

116TH CONGRESS
2D SESSION

H. R. 7942

To provide the option to extend COBRA continuation coverage through the last day of the 1-year period succeeding the COVID–19 emergency period, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2020

Ms. SÁNCHEZ (for herself, Mr. SCHNEIDER, and Mrs. FLETCHER) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, 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

A BILL

To provide the option to extend COBRA continuation coverage through the last day of the 1-year period succeeding the COVID–19 emergency period, 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 “Public Health Emer-
5 gency COBRA Extension Act”.

1 **SEC. 2. OPTION TO EXTEND COBRA CONTINUATION COV-**
 2 **ERAGE THROUGH THE LAST DAY OF THE 1-**
 3 **YEAR PERIOD SUCCEEDING THE COVID-19**
 4 **EMERGENCY PERIOD.**

5 (a) IN GENERAL.—Except as provided in subsection
 6 (b), if a qualifying event specified in subsection (c)(1)(A)
 7 with respect to any assistance eligible individual occurs
 8 during the period beginning on March 1, 2020, and ending
 9 on the last day of the 1-year period succeeding the emer-
 10 gency period described in section 1135(g)(1)(B) of the So-
 11 cial Security Act (42 U.S.C. 1320b–5(g)(1)(B)) and the
 12 period of coverage for COBRA continuation coverage with
 13 respect to such individual would, but for this subsection,
 14 otherwise terminate, the date which is the last day of the
 15 1-year period succeeding such emergency period.

16 (b) OPTION FOR OTHER MAXIMUM REQUIRED PE-
 17 RIOD.—If any assistance eligible individual elects to have
 18 this subsection apply, the period of coverage for COBRA
 19 continuation coverage with respect to such individual shall
 20 be the maximum required period under section 603 of the
 21 Employee Retirement Income Security Act of 1974, sec-
 22 tion 4980B(f)(3) of the Internal Revenue Code of 1986,
 23 section 2203 of the Public Health Service Act, or section
 24 8905a of title 5, United States Code, that would otherwise
 25 apply notwithstanding subsection (a).

26 (c) DEFINITIONS.—In this section:

1 (1) ASSISTANCE ELIGIBLE INDIVIDUAL.—The
2 term “assistance eligible individual” means, at any
3 time during the emergency period described in sec-
4 tion 1135(g)(1)(B) of the Social Security Act, any
5 individual that is a qualified beneficiary that—

6 (A) is eligible for COBRA continuation
7 coverage by reason of a qualifying event speci-
8 fied in section 603 of the Employee Retirement
9 Income Security Act of 1974, section
10 4980B(f)(3) of the Internal Revenue Code of
11 1986, section 2203 of the Public Health Service
12 Act, or section 8905a of title 5, United States
13 Code; and

14 (B) elects such coverage.

15 (2) COBRA CONTINUATION COVERAGE.—The
16 term “COBRA continuation coverage” means con-
17 tinuation coverage provided pursuant to part 6 of
18 subtitle B of title I of the Employee Retirement In-
19 come Security Act of 1974 (other than under section
20 609), title XXII of the Public Health Service Act,
21 section 4980B of the Internal Revenue Code of 1986
22 (other than subsection (f)(1) of such section insofar
23 as it relates to pediatric vaccines), or section 8905a
24 of title 5, United States Code, or under a State pro-
25 gram that provides comparable continuation cov-

1 erage. Such term does not include coverage under a
2 health flexible spending arrangement under a cafe-
3 teria plan within the meaning of section 125 of the
4 Internal Revenue Code of 1986.

5 (3) PERIOD OF COVERAGE.—Any reference in
6 this subsection to a period of coverage shall be treat-
7 ed as a reference to a monthly or shorter period of
8 coverage with respect to which premiums are
9 charged with respect to such coverage.

10 (4) QUALIFIED BENEFICIARY.—The term
11 “qualified beneficiary” has the meaning given such
12 term in section 607(3) of the Employee Retirement
13 Income Security Act of 1974.

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