

117TH CONGRESS  
2D SESSION

# S. 3675

To amend title XVIII of the Social Security Act to establish a system to notify individuals approaching Medicare eligibility.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2022

Mr. CASEY (for himself, Mr. YOUNG, Ms. STABENOW, Ms. COLLINS, Ms. SINEMA, Mr. SCOTT of South Carolina, Mr. BROWN, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to establish a system to notify individuals approaching Medicare eligibility.

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 “Beneficiary Enrollment  
5 Notification and Eligibility Simplification 2.0 Act” or the  
6 “BENES 2.0 Act”.

7 **SEC. 2. BENEFICIARY ENROLLMENT NOTIFICATION AND**  
8 **ELIGIBILITY SIMPLIFICATION.**

9 (a) **ELIGIBILITY AND ENROLLMENT NOTICES.—**

1           (1) AS PART OF SOCIAL SECURITY ACCOUNT  
2       STATEMENT FOR INDIVIDUALS ATTAINING AGES 60  
3       TO 65.—

4           (A) IN GENERAL.—Section 1143(a) of the  
5       Social Security Act (42 U.S.C. 1320b–13(a)) is  
6       amended by adding at the end the following  
7       new paragraph:

8       “(4) MEDICARE ELIGIBILITY INFORMATION.—

9           “(A) IN GENERAL.—In the case of state-  
10      ments provided on or after the date that is 2  
11      years after the date of the enactment of this  
12      paragraph to individuals who are attaining ages  
13      60, 61, 62, 63, 64 and 65, the statement shall  
14      also include a notice containing the information  
15      described in subparagraph (B).

16          “(B) CONTENTS OF NOTICE.—The notice  
17      required under subparagraph (A) shall include  
18      a clear, simple explanation of—

19           “(i) eligibility for benefits under the  
20      Medicare program under title XVIII, and  
21      in particular benefits under part B of such  
22      title;

23           “(ii) the reasons a late enrollment  
24      penalty for failure to timely enroll could be  
25      assessed and how such late enrollment pen-

1 alty is calculated, in particular for benefits  
2 under such part B;

3 “(iii) the availability of relief from  
4 such late enrollment penalty and retro-  
5 active enrollment under section 1837(h)  
6 (including as such section is applied under  
7 sections 1818(c) and 1818A(c)(3)), with  
8 examples of circumstances under which  
9 such relief may be granted and examples of  
10 circumstances under which such relief  
11 would not be granted;

12 “(iv) coordination of benefits (includ-  
13 ing primary and secondary coverage sce-  
14 narios) pursuant to section 1862(b), in  
15 particular for benefits under such part B;

16 “(v) enrollment, eligibility, and coordi-  
17 nation of benefits under title XVIII with  
18 respect to populations, for whom there are  
19 special considerations, such as residents of  
20 Puerto Rico and veterans; and

21 “(vi) online resources and toll-free  
22 telephone numbers of the Social Security  
23 Administration and the Centers for Medi-  
24 care & Medicaid Services (including 1–  
25 800–MEDICARE and the national toll-free

1 number of the Social Security Administra-  
2 tion) that provide information on eligibility  
3 for benefits under the Medicare program  
4 under title XVIII.

5 “(C) DEVELOPMENT OF NOTICE.—

6 “(i) IN GENERAL.—The Secretary, in  
7 coordination with the Commissioner of So-  
8 cial Security, and taking into consideration  
9 information collected pursuant to clause  
10 (ii), shall, not later than 12 months after  
11 the last day of the period for the request  
12 of information described in clause (ii), de-  
13 velop the notice to be provided pursuant to  
14 subparagraph (A).

15 “(ii) REQUEST FOR INFORMATION.—  
16 Not later than 6 months after the date of  
17 the enactment of this paragraph, the Sec-  
18 retary shall request written information,  
19 including recommendations, from stake-  
20 holders (including the groups described in  
21 subparagraph (D)) on the information to  
22 be included in the notice.

23 “(iii) NOTICE IMPROVEMENT.—Begin-  
24 ning 4 years after the date of the enact-  
25 ment of this paragraph, and not less than

1           once every 2 years thereafter, the Sec-  
2           retary, in coordination with the Commis-  
3           sioner of Social Security, shall—

4                   “(I) review the content of the no-  
5                   tice to be provided under subpara-  
6                   graph (A);

7                   “(II) request written information,  
8                   including recommendations, on such  
9                   notice through a request for informa-  
10                  tion process as described in clause (ii);  
11                  and

12                  “(III) update and revise such no-  
13                  tice as the Secretary deems appro-  
14                  priate.

15                  “(D) GROUPS.—For purposes of subpara-  
16                  graph (C)(ii), the groups described in this sub-  
17                  paragraph include the following:

18                   “(i) Individuals who are 60 years of  
19                   age or older.

20                   “(ii) Veterans.

21                   “(iii) Individuals with disabilities.

22                   “(iv) Individuals with end stage renal  
23                   disease.

24                   “(v) Low-income individuals and fami-  
25                   lies.

1 “(vi) Employers (including human re-  
2 sources professionals).

3 “(vii) States (including representa-  
4 tives of State-run Health Insurance Ex-  
5 changes, Medicaid offices, and Depart-  
6 ments of Insurance).

7 “(viii) State Health Insurance Assist-  
8 ance Programs.

9 “(ix) Health insurers.

10 “(x) Health insurance agents and bro-  
11 kers.

12 “(xi) Such other groups as specified  
13 by the Secretary.

14 “(E) POSTING OF NOTICE ON WEBSITES.—  
15 The Commissioner of Social Security and the  
16 Secretary shall post the notice required under  
17 subparagraph (A) on the public internet website  
18 of the Social Security Administration and on  
19 Medicare.gov (or a successor website), respec-  
20 tively.

21 “(F) NO EFFECT ON OBLIGATION TO MAIL  
22 STATEMENTS.—Nothing in this paragraph shall  
23 be construed to relieve the Commissioner of So-  
24 cial Security from any requirement under sub-  
25 section (c), including the requirement to mail a

statement on an annual basis to each eligible individual who is not receiving benefits under title II and for whom a mailing address can be determined through such methods as the Commissioner determines to be appropriate.”.

(B) TIMING OF STATEMENTS.—Section 1143(c)(2) of the Social Security Act (42 U.S.C. 1320b–13(c)(2)) is amended by adding at the end the following new sentence: “With respect to statements provided to individuals who are attaining age 65, as described in subsection (a)(4), such statements shall be mailed not earlier than 6 months and not later than 3 months before the individual attains such age.”.

(2) SOCIAL SECURITY BENEFICIARIES.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1144 the following new section:

**“SEC. 1144A. MEDICARE ENROLLMENT NOTIFICATION AND ELIGIBILITY NOTICES FOR SOCIAL SECURITY BENEFICIARIES PRIOR TO MEDICARE ELIGIBILITY.**

**“(a) NOTICES.—**

**“(1) IN GENERAL.—**The Commissioner of Social Security shall distribute the notice to be pro-

1        vided pursuant to section 1143(a)(4), as may be  
 2        modified under paragraph (2), to individuals entitled  
 3        to monthly insurance benefits under title II in ac-  
 4        cordance with subsection (b).

5            “(2) AUTHORITY TO MODIFY NOTICE.—The  
 6        Secretary, in coordination with the Commissioner of  
 7        Social Security, may modify the notice to be distrib-  
 8        uted under paragraph (1) as necessary to take into  
 9        account the individuals described in such paragraph.

10           “(3) POSTING OF NOTICE ON WEBSITES.—The  
 11        Commissioner of Social Security and the Secretary  
 12        shall post the notice required to be distributed under  
 13        paragraph (1) on the public internet website of the  
 14        Social Security Administration and on Medicare.gov  
 15        (or a successor website), respectively.

16           “(b) TIMING.—Beginning not later than 2 years after  
 17        the date of the enactment of this section, a notice required  
 18        under subsection (a)(1) shall be mailed to an individual  
 19        described in such subsection—

20           “(1) in the third month before the date on  
 21        which such individual’s initial enrollment period be-  
 22        gins as provided under section 1837; and

23           “(2) in the case of an individual with respect to  
 24        whom section 226(b) applies (except for an indi-  
 25        vidual who will attain age 65 during the 24 month

- 1 period described in such section), in the month be-
- 2 fore such date on which such individual's initial en-
- 3 rollment period so begins.”.

