, 2018, by the Di-
5 rector of the Center for Consumer Infor-
6 mation and Insurance Oversight of such
7 Centers).

8 “(iii) INDIVIDUAL HEALTH INSUR-
9 ANCE MARKET.—The term ‘individual
10 health insurance market’ means the mar-
11 ket for health insurance coverage (as de-
12 fined in section 9832(b)) offered to individ-
13 uals other than in connection with a group
14 health plan (within the meaning of section
15 5000(b)(1)).”.

16 (c) CONFORMING AMENDMENT RELATED TO ABOR-
17 TION COVERAGE.—Section 36B(c)(3) of such Code, as
18 amended by paragraph (2), is amended by adding at the
19 end the following new subparagraph:

20 “(D) CERTAIN RULES RELATED TO ABOR-
21 TION.—

22 “(i) OPTION TO PURCHASE SEPARATE
23 COVERAGE OR PLAN.—Nothing in subpara-
24 graph (A) shall be construed as prohibiting
25 any individual from purchasing separate

1 coverage for abortions described in such
2 subparagraph, or a health plan that in-
3 cludes such abortions, so long as no credit
4 is allowed under this section with respect
5 to the premiums for such coverage or plan.

6 “(ii) OPTION TO OFFER COVERAGE OR
7 PLAN.—Nothing in subparagraph (A) shall
8 restrict any health insurance issuer offer-
9 ing a health plan from offering separate
10 coverage for abortions described in such
11 subparagraph, or a plan that includes such
12 abortions, so long as premiums for such
13 separate coverage or plan are not paid for
14 with any amount attributable to the credit
15 allowed under this section (or the amount
16 of any advance payment of the credit
17 under section 1412 of the Patient Protec-
18 tion and Affordable Care Act).

19 “(iii) OTHER TREATMENTS.—The
20 treatment of any infection, injury, disease,
21 or disorder that has been caused by or ex-
22 acerbated by the performance of an abor-
23 tion shall not be treated as an abortion for
24 purposes of subparagraph (A).”.

1 (d) CONFORMING AMENDMENTS RELATED TO OFF-
2 EXCHANGE COVERAGE.—

3 (1) ADVANCE PAYMENT NOT APPLICABLE.—

4 Section 1412 of the Patient Protection and Afford-
5 able Care Act is amended by adding at the end the
6 following new subsection:

7 “(f) EXCLUSION OF OFF-EXCHANGE COVERAGE.—
8 Advance payments under this section, and advance deter-
9 minations under section 1411, with respect to any credit
10 allowed under section 36B shall not be made with respect
11 to any health plan which is not enrolled in through an
12 Exchange.”.

13 (2) REPORTING.—Section 6055(b) of the Inter-
14 nal Revenue Code of 1986 is amended by adding at
15 the end the following new paragraph:

16 “(3) INFORMATION RELATING TO OFF-EX-
17 CHANGE PREMIUM TAX CREDIT ELIGIBLE COV-
18 ERAGE.—If minimum essential coverage provided to
19 an individual under subsection (a) consists of a
20 qualified health plan (as defined in section
21 36B(c)(3)) which is not enrolled in through an Ex-
22 change established under title I of the Patient Pro-
23 tection and Affordable Care Act, a return described
24 in this subsection shall include—

1 “(A) a statement that such plan is a quali-
2 fied health plan (as defined in section
3 36B(c)(3)),

4 “(B) the premiums paid with respect to
5 such coverage,

6 “(C) the months during the calendar year
7 for which such coverage is provided to the indi-
8 vidual,

9 “(D) the adjusted monthly premium for
10 the applicable second lowest cost silver plan (as
11 defined in section 36B(b)(3)) for each such
12 month with respect to such individual, and

13 “(E) such other information as the Sec-
14 retary may prescribe.”.

15 (3) OTHER CONFORMING AMENDMENTS.—

16 (A) Section 36B(b)(2)(A) of such Code is
17 amended by striking “and which were enrolled”
18 and all that follows and inserting “, or”.

19 (B) Section 36B(b)(3)(B)(i) of such Code
20 is amended by striking “the same Exchange”
21 and all that follows and inserting “the Ex-
22 change through which such taxpayer is per-
23 mitted to obtain coverage, and”.

24 (C) Section 36B(c)(2)(A)(i) of such Code
25 is amended by striking “that was enrolled in

1 through an Exchange established by the State
2 under section 1311 of the Patient Protection
3 and Affordable Care Act”.

4 (e) EFFECTIVE DATE.—

5 (1) IN GENERAL.—Except as otherwise pro-
6 vided in this subsection, the amendments made by
7 this section shall apply to taxable years beginning
8 after December 31, 2018.

9 (2) ADVANCE PAYMENT NOT APPLICABLE TO
10 OFF-EXCHANGE COVERAGE.—The amendment made
11 by subsection (d)(1) shall take effect on January 1,
12 2019.

13 (3) REPORTING.—The amendment made by
14 subsection (d)(2) shall apply to coverage provided
15 for months beginning after December 31, 2018.

16 **SEC. 3. ALLOWING ALL INDIVIDUALS PURCHASING HEALTH**
17 **INSURANCE IN THE INDIVIDUAL MARKET**
18 **THE OPTION TO PURCHASE A LOWER PRE-**
19 **MIUM COPPER PLAN.**

20 (a) IN GENERAL.—Section 1302(e) of the Patient
21 Protection and Affordable Care Act (42 U.S.C. 18022(e))
22 is amended—

23 (1) in paragraph (1)—

24 (A) by redesignating clauses (i) and (ii) of
25 subparagraph (B) as subparagraphs (A) and

1 (B), respectively, and adjusting the margins ac-
2 cordingly;

3 (B) by striking “plan year if—” and all
4 that follows through “the plan provides—” and
5 inserting “plan year if the plan provides—”;
6 and

7 (C) in subparagraph (A), as redesignated
8 by paragraph (1), by striking “clause (ii)” and
9 inserting “subparagraph (B)”;
10 (2) by striking paragraph (2); and
11 (3) by redesignating paragraph (3) as para-
12 graph (2).

13 (b) RISK POOLS.—Section 1312(c)(1) of the Patient
14 Protection and Affordable Care Act (42 U.S.C.
15 18032(c)(1)) is amended by inserting “and enrollees in
16 catastrophic plans described in section 1302(e)” after
17 “Exchange”.

18 (c) CONFORMING AMENDMENT.—Section
19 1312(d)(3)(C) of the Patient Protection and Affordable
20 Care Act (42 U.S.C. 18032(d)(3)(C)) is amended by strik-
21 ing “, except that in the case of a catastrophic plan de-
22 scribed in section 1302(e), a qualified individual may en-
23 roll in the plan only if the individual is eligible to enroll
24 in the plan under section 1302(e)(2)”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to plan years beginning after De-
3 cember 31, 2018.

