

108TH CONGRESS
1ST SESSION

H. R. 2361

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2003

Mr. CARDIN (for himself, Ms. DUNN, Mr. FOLEY, Mr. McNULTY, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. FROST, Mr. SANDLIN, Mr. GILLMOR, Mrs. CAPITO, Mr. FRANK of Massachusetts, Mr. EDWARDS, Mr. HOLDEN, Mr. PAUL, Mr. KANJORSKI, Ms. LOFGREN, Mr. MORAN of Virginia, and Mr. GOODE) introduced the following bill; which was referred to the Committee on Energy and 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 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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