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The American Rescue Plan Act's COBRA Subsidy – Déjàvu But Different: Considering the Guidance Issued Through April 30, 2021

By Greta E. Cowart*
Jackson Walker LLP
Dallas, Tx

GENERAL OVERVIEW

A subsidy designed to help with the payment of COBRA premiums was added for the period beginning on April 1, 2021, through September 30, 2021.¹ Unlike previous COBRA premium subsidies, this new premium assistance lets assistance eligible individuals elect COBRA at *no* cost to the individual for the six-month period of premium assistance as a distinct improvement to the 65% discount allowed in the past.²

* Greta Cowart has counseled employers for more than 30 years on best practices in human resources and employee relations issues related to benefits and executive compensation. Greta works closely with clients in defense of IRS team audits and U.S. Department of Labor audits, and represents clients in corporate transactions including mergers and spin-offs. Greta is a former chair of the Employee Benefits Committee of the ABA Section of Taxation and has served on the U.S. Department of Health and Human Services CHIP Working Group. This article is not intended to provide any legal advice or to create any attorney-client relationship.

¹ American Rescue Plan Act (ARPA), Pub. L. No. 117-2, §9501(a).

² American Recovery and Reinvestment Act (ARRA), Pub. L. No. 111-5, §3001.

ASSISTANCE ELIGIBLE INDIVIDUALS ARE THE ONLY PERSONS ELIGIBLE FOR THE SUBSIDY

Full elimination of premiums is available to an individual who elects COBRA (as the result of the individual or the individual's family member)³ losing coverage due (1) to termination of employment (other than for gross misconduct) or (2) to a reduction in hours of work that caused the in loss of coverage; except that, persons who "voluntarily terminated employment" are excluded from being assistance eligible individuals.⁴ A person who qualifies for the new assistance is referred to as an "assistance eligible individual." The assistance eligible person definition includes persons who may already be on COBRA continuation coverage due to a termination of employment or reduction in hours which occurred prior to the enactment of the Relief Act, and individuals who could have been on COBRA continuation coverage, but only if they had elected coverage provided such individuals' maximum duration of coverage has not expired.⁵

The FAQs addressing the new relief remind that a loss of coverage is due to an involuntary termination of employment or reduction in hours whether it be due to a change from full-time to part-time status, taking a temporary leave, or participation in a lawful labor strike (as long as the employee remains employed). Query: will a separation agreement be considered evidence of an involuntary separation when in fact they may be used with voluntary window programs? Will an individual who accepted an early retirement package as part of a downsizing amidst the pandemic be considered to be involuntarily terminated when they executed a release as part of their de-

³ U.S. Dep't of Labor, FAQs About COBRA Premium Assistance Under the American Rescue Plan Act of 2021 (Apr. 7, 2021) (the "FAQs"), Q&As 3 and 7, <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/our-activities/resource-center/faqs/cobra-premium-assistance-under-arp.pdf>.

⁴ ARPA §9501(a)(3).

⁵ ARPA §9501(a)(3), §9501(a)(4).

parture package? Does it matter if their employer had made it clear that if enough people did not take the early retirement packages or other exit packages, there would be layoffs?

The FAQs imply that an individual who was a covered dependent and would have been a qualified beneficiary under pre-ARPA COBRA⁶ may also be an assistance eligible individual raising the question of does the premium relief in ARPA extend to pay for the coverage for dependents who are qualified beneficiaries.⁷ This question was not addressed in the U.S. Department of Labor's webinar on the COBRA premium assistance on April 26, 2021.⁸

Employers should be prepared to handle claims for this subsidy for COBRA from individuals claiming their termination was involuntary and to address those through the ERISA claim process.⁹

PLANS COVERED AND EXCLUDED

This new COBRA premium assistance applies to group health plans which are subject to the Employee Retirement Income Security Act (ERISA)¹⁰ or the Public Health Service Act (PHSA).¹¹ This means it does not apply, for example, to self-insured church plans.¹²

Under FAQs issued by the Employee Benefits Security Administration (EBSA), premium assistance under ARPA applies to employer-sponsored plans, union-sponsored plans, and to group health plans sponsored by state or local governments that are subject to continuation coverage under the PHSA in addition to the Mini-COBRA plans.¹³

The FAQs for employers clarify that the COBRA Subsidy under ARPA applies to both federal COBRA as well as comparable state mandated continuation coverage (Mini-COBRA). Small employers with insured health plans that are exempt from federal COBRA continuation coverage, but subject to Mini-COBRA may provide the premium assistance for Mini-COBRA during the April 1, 2021, to September 31, 2021.¹⁴

⁶ I.R.C. §4980B.

⁷ FAQs Q&A 7 (referring to being covered by the group health plan on the last day of your family member's employment), and Q&A 5.

⁸ COBRA Premium Assistance under the American Rescue Plan Act of 2021 Compliance Assistance Webcast (Apr. 26, 2021).

⁹ FAQs Q&A 3 and 5; ERISA §503; 29 C.F.R. §2560.503-1.

¹⁰ Pub. L. No. 93-406.

¹¹ Pub. L. No. 78-410.

¹² ARPA §9501.

¹³ FAQs Q&A 2.

¹⁴ FAQs Q&A 2.

DIFFERENT BENEFIT OPTIONS AND ELECTION DEADLINES

An assistance eligible individual may elect to enroll in COBRA coverage under a different benefit option than the option the individual was enrolled in immediately prior to their loss of coverage qualifying event. The individual's election must be within 60 days after the date of the notice of her option to enroll.¹⁵ However, the statute does not recognize the current deadlines which were extended due to the national emergency declared as the result of the pandemic under the U.S. Department of Labor's EBSA Disaster Relief Notices 2020-01 and 2021-01 and were extended for employee actions during the pandemic's national emergency declaration. The FAQs clarified that the prior disaster extension for electing COBRA continuation coverage does not apply to the 60-day notice or election periods related to the COBRA subsidy, instead the 60 day election deadline for the COBRA Subsidy elections are firm and are not subject to the pandemic extensions.¹⁶

The ability to enroll in a different health coverage option applies to an assistance eligible individual and only if the employer has determined that it will allow the individual to enroll in different coverage,¹⁷ the premium for the different coverage is less than or equal to the premium for the coverage in which the individual is currently enrolled, the different coverage offered to the individual is also offered to similarly situated employees, the different coverage is not an "excepted benefit" (such as dental only or vision only), and the group health plan is not a qualified small employer health reimbursement arrangement or flexible spending account.¹⁸ If this option to change coverage is available, the election to change coverage must be made within 90 days of receipt of the notice.¹⁹

Assistance eligible individuals who have COBRA coverage under a state-mandated continuation coverage program should be aware that the new COBRA subsidy does **not** change any of the state-mandated time periods related to the state continuation coverage. It only allows the premium assistance to those persons who qualify as assistance eligible individuals during the April 1, 2021, to September 30, 2021 period.²⁰ Employers offering coverage that is subject to state-mandated continuation should be certain not to alter the state-mandated deadlines for elections and

¹⁵ ARPA §9501(a)(1)(B); FAQs Q&A 13.

¹⁶ FAQs Q&A 5; ARPA §9501(a)(1)(B).

¹⁷ FAQs Q&A 15.

¹⁸ ARPA §9501(a)(1)(B).

¹⁹ ARPA §9501(a)(1)(B).

²⁰ FAQs Q&A 6.

notifications when they prepare communications about the mandated notice information so that the assistance eligible individuals know to comply with the state deadlines instead of the ARPA deadlines.

PREMIUM ASSISTANCE ENDS

This premium assistance ends for an assistance eligible individual on the first day when the individual is eligible for coverage under any other group health plan (excluding eligibility for excepted benefits (such as dental or vision) or a flexible spending account or a qualified small employer health reimbursement arrangement) or the first day the individual is eligible for benefits under Medicare. This is different than the existing COBRA statutory termination events which terminate COBRA coverage when the individual is “entitled to Medicare” benefits.²¹ The premium assistance ends on the earlier of: (1) the expiration of the individual’s maximum 18 months COBRA period, (2) the date the individual becomes eligible for another group health plan, (3) the date the individual becomes eligible to enroll in Medicare, or (4) September 30, 2021, when the temporary assistance expires under the current statute.

ARRA’s COBRA subsidy expired and was renewed legislatively a number of times. Only time will tell if ARPA’s COBRA subsidy or premium assistance will also have more than one life.

ASSISTANCE ELIGIBLE INDIVIDUAL’S NOTICE OBLIGATION

The assistance eligible individual is required to notify the group health plan when she becomes eligible to be covered under another group health plan.²² The notice will be in the form and within the time specified by the U.S. Department of Labor.²³ Failure to notify the plan administrator at the time and in the manner specified by the U.S. Department of Labor may result in a penalty of \$250 per failure and a higher penalty if the failure was intentional. The penalty assessed for failure to provide such notice may be waived if the taxpayer shows the failure to notify was due to reasonable cause and not due to willful neglect.²⁴ When the U.S. Department of Labor issued the first set of model notices, those model notices and the related FAQs did not address the notice required from the assistance eligible employees when they become eligible for other group health plan coverage.

The penalty for failing to notify the plan administrator of the individual’s eligibility for other group

health care plan coverage is 110% of the premium assistance the individual receives. It is a federal tax penalty under I.R.C. §6720C.²⁵

The premium assistance does not alter or extend the duration of COBRA continuation coverage beyond the date on which it would expire under the COBRA statutes in the Code, ERISA or the PHSAs.

PREMIUM ASSISTANCE AND CURRENT COBRA QUALIFIED BENEFICIARIES

The period for electing COBRA coverage for assistance eligible individuals who do not have a COBRA coverage election in effect on April 1, 2021, but who would qualify as an assistance eligible individual (such as individuals who previously elected COBRA continuation coverage and then discontinued such coverage before April 1, 2021) may now elect in a new election period to continue COBRA coverage. Employers will need to again offer such assistance eligible individuals the right to elect to use the COBRA continuation coverage, but this time with the premium assistance, during the period that begins on April 1, 2021, and ends 90 days after the date the employer provides such individuals with the new COBRA election notice with respect to the premium assistance.²⁶ Note that under the standard COBRA election requirements, a qualified beneficiary is only given 60 days from receipt of the notice and election forms following a qualifying event in which to elect COBRA coverage and so a plan administrator modifying their standard forms will need to carefully structure any explanation of election deadlines.²⁷

PREMIUM ASSISTANCE FOR COBRA QUALIFIED BENEFICIARIES WHOSE ELECTION PERIODS EXPIRED

For persons who previously were offered COBRA coverage, but who do not have an election of COBRA coverage in effect on April 1, 2021, there will be a new COBRA coverage election period.²⁸ This will require a new COBRA notice form (including such individuals’ covered dependents who are also qualified beneficiaries), identify which of those individuals voluntarily terminated employment, and identify which of those are assistance eligible individuals who dropped COBRA coverage prior to April 1, 2021, but still would have COBRA eligibility. Employers

²¹ I.R.C. §4980B(f)(2)(B)(i)(VII).

²² FAQs Q&A 4.

²³ ARPA §9501(b)(2)(A) (adding new I.R.C. §6720C).

²⁴ ARPA §9501(b)(2)(A) (adding new I.R.C. §6720C).

²⁵ ARPA §9501(b)(2)(A) (adding new I.R.C. §6720C).

²⁶ ARPA §9501(a)(1)(B)(i).

²⁷ I.R.C. §4980B(f)(5).

²⁸ ARPA §9501(a)(4).

should start reviewing their records to identify the assistance eligible individuals whose COBRA coverage maximum period has not yet expired and start verifying that the list does not include those who voluntarily terminated. There has been no definition of a voluntary termination in the COBRA statutes or regulations since the original enactment of COBRA in April 1986.

Because ARPA re-opens a new COBRA election for certain people who are not currently on COBRA, there is a new notice required for this group that will extend a new election period for COBRA coverage with the premium assistance (free COBRA coverage) which will last 60 days after the individuals receive the new notice regarding the COBRA assistance.²⁹ Employers will want to plan to deliver the notices so they will know when the notices are received by the individuals. Persons who elect COBRA continuation coverage during this extended election or new election period will have their coverage start on April 1, 2021, and such coverage will not extend beyond the maximum duration of COBRA coverage for such individual based on their original qualifying event. So, for example, an individual who was involuntarily terminated on December 31, 2019, would have an eighteen month maximum COBRA period through June 30, 2021. The COBRA premium assistance would be offered for the period beginning on April 1, 2021, the individual must elect within 60 days of receipt of the new notice, and the premium subsidy would run from April 1, 2021, through June 30, 2021.³⁰

NEW NOTICE AND ELECTION REQUIREMENTS

The COBRA notices regarding premium assistance will be treated as sufficient if they include additional written notifications describing the availability of premium assistance with respect to the coverage and describing the availability of the option to enroll in a different coverage option. This is only for COBRA notifications for assistance eligible individual(s). The ARPA specifically indicated that these new assistance eligible individuals COBRA notices can be compiled by either modifying the standard COBRA notice or with an additional disclosure included with the normal COBRA notice and election form.³¹ Model Notices were released on April 7, 2021, on the U.S. Department of Labor website. There are four new model forms and an alternative form to one of the model

forms.³² The EBSA, in cooperation with the IRS and the Treasury, issued the forms with sets of FAQs for Employers as well as FAQs for workers and their families.

The new separate election form (or the additional disclosure) for assistance eligible individuals must include the forms necessary for proving eligibility for premium assistance, the name, address, and telephone necessary to contact the plan administrator (or the persons maintaining relevant information related to the premium assistance), a description of the extended election for assistance eligible individuals who previously elected COBRA or dropped COBRA coverage, a description of the obligation of the assistance eligible individual to notify the group health plan or its administrator of the individual's eligibility for other group health care plan coverage.³³

The additional notice also must describe and display in a prominent manner the assistance eligible individual's right to a subsidized premium, any conditions on entitlement to the subsidize premium, and the option that the qualified beneficiary has to enroll in different coverage, if the employer permits the individual to elect different coverage.³⁴

The new notices with respect to the premium assistance available to assistance eligible individuals must be provided to any qualified beneficiary who is an assistance eligible individual entitled to elect COBRA coverage prior to April 1, 2021. Such notices must be delivered within 60 days after April 1, 2021, or prior to May 31, 2021. Failure to deliver this notice is subject to the penalties for failure to meet the normal COBRA notice requirements and related penalties.³⁵ Sample notices and model forms were directed to be issued within 30 days of enactment of the Relief Act or by Sunday April 11, 2021, and were in fact published on the U.S. Department of Labor's website on April 7, 2021.

Normal COBRA notices and elections for individuals obtaining the right to elect COBRA coverage are not required to contain the premium assistance disclosures and may continue with the standard disclosure related to availability of coverage in the marketplaces under the Affordable Care Act. However, ARPA specifically noted that the other COBRA notices are subject to the efforts of the Secretaries of Labor, Treasury, and Health and Human Services efforts to provide guidance with respect to such notices. The Model Notices released on April 7, 2021, were released with

²⁹ ARPA §9501(a)(4)(A)(ii).

³⁰ FAQs Q&A 5.

³¹ ARPA §9501(a)(5).

³² 86 Fed. Reg. 19,027 (Apr. 12, 2021); Model forms are found at <https://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/cobra/premium-subsidy>.

³³ ARPA §9501(a)(5); FAQ Q&A 11.

³⁴ ARPA §9501(a)(5)(B).

³⁵ ARPA §9501(a)(5)(C).

Frequently Asked Questions that had been reviewed by the U.S. Department of Labor, the IRS, and the Treasury. While ARPA did not consider the pandemic-related extensions, the most recently issued model notices did address that the pandemic-related extensions did not apply to the deadlines for individual elections under the COBRA subsidy under ARPA.

Assistance eligible individuals who are receiving a new election period as the result of the ARPA COBRA subsidy may elect coverage effective as of April 1, 2021, or prospectively from the date of their election. Such individuals can elect to start COBRA subsidy coverage as of April 1, 2021, even though they received their notice and election after April 1, 2021.³⁶

Even if the COBRA subsidy coverage is elected after April 1, 2021, it will not extend the duration of COBRA coverage beyond the 18 month maximum duration of coverage provided under I.R.C. §4980B.

MODEL NOTICES

The new Model Notices can be used by employers to give the required notice to current group health plan participants terminating employment between April 1, 2021, and September 1, 2021. While there are a number of extended time periods (under various guidance) related to the national emergency related to the pandemic, the FAQs clarify that such extended deadlines do not apply to extend the notice or election periods related to ARPA's COBRA subsidy. The excise tax for providing late notices for ARPA's COBRA subsidy are up to \$100 per person and up to \$200 per family. This also means that the eligible individuals must still elect the subsidized COBRA coverage within 60 days of receipt of the new notices, and if such deadline is missed, the eligible individual forfeits all rights to elect COBRA coverage with the COBRA subsidy.

The Model Notices include the Model Notice in Connection with Extended Election Period which is used to notify eligible individuals (who lost coverage on or after October 1, 2019) who are eligible for the ARPA COBRA subsidy, were previously offered COBRA continuation coverage, but had not elected coverage or had not continued making premium payments of their ability to elect more COBRA coverage during the premium subsidy period. The Model Notices can be found at:³⁷

While the Model Notices are available, they are not mandated, and they can be modified. There may be

³⁶ FAQs Q&A 5.

³⁷ <https://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/cobra/premium-subsidy>.

good reasons to consider modification of the models. If an employer chooses to draft their own forms or to modify the model forms, the FAQs specify what information must be included in the revised notices.

The Model COBRA Subsidy forms do not include any model forms for addressing claims for a COBRA subsidy from an individual who is not eligible for the COBRA subsidy. It is important to remember that this is a claim for benefits and must be handled as a claim for benefits under plans subject to ERISA.³⁸ Non-ERISA plans and plans subject to state mini-COBRA laws must address claims or appeals related to the subsidies in accordance with their respective governing laws or plan provisions.

DURATION OF PREMIUM ASSISTANCE

The premium assistance extends from April 1, 2021, through September 30, 2021, under the Relief Act. Under previous legislative relief, initial deadlines were often extended or assistance was re-authorized. We will need to wait and see whether the ending deadline remains firm or if it is extended by subsequent legislation.

Employers Need to Prepare to Provide Notices of Termination of Premium Assistance

Nevertheless, employers will need to prepare to provide any assistance eligible individual whose COBRA coverage has not terminated (because the individual became covered by another group health plan) with a notice about termination of the premium assistance. This notice about termination of the premium assistance must tell the individual that the premium assistance will expire soon, prominently identify the date of the expiration and tell the individual that they may be eligible for coverage without any premium assistance through COBRA continuation coverage or coverage under another group health plan. This notice of termination of premium assistance must be provided during the period that begins on the date that is 45 days before the premium assistance coverage ends and no later than 15 days after such premium assistance coverage ends. So, if the expiration date of September 30, 2021, remains firm, the notice of termination of premium assistance must be provided between August 16, and October 15, 2021. In order to avoid complaints regarding not providing notice with sufficient time to secure new coverage, employers may want to consider providing the notice prior to Septem-

³⁸ ERISA §503; 29 C.F.R. §2560.503-1.

ber 30, 2021. Model termination of premium assistance notices were issued on April 26, 2021.

The Two Percent COBRA Administrative Fee

The FAQs make it clear that an assistance eligible individual electing COBRA during the period of the COBRA premium subsidy is not to be charged the two percent (2%) administrative fee.³⁹

Individual's Obligation to Notify Employer/Plan Administrator

An assistance eligible individual is subject to an excise tax penalty if the individual fails to provide the group health plan/employer with a notice of their ceasing to be eligible to receive COBRA assistance due to coverage under another group health plan. Failure to provide this notice by the assistance eligible individual results in a penalty of \$250 for each failure, and if the failure is intentional or fraudulent, the penalty is the greater of \$250 or 110% of the premium assistance provided to the individual. The new excise tax penalties were added under I.R.C. §6720C, as amended. This penalty can be excused if the employee demonstrates that the failure was due to reasonable cause and not willful neglect.⁴⁰ Thus, individuals have an incentive to notify a former employer of their eligibility for new employer-based coverage or eligibility for Medicare. Employers may want to include information on this potential penalty in the notice to employees regarding the availability of the premium assistance.

The regulating agencies are directed to provide guidance regarding the premium assistance requirements. Potential candidates for such guidance includes concepts not in current COBRA guidance such as what is a "voluntary termination" and are "good reason" terminations voluntary or involuntary as a starting point.⁴¹

Failure to Provide Premium Assistance

If an assistance eligible individual pays a COBRA premium when the individual should be receiving the COBRA premium assistance, the employer or person receiving such erroneous payment is required to reimburse such assistance eligible individual. If the employer reimburses the assistance eligible individual

for the erroneously paid COBRA premium within 60 days of receipt of the erroneous payment, the recipient making the reimbursement is allowed a credit for the premium assistance for the payment made to the employee.⁴² The FAQs also make it clear that the plans or insurers are not to collect premiums for coverage between April 1, 2021, and September 30, 2021, and then require the eligible individual to seek recovery of the premium.⁴³

If an individual eligible for the ARPA COBRA subsidy has already paid a COBRA premium for April 2021 (or any other month in the ARPA COBRA subsidy period), the FAQs instruct the individual to contact the plan administrator or employer to discuss a credit against future premium payments (presumably after the subsidy period, if the individual's maximum period of coverage extends past the subsidy period) or a refund. An employer can decide which method it will adopt to handle mistaken premium payments.⁴⁴

Individuals eligible for the ARPA COBRA subsidy may qualify for a special enrollment period at the end of the subsidy period to enroll in individual coverage.

Financing the Premium Assistance via a Refundable Tax Credit

Premium assistance provided by an employer is reimbursed to the employer by a tax credit added under new I.R.C. §6432. This credit applies to the employer's share of the hospital insurance premium deducted as part of the FICA taxes (1.45% of the employees' wages).⁴⁵ The credit is a dollar for dollar credit for amounts that would have been paid as COBRA premiums by assistance eligible individuals during each calendar quarter. The premiums waved as COBRA assistance are treated as paid by the employer for purposes of claiming the tax credit on their payroll taxes. If the amount of credit exceeds the amount the employer pays as its share of the hospital insurance taxes under FICA, then the excess amount is a tax credit the employer must claim. The excess credit is refundable. Credit may be advanced to the employer as an offset to payroll deposits.

Any claim for credit in excess of the amount due to the employer will be treated as an underpayment of tax is subject to assessment of penalties and interest.

An employer claiming a credit for premium assistance may not also claim a credit on the same amount of health premiums that are also used to support credits for wages and health insurance paid for emergency

³⁹ FAQs Q&A 9.

⁴⁰ I.R.C. §6720C(c).

⁴¹ ARPA §9501.

⁴² ARPA §9501(c)(3)(D).

⁴³ FAQs Q&A 7.

⁴⁴ FAQs Q&A 21.

⁴⁵ ARPA §9501(b)(1)(A).

paid sick leave or the extended family and medical leave act emergency leave under the Families First Coronavirus Relief Act⁴⁶ or under the CARES Act⁴⁷ as part of the wages for which credits are requested under such acts or the paid family leave act credits under new I.R.C. §3131 and I.R.C. §3132.⁴⁸ Simply a health insurance premium paid by an employer can only be used to support one tax credit either the COBRA subsidy or one of the paid leave credits extended under ARPA.⁴⁹ Claiming the credit for premium assistance is subject to review by the IRS for a five year period following the date on which the tax return claiming the credit is filed.⁵⁰ Employers will need to review their record retention policies with respect to COBRA continuation notices, elections, and with respect to payroll tax deposits and returns to ensure that records are retained for a sufficient period following 2021.

The credit for premium assistance applies only with respect to premiums paid for COBRA continuation coverage for coverage for periods beginning on or after April 1, 2021, and prior to October 1, 2021.

While there are penalties for failure to deposit Medicare taxes withheld from employees' wages under I.R.C. §6656, such penalties will not be imposed if the deposits were not made in anticipation of the credit for the COBRA subsidy.⁵¹ For calendar quarters in 2021, an employer may claim an advance payment of the refundable tax credit for the COBRA subsidy premium by filing Form 7200, *Advance Payment of*

Employer Credits Due to Covid-19, in accordance with the Form's instructions.⁵²

Impact of COBRA Premium Assistance on Individuals

An individual who receives premium assistance may not receive an advance payment of the credit for health insurance costs incurred by the individual for months for which the individual receives premium assistance while the premium assistance is in effect after April 1, 2021.⁵³

Individuals who receive premium assistance are not required to include the premium assistance in their gross income for individual income tax purposes.⁵⁴

CONCLUSION

Employers will need to watch for further guidance on the ARPA premium assistance for certainty they are claiming the correct tax credit for providing such premium assistance. Employers should review the model notices carefully as the U.S. Department of Labor functions to protect participant's rights and the notices may not include limits or deadlines that need to be set considering applicable case law and guidance on extensions issued to date. ARPA provides individuals with COBRA premium assistance relief for a temporary period. Whether it will be extended will likely depend on the progress of the economic recovery from the pandemic employers and individuals should watch for further guidance and changes.

⁴⁶ Pub. L. No. 116-27.

⁴⁷ Pub. L. No. 116-136.

⁴⁸ I.R.C. §6432(e).

⁴⁹ ARPA §9601(e).

⁵⁰ I.R.C. §6432(f).

⁵¹ I.R.C. §6432(c)(2)(C); Notice 2021-24.

⁵² Notice 2021-24.

⁵³ I.R.C. §35(g)(9) (as added by ARPA).

⁵⁴ I.R.C. §139I (as added by ARPA).