

109TH CONGRESS
1ST SESSION

H. R. 3901

To amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2005

Mr. ANDREWS 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 provide certain Medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted.

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 “International U.S.
5 Seniors Act of 2005”.

1 **SEC. 2. MEDICARE PART B SPECIAL ENROLLMENT PERIOD**
2 **AND WAIVER OF PART B LATE ENROLLMENT**
3 **PENALTY AND MEDIGAP SPECIAL OPEN EN-**
4 **ROLLMENT PERIOD FOR CERTAIN INDIVID-**
5 **UALS RESIDING ABROAD.**

6 (a) MEDICARE PART B SPECIAL ENROLLMENT PE-
7 RIOD; WAIVER OF PART B PENALTY FOR LATE ENROLL-
8 MENT.—

9 (1) IN GENERAL.—In the case of any eligible
10 individual (as defined in subsection (c)(1)), the Sec-
11 retary of Health and Human Services shall provide
12 for a special enrollment period during which the in-
13 dividual may enroll under part B of title XVIII of
14 the Social Security Act. Such period shall be for a
15 period of 8 months and shall begin with the first
16 month that begins on or after the date the eligible
17 individual first resides in the United States after the
18 time described in subsection (c)(1)(B).

19 (2) COVERAGE PERIOD.—In the case of an eli-
20 gible individual who enrolls during the special enroll-
21 ment period provided under paragraph (1), the cov-
22 erage period under part B of title XVIII of the So-
23 cial Security Act shall begin on the first day of the
24 month following the month in which the individual
25 enrolls.

1 (3) WAIVER OF PART B LATE ENROLLMENT
 2 PENALTY.—In the case of an eligible individual who
 3 enrolls during the special enrollment period provided
 4 under paragraph (1), there shall be no increase pur-
 5 suant to section 1839(b) of the Social Security Act
 6 (42 U.S.C. 1395r(b)) in the monthly premium under
 7 part B of title XVIII of such Act.

8 (b) MEDIGAP SPECIAL OPEN ENROLLMENT PE-
 9 RIOD.—Notwithstanding any other provision of law, an
 10 issuer of a medicare supplemental policy (as defined in
 11 section 1882(g) of the Social Security Act (42 U.S.C.
 12 1395ss(g))—

13 (1) may not deny or condition the issuance or
 14 effectiveness of a medicare supplemental policy; and

15 (2) may not discriminate in the pricing of the
 16 policy on the basis of the individual's health status,
 17 medical condition (including both physical and men-
 18 tal illnesses), claims experience, receipt of health
 19 care, medical history, genetic information, evidence
 20 of insurability (including conditions arising out of
 21 acts of domestic violence), or disability;

22 in the case of an eligible individual who seeks to enroll
 23 during the 6-month period described in subsection (a)(1).

24 (c) DEFINITIONS.—In this section:

1 (1) ELIGIBLE INDIVIDUAL.—The term “eligible
2 individual” means an individual—

3 (A) who, as of the date of the enactment
4 of this Act, has attained 65 years of age and
5 was eligible to enroll under part B of title
6 XVIII of the Social Security Act, and

7 (B) who at the time the individual first
8 satisfied paragraph (1) or (2) of section 1836
9 of the Social Security Act (42 U.S.C. 1395o)—

10 (i) was not residing in a State (as de-
11 termined by the Secretary of Health and
12 Human Services for purposes of such sec-
13 tion 1836), and

14 (ii) did not elect to enroll (or to be
15 deemed enrolled) under section 1837 of the
16 Social Security Act (42 U.S.C. 1395p)
17 during the individual’s initial enrollment
18 period.

19 (2) STATE.—The term “State” has the mean-
20 ing given that term in section 410(5) of the Social
21 Security Act (42 U.S.C. 610(5)), and includes the
22 Commonwealth of the Northern Marianas and the
23 Trust Territory of the Pacific Islands.

1 **SEC. 3. SENSE OF THE CONGRESS ON THE NEED FOR AN**
2 **INTERNATIONAL CONVENTION FOR REIM-**
3 **BURSEMENT OF THE COSTS OF HEALTH**
4 **CARE COVERAGE FOR FOREIGN SENIOR CITI-**
5 **ZENS.**

6 It is the sense of the Congress that the United States
7 should enter into an international convention with respect
8 to individuals aged 65 or older who live abroad under
9 which the nation of which the individual is a citizen agrees
10 to reimburse another nation in which the individual law-
11 fully resides for the costs of health care furnished to the
12 individual while residing in that nation.

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