

115TH CONGRESS  
1ST SESSION

# H. R. 2342

To amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Public Health Service Act to require employees to be provided with information about the availability of special enrollment periods to obtain marketplace coverage and Medicare coverage upon termination or separation, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2017

Mr. SCHNEIDER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, 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 Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Public Health Service Act to require employees to be provided with information about the availability of special enrollment periods to obtain marketplace coverage and Medicare coverage upon termination or separation, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Common SENSE Act  
3 of 2017” and as the “Common Sense Employer Notifica-  
4 tion of Special Enrollment Act of 2017”.

5 **SEC. 2. REQUIRING NOTIFICATION TO EMPLOYEES ABOUT**  
6 **SPECIAL ENROLLMENT PERIODS UPON TER-**  
7 **MINATION OR SEPARATION.**

8       (a) ERISA.—Section 606(a) of the Employee Retire-  
9 ment Income Security Act of 1974 (29 U.S.C. 1166(a))  
10 is amended by adding “and under section 2702 of the  
11 Public Health Service Act (including that the beneficiary  
12 may be eligible to enroll in a health plan in a State in  
13 a special enrollment period established under subsection  
14 (b)(2) of such section) and section 1837(i) of the Social  
15 Security Act (including that the beneficiary may be eligible  
16 to enroll in the medical insurance program established  
17 under part B of title XVIII of such Act in a special enroll-  
18 ment period established under such section)” before the  
19 period at the end.

20       (b) IRC.—Section 4980B(f)(6)(D)(ii) of the Internal  
21 Revenue Code of 1986 is amended by adding “and under  
22 section 2702 of the Public Health Service Act (including  
23 that the beneficiary may be eligible to enroll in a health  
24 plan in a State in a special enrollment period established  
25 under subsection (b)(2) of such section) and section  
26 1837(i) of the Social Security Act (including that the ben-

1 eficiary may be eligible to enroll in the medical insurance  
2 program established under part B of title XVIII of such  
3 Act in a special enrollment period established under such  
4 section)” before the period at the end.

5 (c) PHSA.—Section 2206 of the Public Health Serv-  
6 ice Act (42 U.S.C. 300bb–6) is amended in the first sen-  
7 tence by inserting “and under section 2702 of the Public  
8 Health Service Act (including that the beneficiary may be  
9 eligible to enroll in a health plan in a State in a special  
10 enrollment period established under subsection (b)(2) of  
11 such section) and section 1837(i) of the Social Security  
12 Act (including that the beneficiary may be eligible to enroll  
13 in the medical insurance program established under part  
14 B of title XVIII of such Act in a special enrollment period  
15 established under such section)” before the period at the  
16 end of such sentence.

○