

103^D CONGRESS
1ST SESSION

H. R. 832

To amend title XVIII of the Social Security Act to provide waiver of late enrollment penalty and establishment of a special enrollment period under part B of the medicare program for certain military retirees and dependents living near military bases that are closed.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1993

Mr. PETE GEREN of Texas introduced the following bill; which was referred jointly to the Committees on Ways and Means and Energy and Commerce

A BILL

To amend title XVIII of the Social Security Act to provide waiver of late enrollment penalty and establishment of a special enrollment period under part B of the medicare program for certain military retirees and dependents living near military bases that are closed.

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) is amended by adding at the end the
8 following new subsection:

9 “(g)(1) The increase in premiums under subsection
10 (b) due to late enrollment under this part shall not apply
11 to an individual described in paragraph (2) who enrolls
12 under this program during a special enrollment period be-
13 ginning after the date of announcement (as defined in
14 paragraph (3)(C)) of a closure of the individual’s military
15 treatment facility and not later than the special enrollment
16 period provided under section 1837(j).

17 “(2) An individual described in this paragraph is an
18 individual—

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

22 “(B) who is a member or former member of a
23 uniformed service, or is a dependent of such mem-
24 ber, and is eligible for health care under section
25 1074(b) or 1076(b) of title 10, United States Code;

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

3 “(D) who, since attaining the age of 65, has
4 continuously maintained a primary residence within
5 100 miles of a military treatment facility; and

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

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

12 “(4) In this subsection:

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

18 “(B) The term ‘base closure law’ has the mean-
19 ing given such term in section 2825(c) of the Na-
20 tional Defense Authorization Act for Fiscal Years
21 1992 and 1993 (Public Law 102–190).

22 “(C) The term ‘closure of an individual’s mili-
23 tary treatment facility’ means, with respect to an in-
24 dividual, the closure under a base closure law of the

1 last military treatment facility within 100 miles of
2 the primary residence of the individual.

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

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

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

15 “(f) Notwithstanding subsection (a), in the case of
16 an individual who enrolls during a special enrollment pe-
17 riod pursuant to section 1837(j), the coverage period shall
18 begin on the first day of the month that begins at least
19 15 days after the date of such enrollment.”.

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