

1 **SEC. 9402. FUNDING FOR STRIKE TEAMS FOR RESIDENT**
2 **AND EMPLOYEE SAFETY IN SKILLED NURS-**
3 **ING FACILITIES.**

4 Section 1819 of the Social Security Act (42 U.S.C.
5 1395i-3) is amended by adding at the end the following
6 new subsection:

7 “(k) **FUNDING FOR STRIKE TEAMS.**—In addition to
8 amounts otherwise available, there is appropriated to the
9 Secretary, out of any monies in the Treasury not otherwise
10 appropriated, \$250,000,000, to remain available until ex-
11 pended, for purposes of allocating such amount among the
12 States (including the District of Columbia and each terri-
13 tory of the United States) for such a State to establish
14 and implement a strike team that will be deployed to a
15 skilled nursing facility in the State with diagnosed or sus-
16 pected cases of COVID-19 among residents or staff for
17 the purposes of assisting with clinical care, infection con-
18 trol, or staffing during the emergency period described in
19 section 1135(g)(1)(B) and the 1-year period immediately
20 following the end of such emergency period.”.

21 **Subtitle F—Preserving Health**
22 **Benefits for Workers**

23 **SEC. 9501. PRESERVING HEALTH BENEFITS FOR WORKERS.**

24 (a) **PREMIUM ASSISTANCE FOR COBRA CONTINU-**
25 **ATION COVERAGE FOR INDIVIDUALS AND THEIR FAMI-**
26 **LIES.**—

1 (1) PROVISION OF PREMIUM ASSISTANCE.—

2 (A) REDUCTION OF PREMIUMS PAY-
3 ABLE.—In the case of any premium for a pe-
4 riod of coverage during the period beginning on
5 the first day of the first month beginning after
6 the date of the enactment of this Act, and end-
7 ing on September 30, 2021, for COBRA con-
8 tinuation coverage with respect to any assist-
9 ance eligible individual described in paragraph
10 (3), such individual shall be treated for pur-
11 poses of any COBRA continuation provision as
12 having paid in full the amount of such pre-
13 mium.

14 (B) PLAN ENROLLMENT OPTION.—

15 (i) IN GENERAL.—Solely for purposes
16 of this subsection, the COBRA continu-
17 ation provisions shall be applied such that
18 any assistance eligible individual who is en-
19 rolled in a group health plan offered by a
20 plan sponsor may, not later than 90 days
21 after the date of notice of the plan enroll-
22 ment option described in this subpara-
23 graph, elect to enroll in coverage under a
24 plan offered by such plan sponsor that is
25 different than coverage under the plan in

1 which such individual was enrolled at the
2 time, in the case of any assistance eligible
3 individual described in paragraph (3), the
4 qualifying event specified in section 603(2)
5 of the Employee Retirement Income Secu-
6 rity Act of 1974, section 4980B(f)(3)(B)
7 of the Internal Revenue Code of 1986, or
8 section 2203(2) of the Public Health Serv-
9 ice Act, except for the voluntary termi-
10 nation of such individual's employment by
11 such individual, occurred, and such cov-
12 erage shall be treated as COBRA continu-
13 ation coverage for purposes of the applica-
14 ble COBRA continuation coverage provi-
15 sion.

16 (ii) REQUIREMENTS.—Any assistance
17 eligible individual may elect to enroll in
18 different coverage as described in clause (i)
19 only if—

20 (I) the employer involved has
21 made a determination that such em-
22 ployer will permit such assistance eli-
23 gible individual to enroll in different
24 coverage as provided under this sub-
25 paragraph;

1 (II) the premium for such dif-
2 ferent coverage does not exceed the
3 premium for coverage in which such
4 individual was enrolled at the time
5 such qualifying event occurred;

6 (III) the different coverage in
7 which the individual elects to enroll is
8 coverage that is also offered to simi-
9 larly situated active employees of the
10 employer at the time at which such
11 election is made; and

12 (IV) the different coverage in
13 which the individual elects to enroll is
14 not—

15 (aa) coverage that provides
16 only excepted benefits as defined
17 in section 9832(c) of the Internal
18 Revenue Code of 1986, section
19 733(c) of the Employee Retire-
20 ment Income Security Act of
21 1974, and section 2791(c) of the
22 Public Health Service Act;

23 (bb) a qualified small em-
24 ployer health reimbursement ar-
25 rangement (as defined in section

1 9831(d)(2) of the Internal Rev-
2 enue Code of 1986); or
3 (cc) a flexible spending ar-
4 rangement (as defined in section
5 106(c)(2) of the Internal Rev-
6 enue Code of 1986).

7 (2) LIMITATION OF PERIOD OF PREMIUM AS-
8 SISTANCE.—

9 (A) ELIGIBILITY FOR ADDITIONAL COV-
10 ERAGE.—Paragraph (1)(A) shall not apply with
11 respect to any assistance eligible individual de-
12 scribed in paragraph (3) for months of coverage
13 beginning on or after the earlier of—

14 (i) the first date that such individual
15 is eligible for coverage under any other
16 group health plan (other than coverage
17 consisting of only excepted benefits (as de-
18 fined in section 9832(c) of the Internal
19 Revenue Code of 1986, section 733(c) of
20 the Employee Retirement Income Security
21 Act of 1974, and section 2791(c) of the
22 Public Health Service Act), coverage under
23 a flexible spending arrangement (as de-
24 fined in section 106(c)(2) of the Internal
25 Revenue Code of 1986), coverage under a

1 qualified small employer health reimburse-
2 ment arrangement (as defined in section
3 9831(d)(2) of the Internal Revenue Code
4 of 1986)), or eligible for benefits under the
5 Medicare program under title XVIII of the
6 Social Security Act; or
7 (ii) the earlier of—
8 (I) the date following the expira-
9 tion of the maximum period of con-
10 tinuation coverage required under the
11 applicable COBRA continuation cov-
12 erage provision; or
13 (II) the date following the expira-
14 tion of the period of continuation cov-
15 erage allowed under paragraph
16 (4)(B)(ii).

17 (B) NOTIFICATION REQUIREMENT.—Any
18 assistance eligible individual shall notify the
19 group health plan with respect to which para-
20 graph (1)(A) applies if such paragraph ceases
21 to apply by reason of clause (i) of subparagraph
22 (A) (as applicable). Such notice shall be pro-
23 vided to the group health plan in such time and
24 manner as may be specified by the Secretary of
25 Labor.

1 (3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For
2 purposes of this section, the term “assistance eligible
3 individual” means, with respect to a period of cov-
4 erage during the period beginning on the first day
5 of the first month beginning after the date of the en-
6 actment of this Act, and ending on September 30,
7 2021, any individual that is a qualified beneficiary
8 who—

9 (A) is eligible for COBRA continuation
10 coverage by reason of a qualifying event speci-
11 fied in section 603(2) of the Employee Retire-
12 ment Income Security Act of 1974, section
13 4980B(f)(3)(B) of the Internal Revenue Code
14 of 1986, or section 2203(2) of the Public
15 Health Service Act, except for the voluntary
16 termination of such individual’s employment by
17 such individual; and

18 (B) elects such coverage.

19 (4) EXTENSION OF ELECTION PERIOD AND EF-
20 FECT ON COVERAGE.—

21 (A) IN GENERAL.—For purposes of apply-
22 ing section 605(a) of the Employee Retirement
23 Income Security Act of 1974, section
24 4980B(f)(5)(A) of the Internal Revenue Code

1 of 1986, and section 2205(a) of the Public
2 Health Service Act, in the case of—

3 (i) an individual who does not have an
4 election of COBRA continuation coverage
5 in effect on the first day of the first month
6 beginning after the date of the enactment
7 of this Act but who would be an assistance
8 eligible individual described in paragraph
9 (3) if such election were so in effect; or

10 (ii) an individual who elected COBRA
11 continuation coverage and discontinued
12 from such coverage before the first day of
13 the first month beginning after the date of
14 the enactment of this Act,

15 such individual may elect the COBRA continu-
16 ation coverage under the COBRA continuation
17 coverage provisions containing such provisions
18 during the period beginning on the first day of
19 the first month beginning after the date of the
20 enactment of this Act and ending 60 days after
21 the date on which the notification required
22 under paragraph (5)(C) is provided to such in-
23 dividual.

24 (B) COMMENCEMENT OF COBRA CONTINU-
25 ATION COVERAGE.—Any COBRA continuation

1 coverage elected by a qualified beneficiary dur-
2 ing an extended election period under subpara-
3 graph (A)—

4 (i) shall commence (including for pur-
5 poses of applying the treatment of pre-
6 mium payments under paragraph (1)(A)
7 and any cost-sharing requirements for
8 items and services under a group health
9 plan) with the first period of coverage be-
10 ginning on or after the first day of the
11 first month beginning after the date of the
12 enactment of this Act, and

13 (ii) shall not extend beyond the period
14 of COBRA continuation coverage that
15 would have been required under the appli-
16 cable COBRA continuation coverage provi-
17 sion if the coverage had been elected as re-
18 quired under such provision or had not
19 been discontinued.

20 (5) NOTICES TO INDIVIDUALS.—

21 (A) GENERAL NOTICE.—

22 (i) IN GENERAL.—In the case of no-
23 tices provided under section 606(a)(4) of
24 the Employee Retirement Income Security
25 Act of 1974 (29 U.S.C. 1166(4)), section

1 4980B(f)(6)(D) of the Internal Revenue
2 Code of 1986, or section 2206(4) of the
3 Public Health Service Act (42 U.S.C.
4 300bb-6(4)), with respect to individuals
5 who, during the period described in para-
6 graph (3), become entitled to elect COBRA
7 continuation coverage, the requirements of
8 such provisions shall not be treated as met
9 unless such notices include an additional
10 written notification to the recipient in clear
11 and understandable language of—

12 (I) the availability of premium
13 assistance with respect to such cov-
14 erage under this subsection; and

15 (II) the option to enroll in dif-
16 ferent coverage if the employer per-
17 mits assistance eligible individuals de-
18 scribed in paragraph (3) to elect en-
19 rollment in different coverage (as de-
20 scribed in paragraph (1)(B)).

21 (ii) ALTERNATIVE NOTICE.—In the
22 case of COBRA continuation coverage to
23 which the notice provision under such sec-
24 tions does not apply, the Secretary of
25 Labor, in consultation with the Secretary

1 of the Treasury and the Secretary of
2 Health and Human Services, shall, in con-
3 sultation with administrators of the group
4 health plans (or other entities) that provide
5 or administer the COBRA continuation
6 coverage involved, provide rules requiring
7 the provision of such notice.

8 (iii) FORM.—The requirement of the
9 additional notification under this subpara-
10 graph may be met by amendment of exist-
11 ing notice forms or by inclusion of a sepa-
12 rate document with the notice otherwise
13 required.

14 (B) SPECIFIC REQUIREMENTS.—Each ad-
15 ditional notification under subparagraph (A)
16 shall include—

17 (i) the forms necessary for estab-
18 lishing eligibility for premium assistance
19 under this subsection;

20 (ii) the name, address, and telephone
21 number necessary to contact the plan ad-
22 ministrator and any other person main-
23 taining relevant information in connection
24 with such premium assistance;

1 (iii) a description of the extended elec-
2 tion period provided for in paragraph
3 (4)(A);

4 (iv) a description of the obligation of
5 the qualified beneficiary under paragraph
6 (2)(B) and the penalty provided under sec-
7 tion 6720C of the Internal Revenue Code
8 of 1986 for failure to carry out the obliga-
9 tion;

10 (v) a description, displayed in a
11 prominent manner, of the qualified bene-
12 ficiary's right to a subsidized premium and
13 any conditions on entitlement to the sub-
14 sidized premium; and

15 (vi) a description of the option of the
16 qualified beneficiary to enroll in different
17 coverage if the employer permits such ben-
18 eficiary to elect to enroll in such different
19 coverage under paragraph (1)(B).

20 (C) NOTICE IN CONNECTION WITH EX-
21 TENDED ELECTION PERIODS.—In the case of
22 any assistance eligible individual described in
23 paragraph (3) (or any individual described in
24 paragraph (4)(A)) who became entitled to elect
25 COBRA continuation coverage before the first

1 day of the first month beginning after the date
2 of the enactment of this Act, the administrator
3 of the applicable group health plan (or other
4 entity) shall provide (within 60 days after such
5 first day of such first month) for the additional
6 notification required to be provided under sub-
7 paragraph (A) and failure to provide such no-
8 tice shall be treated as a failure to meet the no-
9 tice requirements under the applicable COBRA
10 continuation provision.

11 (D) MODEL NOTICES.—Not later than 30
12 days after the date of enactment of this Act,
13 with respect to any assistance eligible individual
14 described in paragraph (3), the Secretary of
15 Labor, in consultation with the Secretary of the
16 Treasury and the Secretary of Health and
17 Human Services, shall prescribe models for the
18 additional notification required under this para-
19 graph.

20 (6) NOTICE OF EXPIRATION OF PERIOD OF
21 PREMIUM ASSISTANCE.—

22 (A) IN GENERAL.—With respect to any as-
23 sistance eligible individual, subject to subpara-
24 graph (B), the requirements of section
25 606(a)(4) of the Employee Retirement Income

1 Security Act of 1974 (29 U.S.C. 1166(4)), sec-
2 tion 4980B(f)(6)(D) of the Internal Revenue
3 Code of 1986, or section 2206(4) of the Public
4 Health Service Act (42 U.S.C. 300bb–6(4)),
5 shall not be treated as met unless the plan ad-
6 ministrator of the individual, during the period
7 specified under subparagraph (C), provides to
8 such individual a written notice in clear and un-
9 derstandable language—

10 (i) that the premium assistance for
11 such individual will expire soon and the
12 prominent identification of the date of
13 such expiration; and

14 (ii) that such individual may be eligi-
15 ble for coverage without any premium as-
16 sistance through—

17 (I) COBRA continuation cov-
18 erage; or

19 (II) coverage under a group
20 health plan.

21 (B) EXCEPTION.—The requirement for the
22 group health plan administrator to provide the
23 written notice under subparagraph (A) shall be
24 waived if the premium assistance for such indi-

1 vidual expires pursuant to clause (i) of para-
2 graph (2)(A).

3 (C) PERIOD SPECIFIED.—For purposes of
4 subparagraph (A), the period specified in this
5 subparagraph is, with respect to the date of ex-
6 piration of premium assistance for any assist-
7 ance eligible individual pursuant to a limitation
8 requiring a notice under this paragraph, the pe-
9 riod beginning on the day that is 45 days before
10 the date of such expiration and ending on the
11 day that is 15 days before the date of such ex-
12 piration.

13 (D) MODEL NOTICES.—Not later than 45
14 days after the date of enactment of this Act,
15 with respect to any assistance eligible indi-
16 vidual, the Secretary of Labor, in consultation
17 with the Secretary of the Treasury and the Sec-
18 retary of Health and Human Services, shall
19 prescribe models for the notification required
20 under this paragraph.

21 (7) REGULATIONS.—The Secretary of the
22 Treasury and the Secretary of Labor may jointly
23 prescribe such regulations or other guidance as may
24 be necessary or appropriate to carry out the provi-
25 sions of this subsection, including the prevention of

1 fraud and abuse under this subsection, except that
2 the Secretary of Labor and the Secretary of Health
3 and Human Services may prescribe such regulations
4 (including interim final regulations) or other guid-
5 ance as may be necessary or appropriate to carry
6 out the provisions of paragraphs (5), (6), and (8).

7 (8) OUTREACH.—

8 (A) IN GENERAL.—The Secretary of
9 Labor, in consultation with the Secretary of the
10 Treasury and the Secretary of Health and
11 Human Services, shall provide outreach con-
12 sisting of public education and enrollment as-
13 sistance relating to premium assistance pro-
14 vided under this subsection. Such outreach shall
15 target employers, group health plan administra-
16 tors, public assistance programs, States, insur-
17 ers, and other entities as determined appro-
18 priate by such Secretaries. Such outreach shall
19 include an initial focus on those individuals
20 electing continuation coverage who are referred
21 to in paragraph (5)(C). Information on such
22 premium assistance, including enrollment, shall
23 also be made available on websites of the De-
24 partments of Labor, Treasury, and Health and
25 Human Services.