

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
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 “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

1 amended by redesignating paragraph (9) as paragraph
2 (10) and by inserting after paragraph (8) the following
3 new paragraph:

4 “(9) SPECIAL RULE FOR UNSUBSIDIZED COBRA
5 CONTINUATION COVERAGE.—In the case of unsub-
6 sidized COBRA continuation coverage—

7 “(A) subsection (d)(1) shall be applied by
8 substituting ‘COBRA continuation coverage
9 which is certified by the plan administrator (as
10 defined in section 414(g)) of the group health
11 plan’ for ‘health insurance coverage which is
12 certified by the State in which such insurance
13 is offered’, and

14 “(B) the requirements of paragraph (8)
15 shall be treated as satisfied if the certification
16 meets such requirements as the Secretary may
17 provide.”.

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

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

23 “(1) IN GENERAL.—The term ‘unsubsidized
24 COBRA continuation coverage’ means COBRA con-
25 tinuation coverage the payment of applicable pre-

1 miums (as defined in section 4980B(f)(4)) for which
2 is solely the obligation of the taxpayer.

3 “(2) COBRA CONTINUATION COVERAGE.—The
4 term ‘COBRA continuation coverage’ means con-
5 tinuation coverage provided—

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

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

17 “(C) under a group health plan that is a
18 church plan (as defined in section 414(e)) and
19 is comparable to coverage provided pursuant to
20 section 4980B.

21 Such term shall not include coverage under a health
22 flexible spending arrangement.”.

23 (d) CONFORMING AMENDMENT.—

24 (1) Section 36B(d)(2)(A) is amended by inserting
25 “COBRA continuation coverage or” after “other than”.

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

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

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

