

110TH CONGRESS
1ST SESSION

H. R. 2047

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

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

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

1 (from time to time and after consultation with the
2 Secretary of Labor and the Secretary of the Treas-
3 ury) that if were applied during the period of the
4 first 18 months of continuation coverage under this
5 part would have resulted in a premium equal to the
6 average monthly actuarial cost of such continuation
7 coverage.”.

8 (b) UNDER IRC.—

9 (1) IN GENERAL.—Clause (i) of section
10 4980B(f)(2)(B) of the Internal Revenue Code of
11 1986 (relating to maximum required period of con-
12 tinuation coverage) is amended to read as follows:

13 “(i) NO SPECIFIED MAXIMUM RE-
14 QUIRED PERIOD.—Except as otherwise
15 provided, there is no specified deadline for
16 the continuation coverage provided under
17 this section.”.

18 (2) INCREASED PREMIUM PERMITTED FOR AD-
19 DITIONAL COVERAGE.—The last sentence of section
20 4980B(f)(2)(C) of such Code is amended to read as
21 follows: “In the case of an individual who was de-
22 scribed in the last sentence of subparagraph (B)(i),
23 as in effect before the amendment made by section
24 2(b)(1) of the Health Insurance For Life Act of
25 2007, for any month after the 18th month of con-

tinuation coverage described in subclause (I) or (II) of such subparagraph and in the case of an individual whose continuation coverage is only required under this section due to such amendment, any reference in clause (i) of this subparagraph to ‘102 percent’ is deemed a reference to such percentage as the Secretary of Health and Human Services determines from time to time under the last sentence of section 602(e) of the Employee Retirement Income Security Act of 1974.”.

(c) UNDER PHSA.—

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

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

(2) INCREASED PREMIUM PERMITTED FOR ADDITIONAL COVERAGE.—The last sentence of section 2202(3) of such Act is amended to read as follows: “In the case of an individual who was described in the last sentence of paragraph (2)(A), as in effect before the amendment made by section 2(c)(1) of 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 subparagraph (A) of this paragraph to ‘102 percent’ is
6 deemed a reference to such percentage as the Sec-
7 retary of Health and Human Services determines
8 from time to time under the last sentence of section
9 602(e) of the Employee Retirement Income Security
10 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)”;

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

“(6) In the case of any period of continuation coverage under this section resulting from the amendment made by section 2(d)(1) of the Health Insurance For Life Act of 2007, the amount required to be paid under this subsection shall be equal to a percentage (equal to such percentage as the Secretary of Health and Human Services determines from time to time under the last sentence of section 602(e) of the Employee Retirement Income Security Act of 1974) applied to the amount described in 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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