

104TH CONGRESS
1ST SESSION

H. R. 875

To amend title XVIII of the Social Security Act to provide for waiver of the medicare part B late enrollment penalty for certain military retirees and dependents who live near closed military bases and to establish a special enrollment period for such persons under medicare part B.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1995

Mr. PETE GEREN of Texas introduced the following bill; which was referred to the Committee on Commerce and, in addition, to the Committee on Ways and Means, 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 title XVIII of the Social Security Act to provide for waiver of the medicare part B late enrollment penalty for certain military retirees and dependents who live near closed military bases and to establish a special enrollment period for such persons under medicare part B.

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. WAIVER OF LATE ENROLLMENT PENALTY AND**
2 **ESTABLISHMENT OF SPECIAL ENROLLMENT**
3 **PERIOD FOR CERTAIN MILITARY RETIREES**
4 **AND DEPENDENTS.**

5 (a) WAIVER OF MEDICARE PART B LATE ENROLL-
6 MENT PENALTY.—Section 1839 of the Social Security Act
7 (42 U.S.C. 1395r), as amended by section 144 of the So-
8 cial Security Act Amendments of 1994, is amended by
9 adding at the end the following new subsection:

10 “(h)(1) The increase in premiums required under
11 subsection (b) due to late enrollment under this part shall
12 not apply to an individual described in paragraph (2) who
13 enrolls under this program during the special enrollment
14 period provided under section 1837(j).

15 “(2) An individual described in this paragraph is an
16 individual—

17 “(A) who, as of the date of the announcement
18 of the closure of the individual’s military treatment
19 facility is 65 years of age or older;

20 “(B) who is a member or former member of a
21 uniformed service, or is a dependent of such mem-
22 ber, and is eligible for health care under section
23 1074(b) or 1076(b) of title 10, United States Code;

24 “(C) who has never, since attaining age 65,
25 been enrolled under this part;

1 “(D) who, since attaining the age of 65, has
2 continuously maintained a primary residence within
3 100 miles of a military treatment facility; and

4 “(E) with respect to whom the condition de-
5 scribed in paragraph (3) is met.

6 “(3) The condition described in this paragraph is met
7 with respect to an individual when the closure of the indi-
8 vidual’s military treatment facility (as defined in para-
9 graph (4)(C)) has been announced.

10 “(4) In this subsection:

11 “(A) A facility’s closure is considered to be ‘an-
12 nounced’ as of the date of the submission to Con-
13 gress under a base closure law of a report rec-
14 ommending the closure of the military base at which
15 the facility is located.

16 “(B) The term ‘base closure law’ has the mean-
17 ing given such term in section 2825(c) of the Na-
18 tional Defense Authorization Act for Fiscal Years
19 1992 and 1993 (Public Law 102–190).

20 “(C) The term ‘closure of the individual’s mili-
21 tary treatment facility’ means, with respect to an in-
22 dividual, the closure under a base closure law of the
23 last military treatment facility within 100 miles of
24 the primary residence of the individual.”.

1 (b) SPECIAL ENROLLMENT PERIOD.—Section 1837
2 of such Act (42 U.S.C. 1395p) is amended by adding at
3 the end the following new subsection:

4 “(j) In the case of an individual described in section
5 1839(h)(2), there shall be a 90-day special enrollment pe-
6 riod beginning 45 days before the scheduled date of the
7 closure of the individual’s military treatment facility (as
8 defined in section 1839(h)(4)(C)).”.

9 (c) COVERAGE PERIOD FOR SPECIAL ENROLL-
10 MENTS.—Section 1838 of such Act (42 U.S.C. 1395q) is
11 amended by adding at the end the following new sub-
12 section:

13 “(f) Notwithstanding subsection (a), in the case of
14 an individual who enrolls during a special enrollment pe-
15 riod pursuant to section 1837(j), the coverage period shall
16 begin on the first day of the month that begins at least
17 15 days after the date of such enrollment.”.

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