

110TH CONGRESS  
1ST SESSION

# H. R. 2047

To remove the 18 or 36 month limitation on the period of COBRA continuation coverage.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2007

Mr. DENT (for himself, Mr. KIRK, Mr. GERLACH, Ms. ROS-LEHTINEN, Mr. MARCHANT, Mr. McCAUL of Texas, Mr. COLE of Oklahoma, Mr. MARIO DIAZ-BALART of Florida, Mr. PORTER, Mr. SHAYS, Mr. ROSKAM, Mr. KING of Iowa, Mr. SESSIONS, Mr. REICHERT, Mrs. BIGGERT, and Mr. PRICE of Georgia) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, Ways and Means, and Oversight and Government Reform, 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 remove the 18 or 36 month limitation on the period of COBRA continuation 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 “Health Insurance for  
5 Life Act of 2007”.

1 **SEC. 2. REMOVAL OF 18 OR 36 MONTH LIMITATION ON**  
2 **COBRA CONTINUATION COVERAGE.**

3 (a) UNDER ERISA.—

4 (1) IN GENERAL.—Subparagraph (A) of section  
5 602(2) of the Employee Retirement Income Security  
6 Act of 1974 (29 U.S.C. 1162(2)) is amended to read  
7 as follows:

8 “(A) NO SPECIFIED MAXIMUM REQUIRED  
9 PERIOD.—Except as otherwise provided, there  
10 is no specified deadline for the continuation  
11 coverage provided under this part.”.

12 (2) INCREASED PREMIUM PERMITTED FOR AD-  
13 DITIONAL COVERAGE.—The last sentence of section  
14 602(3) of such Act is amended to read as follows:  
15 “In the case of an individual who was described in  
16 the last sentence of paragraph (2)(A), as in effect  
17 before the amendment made by section 2(a)(1) of  
18 the Health Insurance For Life Act of 2007, for any  
19 month after the 18th month of continuation cov-  
20 erage described in clause (i) or (ii) of such para-  
21 graph and in the case of an individual whose con-  
22 tinuation coverage is only required under this part  
23 due to such amendment, any reference in subpara-  
24 graph (A) of this paragraph to ‘102 percent’ is  
25 deemed a reference to such percentage as the Sec-  
26 retary of Health and Human Services determines

(from time to time and after consultation with the Secretary of Labor and the Secretary of the Treasury) that if were applied during the period of the first 18 months of continuation coverage under this part would have resulted in a premium equal to the average monthly actuarial cost of such continuation coverage.”.

(b) UNDER IRC.—

(1) IN GENERAL.—Clause (i) of section 4980B(f)(2)(B) of the Internal Revenue Code of 1986 (relating to maximum required period of continuation coverage) is amended to read as follows:

“(i) NO SPECIFIED MAXIMUM REQUIRED PERIOD.—Except as otherwise provided, there is no specified deadline for the continuation coverage provided under this section.”.

(2) INCREASED PREMIUM PERMITTED FOR ADDITIONAL COVERAGE.—The last sentence of section 4980B(f)(2)(C) of such Code is amended to read as follows: “In the case of an individual who was described in the last sentence of subparagraph (B)(i), as in effect before the amendment made by section 2(b)(1) of the Health Insurance For Life Act of 2007, for any month after the 18th month of con-

1        continuation coverage described in subclause (I) or (II)  
 2        of such subparagraph and in the case of an indi-  
 3        vidual whose continuation coverage is only required  
 4        under this section due to such amendment, any ref-  
 5        erence in clause (i) of this subparagraph to ‘102  
 6        percent’ is deemed a reference to such percentage as  
 7        the Secretary of Health and Human Services deter-  
 8        mines from time to time under the last sentence of  
 9        section 602(e) of the Employee Retirement Income  
 10        Security Act of 1974.”.

11        (c) UNDER PHSA.—

12                (1) IN GENERAL.—Subparagraph (A) of section  
 13        2202(2) of the Public Health Service Act (42 U.S.C.  
 14        300bb–2(2)) is amended to read as follows:

15                “(A) NO SPECIFIED MAXIMUM REQUIRED  
 16        PERIOD.—Except as otherwise provided, there  
 17        is no specified deadline for the continuation  
 18        coverage provided under this part.”.

19                (2) INCREASED PREMIUM PERMITTED FOR AD-  
 20        DITIONAL COVERAGE.—The last sentence of section  
 21        2202(3) of such Act is amended to read as follows:

22        “In the case of an individual who was described in  
 23        the last sentence of paragraph (2)(A), as in effect  
 24        before the amendment made by section 2(c)(1) of  
 25        the Health Insurance For Life Act of 2007, for any

1 month after the 18th month of continuation cov-  
2 erage described in clause (i) or (ii) of such para-  
3 graph and in the case of an individual whose con-  
4 tinuation coverage is only required under this part  
5 due to such amendment, any reference in subpara-  
6 graph (A) of this paragraph to ‘102 percent’ is  
7 deemed a reference to such percentage as the Sec-  
8 retary of Health and Human Services determines  
9 from time to time under the last sentence of section  
10 602(e) of the Employee Retirement Income Security  
11 Act of 1974.”.

12 (d) FEHBP.—

13 (1) IN GENERAL.—Subsection (e) of section  
14 8905a of title 5, United States Code, is amended to  
15 read as follows:

16 “(e) Continuation coverage under this section shall  
17 not extend beyond the period of continuation required  
18 under section 602(2) of the Employee Retirement Income  
19 Security Act of 1974 for a group health plan covered  
20 under such section.”.

21 (2) INCREASED PREMIUM PERMITTED FOR AD-  
22 DITIONAL COVERAGE.—Section 8905a(d) of such  
23 title is amended—

24 (A) in paragraph (1)(A), by striking “and  
25 (5)” and inserting “, (5), and (6)”;

1 (B) in paragraph (4)(A), in the matter be-  
2 fore clause (i), by inserting “for periods of con-  
3 tinuation coverage not resulting from the  
4 amendment made by section 2(d)(1) of the  
5 Health Insurance For Life Act of 2007” after  
6 “National Nuclear Security Administration”;

7 (C) in paragraph (5)(A), in the matter be-  
8 fore clause (i), by inserting “for periods of con-  
9 tinuation coverage not resulting from the  
10 amendment made by section 2(d)(1) of the  
11 Health Insurance For Life Act of 2007” after  
12 “Atomic Energy Defense Act”; and

13 (D) by adding at the end the following new  
14 paragraph:

15 “(6) In the case of any period of continuation cov-  
16 erage under this section resulting from the amendment  
17 made by section 2(d)(1) of the Health Insurance For Life  
18 Act of 2007, the amount required to be paid under this  
19 subsection shall be equal to a percentage (equal to such  
20 percentage as the Secretary of Health and Human Serv-  
21 ices determines from time to time under the last sentence  
22 of section 602(e) of the Employee Retirement Income Se-  
23 curity Act of 1974) applied to the amount described in  
24 paragraph (1)(A)(i).”.

25 (e) EFFECTIVE DATE.—

1           (1) IN GENERAL.—Subject to paragraph (2),  
2           the amendments made by subsections (a) through  
3           (c) shall apply with respect to group health plans,  
4           and health insurance coverage offered in connection  
5           with group health plans, for plan years beginning  
6           after the date of the enactment of this Act and the  
7           amendments made by subsection (d) shall apply to  
8           contract years beginning after the date of the enact-  
9           ment of this Act.

10           (2) TREATMENT OF COLLECTIVE BARGAINING  
11           AGREEMENTS.—In the case of a group health plan  
12           maintained pursuant to 1 or more collective bar-  
13           gaining agreements between employee representa-  
14           tives and 1 or more employers ratified before the  
15           date of enactment of this Act, the amendments made  
16           by subsections (a) through (c) shall not apply to  
17           plan years beginning before the later of—

18                   (A) the date on which the last collective  
19                   bargaining agreements relating to the plan ter-  
20                   minates (determined without regard to any ex-  
21                   tension thereof agreed to after the date of en-  
22                   actment of this Act); or

23                   (B) 2 years after the date of the enact-  
24                   ment of this Act.

1       For purposes of subparagraph (A), any plan amend-  
2       ment made pursuant to a collective bargaining  
3       agreement relating to the plan which amends the  
4       plan solely to conform to any requirement added by  
5       this section shall not be treated as a termination of  
6       such collective bargaining agreement.

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