

117TH CONGRESS
1ST SESSION

H. R. 480

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2021

Ms. PORTER (for herself, Ms. HERRERA BEUTLER, Ms. UNDERWOOD, Ms. NORTON, Ms. BROWNLEY, Mr. GRIJALVA, Mr. HASTINGS, Ms. LEE of California, Ms. MATSUI, Mr. PAPPAS, Miss GONZÁLEZ-COLÓN, Mr. SMITH of New Jersey, Ms. JACKSON LEE, Ms. DEAN, Ms. BARRAGÁN, Mr. VICENTE GONZALEZ of Texas, Mr. FITZPATRICK, Mr. DEUTCH, Mr. NEGUSE, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. SPEIER, Mr. WELCH, Mrs. LURIA, Ms. PINGREE, Mr. PANETTA, Mr. RYAN, Mrs. KIM of California, and Mr. LARSON of Connecticut) 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Economic
 5 Security Solutions Act”.

6 **SEC. 2. LIMITING MEDICARE PART B LATE ENROLLMENT**
 7 **PENALTY TO 15 PERCENT AND TWICE THE**
 8 **PERIOD OF NO ENROLLMENT.**

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

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

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

22 (2) in subsection (g)(2)(B), by striking “by sub-
 23 stituting” and all that follows and inserting the fol-
 24 lowing: “by substituting ‘section 1818 (without any
 25 increase resulting from the application of section

1 1839(b) to such section 1818)’ for ‘section 1839
 2 (without any increase under subsection (b) there-
 3 of)’.”.

4 (c) EFFECTIVE DATE.—

5 (1) IN GENERAL.—The amendments made by
 6 this section shall apply to premiums paid for months
 7 beginning after the end of the 90-day period begin-
 8 ning on the date of the enactment of this Act.

9 (2) CLARIFICATION.—In applying these amend-
 10 ments, months (before, during, or after the month in
 11 which this Act is enacted) in which an individual
 12 was or is required to pay an increased premium shall
 13 be taken into account in determining the month in
 14 which the premium will no longer be subject to an
 15 increase.

16 **SEC. 3. EXCLUSION OF PERIODS OF COBRA, RETIREE, AND**
 17 **VA COVERAGE FROM MEDICARE PART B**
 18 **LATE ENROLLMENT PENALTY.**

19 (a) IN GENERAL.—The second sentence of section
 20 1839(b) of the Social Security Act (42 U.S.C. 1395r(b))
 21 is amended—

22 (1) by striking “by reason of the individual’s
 23 (or the individual’s spouse’s) current employment”;
 24 and

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

5 (b) **EFFECTIVE DATE.**—The amendments made by
 6 subsection (a) shall apply to premiums paid for months
 7 beginning after the end of the 90-day period beginning
 8 on the date of the enactment of this Act.

9 **SEC. 4. SPECIAL ENROLLMENT PERIOD FOR INDIVIDUALS**
 10 **WHOSE COBRA OR RETIREE COVERAGE TER-**
 11 **MINATES.**

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

14 (1) in the first sentence of paragraph (1), by
 15 striking “by reason of the individual’s (or the indi-
 16 vidual’s spouse’s) current employment status” in
 17 subparagraph (A);

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

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

24 (b) **EFFECTIVE DATE.**—The amendments made by
 25 subsection (a) shall apply to terminations of coverage oc-

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

