

AMENDMENT

OFFERED BY MRS. DAVIS OF CALIFORNIA

Add at the end of subtitle G of title I of division A the following new section (and conform the table of contents for division A accordingly):

1 **SEC. 165. EXTENSION OF COBRA CONTINUATION COV-**
2 **ERAGE.**

3 (a) **EXTENSION OF CURRENT PERIODS OF CONTINU-**
4 **ATION COVERAGE.—**

5 (1) **IN GENERAL.**—In the case of any individual
6 who is, under a COBRA continuation coverage pro-
7 vision, covered under COBRA continuation coverage
8 on or after the date of the enactment of this Act,
9 the required period of any such coverage which has
10 not subsequently terminated under the terms of such
11 provision for any reason other than the expiration of
12 a period of a specified number of months shall, not-
13 withstanding such provision and subject to sub-
14 section (b), extend to the earlier of the date on
15 which such individual becomes eligible for coverage
16 under an employment-based health plan or the date
17 on which such individual becomes eligible for health
18 insurance coverage through the Health Insurance

1 Exchange (or a State-based Health Insurance Ex-
2 change operating in a State or group of States).

3 (2) NOTICE.—As soon as practicable after the
4 date of the enactment of this Act, the Secretary of
5 Labor, in consultation with the Secretary of the
6 Treasury and the Secretary of Health and Human
7 Services, shall, in consultation with administrators
8 of the group health plans (or other entities) that
9 provide or administer the COBRA continuation cov-
10 erage involved, provide rules setting forth the form
11 and manner in which prompt notice to individuals of
12 the continued availability of COBRA continuation
13 coverage to such individuals under paragraph (1).

14 (b) CONTINUED EFFECT OF OTHER TERMINATING
15 EVENTS.—Notwithstanding subsection (a), any required
16 period of COBRA continuation coverage which is extended
17 under such subsection shall terminate upon the occur-
18 rence, prior to the date of termination otherwise provided
19 in such subsection, of any terminating event specified in
20 the applicable continuation coverage provision other than
21 the expiration of a period of a specified number of months.

22 (c) ACCESS TO STATE HEALTH BENEFITS RISK
23 POOLS.—This section shall supersede any provision of the
24 law of a State or political subdivision thereof to the extent
25 that such provision has the effect of limiting or precluding

1 access by a qualified beneficiary whose COBRA continu-
2 ation coverage has been extended under this section to a
3 State health benefits risk pool recognized by the Commis-
4 sioner for purposes of this section solely by reason of the
5 extension of such coverage beyond the date on which such
6 coverage otherwise would have expired.

7 (d) DEFINITIONS.—For purposes of this section—

8 (1) COBRA CONTINUATION COVERAGE.—The
9 term “COBRA continuation coverage” means con-
10 tinuation coverage provided pursuant to part 6 of
11 subtitle B of title I of the Employee Retirement In-
12 come Security Act of 1974 (other than under section
13 609), title XXII of the Public Health Service Act,
14 section 4980B of the Internal Revenue Code of 1986
15 (other than subsection (f)(1) of such section insofar
16 as it relates to pediatric vaccines), or section 905a
17 of title 5, United States Code, or under a State pro-
18 gram that provides comparable continuation cov-
19 erage. Such term does not include coverage under a
20 health flexible spending arrangement under a cafe-
21 teria plan within the meaning of section 125 of the
22 Internal Revenue Code of 1986.

1 (2) COBRA CONTINUATION PROVISION.—The
2 term “COBRA continuation provision” means the
3 provisions of law described in paragraph (1).

