

117TH CONGRESS
1ST SESSION

H. R. 5390

To amend the American Rescue Plan Act of 2021 to extend the premium assistance for COBRA Continuation Coverage for individuals and their families.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2021

Mr. MRVAN introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, and Energy and Commerce, 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 amend the American Rescue Plan Act of 2021 to extend the premium assistance for COBRA Continuation Coverage for individuals and their families.

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 “COBRA Subsidy Ex-
5 tension for Workers and Families Act”.

1 **SEC. 2. EXTENSION OF PREMIUM ASSISTANCE FOR COBRA**
2 **CONTINUATION COVERAGE FOR INDIVID-**
3 **UALS AND THEIR FAMILIES.**

4 Section 9501(a) of the American Rescue Plan Act of
5 2021 (Public Law 117–2) is amended—

6 (1) in paragraph (1)(A), by striking “Sep-
7 tember 30, 2021” and inserting “September 30,
8 2022”;

9 (2) in paragraph (3), by striking “September
10 30, 2021” and inserting “September 30, 2022”;

11 (3) in paragraph (7), by striking “and (8)” and
12 inserting “(8), and (9)”;

13 (4) by redesignating paragraphs (9) and (10)
14 as paragraphs (10) and (11), respectively; and

15 (5) by inserting after paragraph (8) the fol-
16 lowing new paragraph:

17 “(9) EXPEDITED REVIEW OF DENIALS OF PRE-
18 MIUM ASSISTANCE.—In any case in which an indi-
19 vidual requests treatment as an assistance eligible
20 individual and is denied such treatment by the group
21 health plan, the Secretary of Labor (or the Sec-
22 retary of Health and Human Services in connection
23 with COBRA continuation coverage which is pro-
24 vided other than pursuant to part 6 of subtitle B of
25 title I of the Employee Retirement Income Security
26 Act of 1974), in consultation with the Secretary of

1 the Treasury, shall provide for expedited review of
2 such denial. An individual shall be entitled to such
3 review upon application to such Secretary in such
4 form and manner as shall be provided by such Sec-
5 retary. Such Secretary shall make a determination
6 regarding such individual's eligibility within 15 busi-
7 ness days after receipt of such individual's applica-
8 tion for review under this paragraph. Either Sec-
9 retary's determination upon review of the denial
10 shall be de novo and shall be the final determination
11 of such Secretary. A reviewing court shall grant def-
12 erence to such Secretary's determination. The provi-
13 sions of this paragraph and paragraphs (1) through
14 (6) shall be treated as provisions of title I of the
15 Employee Retirement Income Security Act of 1974
16 for purposes of part 5 of subtitle B of such title.”.

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