§ 300ll–3. Enrollment and disenrollment requirements

(a) Automatic enrollment

(1) In general

Subject to paragraph (2), the Secretary, in coordination with the Secretary of the Treasury, shall establish procedures under which each individual described in subsection (c) may be automatically enrolled in the CLASS program by an employer of such individual in the same manner as an employer may elect to automatically enroll employees in a plan under section 401 (k), 403 (b), or 457 of title 26.

(2) Alternative enrollment procedures

The procedures established under paragraph (1) shall provide for an alternative enrollment process for an individual described in subsection (c) in the case of such an individual—

(A) who is self-employed;

(B) who has more than 1 employer; or

(C) whose employer does not elect to participate in the automatic enrollment process established by the Secretary.

(3) Administration

(A) In general

The Secretary and the Secretary of the Treasury shall, by regulation, establish procedures to ensure that an individual is not automatically enrolled in the CLASS program by more than 1 employer.

(B) Form

Enrollment in the CLASS program shall be made in such manner as the Secretary may prescribe in order to ensure ease of administration.

(b) Election to opt-out

An individual described in subsection (c) may elect to waive enrollment in the CLASS program at any time in such form and manner as the Secretary and the Secretary of the Treasury shall prescribe.

(c) Individual described

For purposes of enrolling in the CLASS program, an individual described in this paragraph is an individual—

(1) who has attained age 18;

(2) who—

(A) receives wages or income on which there is imposed a tax under section 3101 (a) or 3201 (a) of title 26; or

(B) derives self-employment income on which there is imposed a tax under section 1401 (a) of title 26;

(3) who is actively employed; and

(4) who is not—

(A) a patient in a hospital or nursing facility, an intermediate care facility for the mentally retarded, or an institution for mental diseases and receiving medical assistance under Medicaid; or
(B) confined in a jail, prison, other penal institution or correctional facility, or by court order pursuant to conviction of a criminal offense or in connection with a verdict or finding described in section 402 (x)(1)(A)(ii) of this title.

(d) Rule of construction

Nothing in this subchapter shall be construed as requiring an active enrollee to continue to satisfy subparagraph (A) or (B) of subsection (c)(2) in order to maintain enrollment in the CLASS program.

(e) Payment

(1) Payroll deduction

An amount equal to the monthly premium for the enrollment in the CLASS program of an individual shall be deducted from the wages or self-employment income of such individual in accordance with such procedures as the Secretary, in coordination with the Secretary of the Treasury, shall establish for employers who elect to deduct and withhold such premiums on behalf of enrolled employees.

(2) Alternative payment mechanism

The Secretary, in coordination with the Secretary of the Treasury, shall establish alternative procedures for the payment of monthly premiums by an individual enrolled in the CLASS program—

(A) who does not have an employer who elects to deduct and withhold premiums in accordance with paragraph (1); or

(B) who does not earn wages or derive self-employment income.

(f) Transfer of premiums collected

(1) In general

During each calendar year the Secretary of the Treasury shall deposit into the CLASS Independence Fund a total amount equal, in the aggregate, to 100 percent of the premiums collected during that year.

(2) Transfers based on estimates

The amount deposited pursuant to paragraph (1) shall be transferred in at least monthly payments to the CLASS Independence Fund on the basis of estimates by the Secretary and certified to the Secretary of the Treasury of the amounts collected in accordance with subparagraphs (A) and (B) of paragraph (5). Proper adjustments shall be made in amounts subsequently transferred to the Fund to the extent prior estimates were in excess of, or were less than, actual amounts collected.

(g) Other enrollment and disenrollment opportunities

The Secretary, in coordination with the Secretary of the Treasury, shall establish procedures under which—

(1) an individual who, in the year of the individual’s initial eligibility to enroll in the CLASS program, has not enrolled in the program, is eligible to elect to enroll in the program, in such form and manner as the Secretaries shall establish, only during an open enrollment period established by the Secretaries that is specific to the individual and that may not occur more frequently than biennially after the date on which the individual first elected to waive enrollment in the program; and

(2) an individual shall only be permitted to disenroll from the program (other than for nonpayment of premiums) during an annual disenrollment period established by the Secretaries and in such form and manner as the Secretaries shall establish.

Footnotes

1 So in original. No par. (5) has been enacted.

Amendments

2010—Subsec. (c)(2)(A). Pub. L. 111–148, § 10801(a)(2)(A), added subpar. (A) and struck out former subpar. (A) which read as follows: “receives wages on which there is imposed a tax under section 3201 (a) of title 26; or”.

Subsec. (d). Pub. L. 111–148, § 10801(a)(2)(B), substituted “subparagraph (A) or (B) of subsection (c)(2)” for “subparagraph (B) or (C) of subsection (c)(1)”.


Subsec. (g)(1). Pub. L. 111–148, § 10801(a)(2)(D), substituted “has not enrolled” for “has elected to waive enrollment”. 