

116TH CONGRESS  
1ST SESSION

# H. R. 1788

To amend title XVIII of the Social Security Act to limit the penalty for late enrollment under part B of the Medicare Program to 15 percent and twice the period of no enrollment, and to exclude periods of COBRA, retiree, and VA coverage from such late enrollment penalty.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2019

Ms. HILL of California (for herself, Mr. NADLER, Mr. GARAMENDI, Ms. NORTON, Ms. BROWNLEY of California, Mrs. TRAHAN, Mr. PERLMUTTER, Mr. COX of California, Ms. SCHAKOWSKY, Mr. ROUDA, Ms. LOFGREN, Ms. KUSTER of New Hampshire, Ms. UNDERWOOD, Mr. ROSE of New York, and Mr. BABIN) 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

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## A BILL

To amend title XVIII of the Social Security Act to limit the penalty for late enrollment under part B of the Medicare Program to 15 percent and twice the period of no enrollment, and to exclude periods of COBRA, retiree, and VA coverage from such late enrollment penalty.

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. LIMITING MEDICARE PART B LATE ENROLL-**  
2 **MENT PENALTY TO 15 PERCENT AND TWICE**  
3 **THE PERIOD OF NO ENROLLMENT.**

4 (a) IN GENERAL.—The first sentence of section  
5 1839(b) of the Social Security Act (42 U.S.C. 1395r(b))  
6 is amended by striking “10 percent of the monthly pre-  
7 mium so determined for each full 12 months” and insert-  
8 ing “15 percent of the monthly premium so determined  
9 for premiums paid during a period equal to twice the num-  
10 ber of months in each of the full periods of 12 months”.

11 (b) CONFORMING AMENDMENTS.—Section 1818 of  
12 the Social Security Act (42 U.S.C. 1395i–2) is amended—

13 (1) in subsection (c)(6), by striking “and shall  
14 only apply to premiums paid during a period equal  
15 to twice the number of months in the full 12-month  
16 periods described in that section and”; and

17 (2) in subsection (g)(2)(B), by striking “by sub-  
18 stituting” and all that follows and inserting the fol-  
19 lowing: “by substituting ‘section 1818 (without any  
20 increase resulting from the application of section  
21 1839(b) to such section 1818)’ for ‘section 1839  
22 (without any increase under subsection (b) there-  
23 of)’.”.

24 (c) EFFECTIVE DATE.—

25 (1) IN GENERAL.—The amendments made by  
26 this section shall apply to premiums paid for months

1 beginning after the end of the 90-day period begin-  
2 ning on the date of the enactment of this Act.

3 (2) CLARIFICATION.—In applying these amend-  
4 ments, months (before, during, or after the month in  
5 which this Act is enacted) in which an individual  
6 was or is required to pay an increased premium shall  
7 be taken into account in determining the month in  
8 which the premium will no longer be subject to an  
9 increase.

10 **SEC. 2. EXCLUSION OF PERIODS OF COBRA, RETIREE, AND**  
11 **VA COVERAGE FROM MEDICARE PART B**  
12 **LATE ENROLLMENT PENALTY.**

13 (a) IN GENERAL.—The second sentence of section  
14 1839(b) of the Social Security Act (42 U.S.C. 1395r(b))  
15 is amended—

16 (1) by striking “by reason of the individual’s  
17 (or the individual’s spouse’s) current employment”;  
18 and

19 (2) by inserting “or months for which the indi-  
20 vidual can demonstrate that the individual had cov-  
21 erage under chapter 17 of title 38, United States  
22 Code” before the period at the end.

23 (b) EFFECTIVE DATE.—The amendments made by  
24 subsection (a) shall apply to premiums paid for months

1 beginning after the end of the 90-day period beginning  
2 on the date of the enactment of this Act.

3 **SEC. 3. SPECIAL ENROLLMENT PERIOD FOR INDIVIDUALS**  
4 **WHOSE COBRA OR RETIREE COVERAGE TER-**  
5 **MINATES.**

6 (a) IN GENERAL.—Section 1837(i) of the Social Se-  
7 curity Act (42 U.S.C. 1395p(i)) is amended—

8 (1) in the first sentence of paragraph (1), by  
9 striking “by reason of the individual’s (or the indi-  
10 vidual’s spouse’s) current employment status” in  
11 subparagraph (A);

12 (2) in the first sentence of paragraph (2) by  
13 striking “by reason of the individual’s (or the indi-  
14 vidual’s spouse’s) current employment status” each  
15 place it appears in subparagraphs (B) and (C); and

16 (3) in paragraph (3)(A) by striking “by reason  
17 of current employment status”.

18 (b) EFFECTIVE DATE.—The amendments made by  
19 subsection (a) shall apply to terminations of coverage oc-  
20 ccurring after the end of the 90-day period beginning on  
21 the date of the enactment of this Act.

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