

109TH CONGRESS
1ST SESSION

H. R. 322

To amend the Internal Revenue Code of 1986 to allow a refundable credit to military retirees for premiums paid for coverage under Medicare Part B.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2005

Mrs. EMERSON introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to allow a refundable credit to military retirees for premiums paid for coverage 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Retiree Health
5 Care Relief Act of 2005”.

6 **SEC. 2. PREMIUMS PAID BY MILITARY RETIREES FOR MEDI-**
7 **CARE PART B.**

8 (a) IN GENERAL.—Subpart C of part IV of sub-
9 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 (relating to refundable credits) is amended by redese-
2 ignating section 36 as section 37 and by inserting after
3 section 35 the following new section:

4 **“SEC. 36. PREMIUMS PAID BY MILITARY RETIREES FOR**
5 **MEDICARE PART B.**

6 “(a) ALLOWANCE OF CREDIT.—In the case of an eli-
7 gible individual, there shall be allowed as a credit against
8 the tax imposed by this chapter for the taxable year an
9 amount equal to the aggregate premiums paid under sec-
10 tion 1840 of the Social Security Act by the taxpayer dur-
11 ing the taxable year for enrollment of the eligible indi-
12 vidual under part B of title XVIII of such Act.

13 “(b) ELIGIBLE INDIVIDUAL.—For purposes of sub-
14 section (a), the term ‘eligible individual’ means—

15 “(1) an individual who is entitled to retired or
16 retainer pay based upon service in the uniformed
17 services (as defined in section 101 of title 10, United
18 States Code),

19 “(2) the spouse (as determined under section
20 7703) of an individual described in paragraph (1),
21 and

22 “(3) the widow or widower, as the case may be,
23 of an individual described in paragraph (1).”.

24 (b) TECHNICAL AMENDMENTS.—

1 (1) Paragraph (2) of section 1324(b) of title
2 31, United States Code, is amended by inserting “or
3 from section 36 of such Code” before the period at
4 the end.

5 (2) The table of sections for subpart C of part
6 IV of subchapter A of chapter 1 of the Internal Rev-
7 enue Code of 1986 is amended by striking the last
8 item and inserting the following new items:

“Sec. 36. Premiums paid by military retirees for medicare part B.
“Sec. 37. Overpayments of tax.”.

9 (c) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendments made by
11 this section shall apply to expenses incurred after
12 December 31, 1998.

13 (2) WAIVER OF LIMITATIONS.—If the credit or
14 refund of any overpayment of tax resulting from the
15 application of section 36 of the Internal Revenue
16 Code of 1986 (as added by this section) to a period
17 before the date of enactment of this Act is prevented
18 as of such date by the operation of any law or rule
19 of law (including res judicata), such credit or refund
20 may nevertheless be allowed or made if the claim
21 therefor is filed before the close of the 1-year period
22 beginning on the date of the enactment of this Act.

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