

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3798
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Small Business Flexi-
3 bility Act”.

**4 SEC. 2. NOTIFICATION OF FLEXIBLE HEALTH INSURANCE
5 BENEFITS.**

6 (a) IN GENERAL.—Subchapter C of chapter 100 of
7 the Internal Revenue Code of 1986 is amended by adding
8 at the end the following new section:

**9 “SEC. 9835. NOTIFICATION OF FLEXIBLE HEALTH INSUR-
10 ANCE BENEFITS.**

11 “(a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this section, the Secretary shall no-
13 tify employers of the availability of tax-advantaged flexible
14 health insurance benefits, with an initial focus on small
15 businesses.

16 “(b) DEFINITIONS.—In this section:

17 “(1) EMPLOYER.—The term ‘employer’ has the
18 meaning given such term in section 3(5) of the Em-

1 ployee Retirement Income Security Act (29 U.S.C.
2 1002(5)).

3 “(2) FLEXIBLE HEALTH INSURANCE BENE-
4 FITS.—The term ‘flexible health insurance benefits’
5 means—

6 “(A) an individual contribution health re-
7 imbursement arrangement (as described in the
8 rule entitled ‘Health Reimbursement Arrange-
9 ments and Other Account-Based Group Health
10 Plans’ (84 Fed. Reg. 28888 (June 20, 2019));

11 “(B) a qualified small employer health re-
12 imbursement arrangement (as defined in sec-
13 tion 9831(d)(2)); and

14 “(C) the small employer health insurance
15 credit determined under section 45R.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for subchapter C of chapter 100 of such Code is amended
18 by adding at the end the following new item:

“Sec. 9835. Notification of flexible health insurance benefits.”.

