

119TH CONGRESS  
1ST SESSION

# H. R. 2744

To amend part B of title XVIII of the Social Security Act to provide for a special enrollment period under Medicare for individuals enrolled in COBRA continuation coverage, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2025

Mr. SMUCKER (for himself, Mr. BILIRAKIS, Mrs. HOUCHIN, Mr. THOMPSON of California, Ms. CRAIG, and Mr. NORCROSS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend part B of title XVIII of the Social Security Act to provide for a special enrollment period under Medicare for individuals enrolled in COBRA continuation coverage, and for other purposes.

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 “Medicare Enrollment  
5 Protection Act of 2025”.

1 **SEC. 2. TREATMENT UNDER MEDICARE OF INDIVIDUALS**  
2 **TRANSITIONING FROM COBRA CONTINU-**  
3 **ATION COVERAGE.**

4 (a) SPECIAL ENROLLMENT PERIOD FOR INDIVID-  
5 UALS ENROLLED IN COBRA CONTINUATION COV-  
6 ERAGE.—Section 1837(i) of the Social Security Act (42  
7 U.S.C. 1395p(i)) is amended by adding at the end the fol-  
8 lowing new paragraph:

9 “(5)(A) In the case of an individual who—

10 “(i) at the time the individual first satisfies  
11 paragraph (1) or (2) of section 1836(a), is enrolled  
12 in COBRA continuation coverage (as defined in sub-  
13 paragraph (D)); or

14 “(ii) is enrolled in COBRA continuation cov-  
15 erage and immediately prior to such enrollment was  
16 an individual described in paragraph (1) or (2) of  
17 this subsection,  
18 there shall be a special enrollment period described  
19 in subparagraph (B).

20 “(B) The special enrollment period referred to in sub-  
21 paragraph (A) is the period that includes—

22 “(i) each month during any part of which the  
23 individual is enrolled in COBRA continuation cov-  
24 erage; and

1 “(ii) the 3-month period beginning with the  
 2 first month following the last month during any part  
 3 of which such individual is so enrolled.

4 “(C) An individual may only enroll during the special  
 5 enrollment period provided under subparagraph (A) one  
 6 time during the individual’s lifetime.

7 “(D) For purposes of this paragraph, the term  
 8 ‘COBRA continuation coverage’ means continuation cov-  
 9 erage beginning on or after January 1, 2026—

10 “(i) under a COBRA continuation provision (as  
 11 defined in section 2791(d)(4) of the Public Health  
 12 Service Act);

13 “(ii) pursuant to section 8905a of title 5,  
 14 United States Code; or

15 “(iii) under a similar State law that provides  
 16 comparable continuation of group health plan cov-  
 17 erage.”.

18 (b) COVERAGE PERIOD FOR CERTAIN ELIGIBLE IN-  
 19 DIVIDUALS.—Section 1838(e) of the Social Security Act  
 20 (42 U.S.C. 1395q(e)) is amended—

21 (1) by striking “pursuant to section 1837(i)(3)  
 22 or 1837(i)(4)(B)” and inserting the following: “pur-  
 23 suant to—

24 “(1) section 1837(i)(3) or 1837(i)(4)(B)—”;

1           (2) by redesignating paragraphs (1) and (2) as  
 2           subparagraphs (A) and (B), respectively, and mov-  
 3           ing the indentation of each such subparagraph 2  
 4           ems to the right;

5           (3) by striking the period at the end of sub-  
 6           paragraph (B), as so redesignated, and inserting “;  
 7           or”; and

8           (4) by adding at the end the following new  
 9           paragraph:

10           “(2) section 1837(i)(5), the coverage period  
 11           shall begin on the first day of the month following  
 12           the month in which the individual so enrolls.”.

13           (c) NO INCREASE IN PREMIUM.—Section 1839(b) of  
 14           such Act (42 U.S.C. 1395r(b)) is amended—

15           (1) in the first sentence, by inserting “, (i)(5)”  
 16           after “subsection (i)(4)”;

17           (2) in the second sentence, by inserting before  
 18           the period at the end the following: “or months for  
 19           which the individual can demonstrate that the indi-  
 20           vidual was enrolled in COBRA continuation coverage  
 21           (as such term is defined in section 1837(i)(5)(D))”.

22           (d) COORDINATION OF BENEFITS.—

23           (1) ERISA.—Section 607 of the Employee Re-  
 24           tirement Income Security Act of 1974 (29 U.S.C.

1 1167) is amended by adding at the end the following  
2 new paragraph:

3 “(6) COORDINATION OF BENEFITS.—Notwith-  
4 standing any other provision of law, in the case that  
5 an individual is enrolled in COBRA continuation  
6 coverage (as defined in section 1837(i)(5)(D) of the  
7 Social Security Act) and the individual is eligible for  
8 but not enrolled in coverage under part B of title  
9 XVIII of the Social Security Act, such COBRA con-  
10 tinuation coverage shall not reduce or terminate ben-  
11 efits under such COBRA continuation coverage with  
12 respect to the individual on the basis that the indi-  
13 vidual is eligible for coverage under such part B or  
14 otherwise take into account such eligibility. Such  
15 benefits under such COBRA continuation coverage  
16 shall be provided to such an individual as if such in-  
17 dividual were not so eligible for coverage under such  
18 part B. Nothing in the preceding two sentences shall  
19 require the provision of such COBRA continuation  
20 coverage to an individual enrolled in coverage under  
21 such part B or prohibit the termination of such con-  
22 tinuation coverage or reduction of benefits under  
23 such continuation coverage in the case of an indi-  
24 vidual who enrolls under such part B.”.

1           (2) PHSA.—Section 2208 of the Public Health  
2       Service Act (42 U.S.C. 300bb–8) is amended—

3           (A) by striking “**DEFINITIONS**” and in-  
4       serting “**DEFINITIONS   AND   SPECIAL**  
5       **RULES**”; and

6           (B) by adding at the end the following new  
7       paragraph:

8           “(5) SPECIAL RULE FOR COORDINATION OF  
9       BENEFITS.—Notwithstanding any other provision of  
10      law, in the case that an individual is enrolled in  
11      COBRA continuation coverage (as defined in section  
12      1837(i)(5)(D) of the Social Security Act) and the in-  
13      dividual is eligible for but not enrolled in coverage  
14      under part B of title XVIII of the Social Security  
15      Act, such COBRA continuation coverage shall not  
16      reduce or terminate benefits under such COBRA  
17      continuation coverage with respect to the individual  
18      on the basis that the individual is eligible for cov-  
19      erage under such part B or otherwise take into ac-  
20      count such eligibility. Such benefits under such  
21      COBRA continuation coverage shall be provided to  
22      such an individual as if such individual were not so  
23      eligible for coverage under such part B. Nothing in  
24      the preceding two sentences shall require the provi-  
25      sion of such COBRA continuation coverage to an in-

1       dividual enrolled in coverage under such part B or  
2       prohibit the termination of such continuation cov-  
3       erage or reduction of benefits under such continu-  
4       ation coverage in the case of an individual who en-  
5       rolls under such part B.”.

6               (3) IRC.—Section 4980B(g) of the Internal  
7       Revenue Code of 1986 is amended—

8               (A) by striking “DEFINITIONS” and insert-  
9       ing “DEFINITIONS AND SPECIAL RULES”; and

10              (B) by adding at the end the following new  
11       paragraph:

12              “(5) SPECIAL RULE FOR COORDINATION OF  
13       BENEFITS.—Notwithstanding any other provision of  
14       law, in the case that an individual is enrolled in  
15       COBRA continuation coverage (as defined in section  
16       1837(i)(5)(D) of the Social Security Act) and the in-  
17       dividual is eligible for but not enrolled in coverage  
18       under part B of title XVIII of the Social Security  
19       Act, such COBRA continuation coverage shall not  
20       reduce or terminate benefits under such COBRA  
21       continuation coverage with respect to the individual  
22       on the basis that the individual is eligible for cov-  
23       erage under such part B or otherwise take into ac-  
24       count such eligibility. Such benefits under such  
25       COBRA continuation coverage shall be provided to

1       such an individual as if such individual were not so  
2       eligible for coverage under such part B. Nothing in  
3       the preceding two sentences shall require the provi-  
4       sion of such COBRA continuation coverage to an in-  
5       dividual enrolled in coverage under such part B or  
6       prohibit the termination of such continuation cov-  
7       erage or reduction of benefits under such continu-  
8       ation coverage in the case of an individual who en-  
9       rolls under such part B.”.

10       (e) UPDATING COBRA CONTINUATION COVERAGE  
11 NOTIFICATIONS.—Not later than January 1, 2026, the  
12 Secretary of Labor, in consultation with the Secretary of  
13 Health and Human Services, shall update the written no-  
14 tices required under section 606 of the Employee Retire-  
15 ment Income Security Act of 1974 (29 U.S.C. 1166) to  
16 include an explanation of the full scope of the Medicare  
17 secondary payer rules under section 1862(b) of the Social  
18 Security Act (42 U.S.C. 1395y(b)), including how such  
19 rules apply with respect to COBRA continuation coverage  
20 (as defined in section 1837(i)(5)(D) of the Social Security  
21 Act (42 U.S.C. 1395p(i)(5)(D))).

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