To extend for 6 months the maximum COBRA continuation coverage period for individuals who were involuntarily terminated between April 1, 2009, and December 31, 2009, and to amend the American Reinvestment and Recovery Act of 2009 to extend the eligibility period and maximum assistance period for COBRA premium assistance under such Act.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2009

Mr. Sestak 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 extend for 6 months the maximum COBRA continuation coverage period for individuals who were involuntarily terminated between April 1, 2009, and December 31, 2009, and to amend the American Reinvestment and Recovery Act of 2009 to extend the eligibility period and maximum assistance period for COBRA premium assistance under such Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Extended COBRA Continuation Protection Act of 2009”.

SEC. 2. 6-MONTH EXTENSION OF COBRA CONTINUATION COVERAGE FOR INDIVIDUALS INVOLUNTARILY TERMINATED BETWEEN APRIL 1, 2008, AND DECEMBER 31, 2008.

(a) IN GENERAL.—In applying a COBRA continuation provision (as defined in section 2791(d)(4) of the Public Health Service Act (42 U.S.C. 300gg–91(d)(4))) to an individual whose COBRA continuation coverage was a consequence of a termination (or reduction of hours) of employment occurring on or after April 1, 2008, and before January 1, 2010, if the maximum required period of COBRA continuation coverage is 18 months, such period is extended to 24 months.

(b) TRANSITIONAL RULE.—

(1) IN GENERAL.—In the case of an individual described in paragraph (2), under rules established jointly by the Secretaries of Health and Human Services, Treasury, and Labor, the individual may elect to continue and extend such coverage under the provisions of subsection (a) through an election similar to the election permitted under section 3001(a)(4)(A) of division B of the American Reinvestment and Recovery Act of 2009. In no case shall
the extended period of continuation under this para-
graph exceed 6 months.

(2) INDIVIDUAL DESCRIBED.—An individual de-
scribed in this paragraph is an individual whose
COBRA continuation coverage —

(A) is described in subsection (a);

(B) expired by virtue of reaching the max-
imum required period of continuation coverage
before the date of the enactment of this Act;

and

(C) would, but for the application of such
maximum required period of such continuation
coverage, had continued after such date.

SEC. 3. EXTENSION OF COBRA PREMIUM ASSISTANCE
UNDER ARRA.

(a) EXTENSION OF PERIOD FOR INDIVIDUALS TO
QUALIFY AS ASSISTANCE ELIGIBLE INDIVIDUALS.—Sub-
section (a)(3)(A) of section 3001 of division B of the
American Recovery and Reinvestment Act of 2009 (Public
Law 111–5) is amended by striking “December 31, 2009”
and inserting “June 30, 2010”.

(b) EXTENSION OF MAXIMUM PERIOD OF COBRA
PREMIUM ASSISTANCE.—Subsection (a)(2)(A)(ii) of such
section is amended—
(1) in subclause (I), by striking “9 months” and inserting “15 months”;
(2) by striking “or” at the end of subclause (II);
(3) by striking the period at the end of subclause (III) and inserting “, or”; and
(4) by adding at the end the following new subclause:

“(IV) December 31, 2010.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).