

116TH CONGRESS  
1ST SESSION

# S. 1935

To amend the Internal Revenue Code of 1986 to ensure that working families have access to affordable health insurance coverage.

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## IN THE SENATE OF THE UNITED STATES

JUNE 20, 2019

Mr. BROWN (for himself, Ms. CORTEZ MASTO, Mr. CASEY, Ms. SMITH, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. COONS, Mr. HEINRICH, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MERKLEY, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mrs. SHAHEEN, Ms. STABENOW, and Mr. UDALL) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to ensure that working families have access to affordable health insurance coverage.

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 “Family Coverage Act”.

5 **SEC. 2. SENSE OF CONGRESS.**

6 Notwithstanding the amendments made by section 3,  
7 it is the sense of Congress that the Secretary of Health  
8 and Human Services and the Secretary of the Treasury,

1 within their respective jurisdictions, have the administra-  
2 tive authority necessary to apply the affordability provi-  
3 sion in section 36B of the Internal Revenue Code of 1986  
4 in such a manner as to expand access to affordable health  
5 insurance coverage for working families without further  
6 legislation.

7 **SEC. 3. CLARIFICATION REGARDING DETERMINATION OF**  
8 **AFFORDABILITY OF EMPLOYER-SPONSORED**  
9 **MINIMUM ESSENTIAL COVERAGE.**

10 (a) IN GENERAL.—Clause (i) of section 36B(c)(2)(C)  
11 of the Internal Revenue Code of 1986 is amended to read  
12 as follows:

13 “(i) COVERAGE MUST BE AFFORD-  
14 ABLE.—

15 “(I) IN GENERAL.—Except as  
16 provided in clause (iii), an individual  
17 shall not be treated as eligible for  
18 minimum essential coverage if such  
19 coverage consists of an eligible em-  
20 ployer-sponsored plan (as defined in  
21 section 5000A(f)(2)) and the required  
22 contribution with respect to the plan  
23 exceeds 9.86 percent of the applicable  
24 taxpayer’s household income.

1                   “(II) REQUIRED CONTRIBUTION  
2                   WITH RESPECT TO EMPLOYEE.—In  
3                   the case of the employee eligible to en-  
4                   roll in the plan, the required contribu-  
5                   tion for purposes of subclause (I) is  
6                   the employee’s required contribution  
7                   (within the meaning of section  
8                   5000A(e)(1)(B)(i)) with respect to the  
9                   plan.

10                   “(III) REQUIRED CONTRIBUTION  
11                   WITH RESPECT TO FAMILY MEM-  
12                   BERS.—In the case of an individual  
13                   who is eligible to enroll in the plan by  
14                   reason of a relationship the individual  
15                   bears to the employee, the required  
16                   contribution for purposes of subclause  
17                   (I) is the employee’s required con-  
18                   tribution (within the meaning of sec-  
19                   tion 5000A(e)(1)(B)(i), determined by  
20                   substituting ‘family’ for ‘self-only’)  
21                   with respect to the plan.”.

22                   (b) CONFORMING AMENDMENTS.—

23                   (1) Clause (ii) of section 36B(c)(2)(C) of the  
24                   Internal Revenue Code of 1986 is amended by add-  
25                   ing at the end the following: “This clause shall also

1 apply to an individual who is eligible to enroll in the  
2 plan by reason of a relationship the individual bears  
3 to the employee.”.

4 (2) Clause (iii) of section 36B(c)(2)(C) of such  
5 Code is amended by striking “the last sentence of  
6 clause (i)” and inserting “clause (i)(III)”.

7 (3) Clause (iv) of section 36B(c)(2)(C) of such  
8 Code is amended by striking “clause (i)(II)” and in-  
9 serting “clause (i)(I)”.

10 (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply to taxable years beginning after  
12 December 31, 2019.

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