

116TH CONGRESS  
2D SESSION

# H. R. 6130

To require the Secretary of Labor to update the model COBRA continuation coverage general notice and the model COBRA continuation coverage election notice, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2020

Mr. HARDER of California (for himself and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To require the Secretary of Labor to update the model COBRA continuation coverage general notice and the model COBRA continuation coverage election notice, 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 “Improving Awareness  
5 of Health Coverage Options Act”.

1 **SEC. 2. REQUIREMENT FOR SECRETARY OF LABOR TO UP-**  
2 **DATE MODEL COBRA CONTINUATION COV-**  
3 **ERAGE GENERAL NOTICE AND MODEL COBRA**  
4 **CONTINUATION COVERAGE ELECTION NO-**  
5 **TICE.**

6 (a) IN GENERAL.—Not later than 90 days after the  
7 date of the enactment of this Act, the Secretary of Labor,  
8 in consultation with the Secretary of Health and Human  
9 Services, shall update, and make publicly available in a  
10 prominent location on the website of the Department of  
11 Labor, the model Consolidated Omnibus Budget Reconcili-  
12 ation Act of 1985 (referred to in this section as  
13 “COBRA”) continuation coverage general notice and the  
14 model COBRA continuation coverage election notice devel-  
15 oped by the Secretary of Labor for purposes of facilitating  
16 compliance of group health plans with the notification re-  
17 quirements under section 606 of the Employee Retirement  
18 Income Security Act of 1974 (29 U.S.C. 1166). In updat-  
19 ing each such notice, the Secretary of Labor shall include  
20 information regarding any Exchange established under  
21 title I of the Patient Protection and Affordable Care Act  
22 through which a qualified beneficiary may be eligible to  
23 enroll in a qualified health plan, including—

24 (1) the publicly accessible internet website ad-  
25 dress for such Exchange;

1           (2) the publicly accessible internet website ad-  
2           dress for the Find Local Help directory maintained  
3           by the Department of Health and Human Services  
4           on the healthcare.gov internet website (or a suc-  
5           cessor website);

6           (3) a clear explanation that—

7                   (A) an individual who is eligible for con-  
8                   tinuation coverage may also be eligible to enroll,  
9                   with financial assistance, in a qualified health  
10                  plan offered through such Exchange, but, in the  
11                  case that such individual elects to enroll in such  
12                  continuation coverage and subsequently elects  
13                  to terminate such continuation coverage before  
14                  the period of such continuation coverage ex-  
15                  pires, such individual will not be eligible to en-  
16                  roll in a qualified health plan offered through  
17                  such Exchange during a special enrollment pe-  
18                  riod; and

19                  (B) an individual who elects to enroll in  
20                  continuation coverage will remain eligible to en-  
21                  roll in a qualified health plan offered through  
22                  such Exchange during an open enrollment pe-  
23                  riod and may be eligible for financial assistance  
24                  with respect to enrolling in such a qualified  
25                  health plan;

1           (4) information on consumer protections with  
2           respect to enrolling in a qualified health plan offered  
3           through such Exchange, including the requirement  
4           for such a qualified health plan to provide coverage  
5           for essential health benefits (as defined in section  
6           1302(b) of such Act (42 U.S.C. 18022(b))) and the  
7           requirements applicable to such a qualified health  
8           plan under part A of title XXVII of the Public  
9           Health Service Act (42 U.S.C. 300gg et seq.); and

10          (5) information on the availability of financial  
11          assistance with respect to enrolling in a qualified  
12          health plan, including the maximum income limit for  
13          eligibility for a premium tax credit under section  
14          36B of the Internal Revenue Code of 1986.

15          (b) NAME OF NOTICES.—In addition to updating the  
16          model COBRA continuation coverage general notice and  
17          the model COBRA continuation coverage election notice  
18          under subsection (a), the Secretary of Labor shall rename  
19          each such notice as the “model COBRA continuation cov-  
20          erage and Affordable Care Act coverage general notice”  
21          and the “model COBRA continuation coverage and Af-  
22          fordable Care Act coverage election notice”, respectively.

23          (c) CONSUMER TESTING.—Prior to making publicly  
24          available the model COBRA continuation coverage general  
25          notice and the model COBRA continuation coverage elec-

1 tion notice updated under subsection (a), the Secretary of  
2 Labor shall provide an opportunity for consumer testing  
3 of each such notice, as so updated, to ensure that each  
4 such notice is clear and understandable to the average  
5 participant or beneficiary of a group health plan.

6 (d) DEFINITIONS.—In this section:

7 (1) CONTINUATION COVERAGE.—The term  
8 “continuation coverage”, with respect to a group  
9 health plan, has the meaning given such term in sec-  
10 tion 602 of the Employee Retirement Income Secu-  
11 rity Act of 1974 (29 U.S.C. 1162).

12 (2) GROUP HEALTH PLAN.—The term “group  
13 health plan” has the meaning given such term in  
14 section 607 of such Act (29 U.S.C. 1167).

15 (3) QUALIFIED BENEFICIARY.—The term  
16 “qualified beneficiary” has the meaning given such  
17 term in such section 607.

18 (4) QUALIFIED HEALTH PLAN.—The term  
19 “qualified health plan” has the meaning given such  
20 term in section 1301 of the Patient Protection and  
21 Affordable Care Act (42 U.S.C. 18021).

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