AMENDMENT

OFFERED BY MS. SHEA-PORTER OF NEW HAMPSHIRE

Add at the end of subtitle A of title II the following:

SEC. 219. CLARIFICATION REGARDING DETERMINATION OF AFFORDABILITY OF EMPLOYER-SPONSORED MINIMUM ESSENTIAL COVERAGE.

(a) In General.—Section 36B(c)(2)(C)(i) of the Internal Revenue Code of 1986 is amended to read as follows:

“(i) Coverage must be affordable.—

“(I) In general.—Except as provided in clause (iii), an individual shall not be treated as eligible for minimum essential coverage if such coverage consists of an eligible employer-sponsored plan (as defined in section 5000A(f)(2)) and the required contribution with respect to the plan exceeds 9.5 percent of the applicable taxpayer’s household income.
“(II) Required contribution with respect to employee.—In the case of the employee eligible to enroll in the plan, the required contribution for purposes of subclause (I) is the employee’s required contribution (within the meaning of section 5000A(e)(1)(B)(i)) with respect to the plan.

“(III) Required contribution with respect to family members.—In the case of an individual who is eligible to enroll in the plan by reason of a relationship the individual bears to the employee, the required contribution for purposes of subclause (I) is the employee’s required contribution (within the meaning of section 5000A(e)(1)(B)(i), determined by substituting ‘family’ for ‘self-only’) with respect to the plan.”.

(b) Conforming Amendments.—

(1) Section 36B(e)(2)(C)(ii) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “This clause shall also apply to an
individual who is eligible to enroll in the plan by reason of a relationship the individual bears to the employee.”.

(2) Section 36B(e)(2)(C)(iii) of such Code is amended by striking “the last sentence of clause (i)” and inserting “clause (i)(III)”.

(3) Section 36B(e)(2)(C)(iv) of such Code is amended by striking “clause (i)(II)” and inserting “clause (i)(I)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.