

108TH CONGRESS  
1ST SESSION

# S. 1249

To amend title XVIII of the Social Security Act to waive the part B late enrollment penalty for military retirees who enroll by December 31, 2004, and to provide a special part B enrollment period for such retirees.

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IN THE SENATE OF THE UNITED STATES

JUNE 12, 2003

Mr. ENSIGN (for himself and Mrs. LINCOLN) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to waive the part B late enrollment penalty for military retirees who enroll by December 31, 2004, and to provide a special part B enrollment period for such retirees.

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 “The TRICARE Retir-  
5       ees Opportunity Act of 2003”.

1 **SEC. 2. WAIVER OF MEDICARE PART B LATE ENROLLMENT**  
2 **PENALTY FOR CERTAIN MILITARY RETIREES;**  
3 **SPECIAL ENROLLMENT PERIOD.**

4 (a) WAIVER OF PENALTY.—

5 (1) IN GENERAL.—Section 1839(b) of the So-  
6 cial Security Act (42 U.S.C. 1395r(b)) is amended  
7 by adding at the end the following new sentence:  
8 “No increase in the premium shall be effected for a  
9 month in the case of an individual who is 65 years  
10 of age or older, who enrolls under this part during  
11 2001, 2002, 2003, or 2004 and who demonstrates to  
12 the Secretary before December 31, 2004, that the  
13 individual is a covered beneficiary (as defined in sec-  
14 tion 1072(5) of title 10, United States Code). The  
15 Secretary of Health and Human Services shall con-  
16 sult with the Secretary of Defense in identifying in-  
17 dividuals described in the previous sentence.”.

18 (2) EFFECTIVE DATE.—The amendment made  
19 by paragraph (1) shall apply to premiums for  
20 months beginning with January 2001. The Secretary  
21 of Health and Human Services shall establish a  
22 method for providing rebates of premium penalties  
23 paid for months on or after January 2001 for which  
24 a penalty does not apply under such amendment but  
25 for which a penalty was previously collected.

1 (b) MEDICARE PART B SPECIAL ENROLLMENT PE-  
2 RIOD.—

3 (1) IN GENERAL.—In the case of any individual  
4 who, as of the date of the enactment of this Act, is  
5 65 years of age or older, is eligible to enroll but is  
6 not enrolled under part B of title XVIII of the So-  
7 cial Security Act, and is a covered beneficiary (as  
8 defined in section 1072(5) of title 10, United States  
9 Code), the Secretary of Health and Human Services  
10 shall provide for a special enrollment period during  
11 which the individual may enroll under such part.  
12 Such period shall begin as soon as possible after the  
13 date of the enactment of this Act and shall end on  
14 December 31, 2004.

15 (2) COVERAGE PERIOD.—In the case of an indi-  
16 vidual who enrolls during the special enrollment pe-  
17 riod provided under paragraph (1), the coverage pe-  
18 riod under part B of title XVIII of the Social Secu-  
19 rity Act shall begin on the first day of the month  
20 following the month in which the individual enrolls.

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