

#2.

Amendment to the Amendment-in-the-
Nature-of-a-Substitute

AMENDMENT TO H.R. 3200

OFFERED BY MR. COURTNEY OF CONNECTICUT

[Reference is to the discussion draft dated June 19, 2009]

subtitle G of title I

Add at the end of ~~title V~~ of division A the following

new section:

1 **SECTION ~~502~~. LIMITATIONS ON PREEXISTING CONDITION**
2 **EXCLUSIONS IN GROUP HEALTH PLANS IN**
3 **ADVANCE OF APPLICABILITY OF NEW PROHI-**
4 **BITION OF PREEXISTING CONDITION EXCLU-**
5 **SIONS.**

6 (a) AMENDMENTS TO THE EMPLOYEE RETIREMENT
7 INCOME SECURITY ACT OF 1974.—

8 (1) REDUCTION IN LOOK-BACK PERIOD.—Sec-
9 tion 701(a)(1) of the Employee Retirement Income
10 Security Act of 1974 (29 U.S.C. 1181(a)(1)) is
11 amended by striking “6-month period” and inserting
12 “30-day period”.

13 (2) REDUCTION IN PERMITTED PREEXISTING
14 CONDITION LIMITATION PERIOD.—Section 701(a)(2)
15 of such Act (29 U.S.C. 1181(a)(2)) is amended by
16 striking “12 months” and inserting “3 months”,
17 and by striking “18 months” and inserting “9
18 months”.

1 (3) INAPPLICABILITY OF INTERIM LIMITATIONS
2 UPON APPLICABILITY OF TOTAL PROHIBITION OF
3 EXCLUSION.—Section 701 of such Act shall cease to
4 be effective in the case of any group health plan as
5 of the date on which such plan becomes subject to
6 the requirements of section 111 of this Act (relating
7 to prohibiting preexisting condition exclusions).

8 (b) EFFECTIVE DATE.—

9 (1) IN GENERAL.—Except as provided in sub-
10 paragraph (B), the amendments made by para-
11 graphs (1) and (2) of subsection (a) shall apply with
12 respect to group health plans for plan years begin-
13 ning after the end of the 6th calendar month fol-
14 lowing the date of the enactment of this Act.

15 (2) SPECIAL RULE FOR COLLECTIVE BAR-
16 GAINING AGREEMENTS.—In the case of a group
17 health plan maintained pursuant to one or more col-
18 lective bargaining agreements between employee rep-
19 resentatives and one or more employers ratified be-
20 fore the date of the enactment of this Act, the
21 amendments made by paragraphs (1) and (2) of
22 subsection (a) shall not apply to plan years begin-
23 ning before the earlier of—

24 (A) the date on which the last of the col-
25 lective bargaining agreements relating to the

1 plan terminates (determined without regard to
2 any extension thereof agreed to after the date
3 of the enactment of this Act), or

4 (B) 3 years after the date of the enact-
5 ment of this Act.

6 For purposes of subparagraph (A), any plan amend-
7 ment made pursuant to a collective bargaining
8 agreement relating to the plan which amends the
9 plan solely to conform to any requirement added by
10 the amendments made by paragraphs (1) and (2) of
11 subsection (a) shall not be treated as a termination
12 of such collective bargaining agreement.

