

117TH CONGRESS
2D SESSION

S. 3796

To eliminate the opt-out for nonfederal governmental health plans.

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 7), 2022

Mr. MURPHY (for himself and Ms. STABENOW) introduced the following bill;
which was read twice and referred to the Committee on Health, Edu-
cation, Labor, and Pensions

A BILL

To eliminate the opt-out for nonfederal governmental health
plans.

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 “Closing Health Cov-
5 erage Gaps for Public Servants Act”.

6 **SEC. 2. ELIMINATING THE OPT-OUT FOR NONFEDERAL**
7 **GOVERNMENTAL HEALTH PLANS.**

8 Section 2722(a)(2) of the Public Health Service Act
9 (42 U.S.C. 300gg–21(a)(2)) is amended by adding at the
10 end the following new subparagraph:

1 “(F) SUNSET OF ELECTION OPTION.—

2 “(i) IN GENERAL.—Notwithstanding
3 the preceding provisions of this para-
4 graph—

5 “(I) no election described in sub-
6 paragraph (A) may be made on or
7 after the date of enactment of this
8 subparagraph; and

9 “(II) except as provided in clause
10 (ii), no such election expiring on or
11 after the date that is 180 days after
12 the date of such enactment may be re-
13 newed.

14 “(ii) EXCEPTION FOR CERTAIN COL-
15 LECTIVELY BARGAINED PLANS.—Notwith-
16 standing clause (i)(II), a plan described in
17 subparagraph (B)(ii) that is subject to
18 multiple agreements described in such sub-
19 paragraph of varying lengths and that has
20 an election in effect under subparagraph
21 (A) as of the date of enactment of this
22 subparagraph that expires on or after the
23 date that is 180 days after the date of
24 such enactment may extend such election

1 until the date on which the term of the last
2 such agreement expires.”.

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