

118TH CONGRESS
1ST SESSION

H. R. 2893

To amend title XVIII of the Social Security Act to provide for certain rules regarding the treatment of eligible retirement plans in determining the eligibility of individuals for premium and cost-sharing subsidies under part D of the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2023

Mrs. LEE of Nevada (for herself and Mr. FITZPATRICK) 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 for certain rules regarding the treatment of eligible retirement plans in determining the eligibility of individuals for premium and cost-sharing subsidies under part D of the Medicare program, and for other purposes.

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 “Seniors Securing Ac-
5 cess to Vital and Essential Prescription Drugs Act”.

1 **SEC. 2. PROVIDING FOR CERTAIN RULES REGARDING THE**
2 **TREATMENT OF ELIGIBLE RETIREMENT**
3 **PLANS IN DETERMINING THE ELIGIBILITY OF**
4 **INDIVIDUALS FOR PREMIUM AND COST-**
5 **SHARING SUBSIDIES UNDER PART D OF THE**
6 **MEDICARE PROGRAM.**

7 (a) IN GENERAL.—Section 1860D–14(a)(3) of the
8 Social Security Act (42 U.S.C. 1395w–114(a)(3)) is
9 amended—

10 (1) in subparagraph (A)(iii), by striking “sub-
11 paragraph (D)” and inserting “subparagraph
12 (D)(i)”;

13 (2) in subparagraph (C)(i), by striking “except
14 that support and maintenance furnished in kind
15 shall not be counted as income; and” and inserting
16 “except that—

17 “(I) support and maintenance
18 furnished in kind shall not be counted
19 as income; and

20 “(II) any distribution or with-
21 drawal from an eligible retirement
22 plan (as defined in subparagraph (B)
23 of section 402(c)(8) of the Internal
24 Revenue Code of 1986, but excluding
25 any defined benefit plan described in
26 clause (iv) or (v) of such subpara-

1 graph and any qualified trust (as de-
2 fined in subparagraph (A) of such sec-
3 tion) which is part of such a defined
4 benefit plan) shall not be counted as
5 income; and”;

6 (3) in subparagraph (D)—

7 (A) by redesignating clauses (i) and (ii) as
8 subclauses (I) and (II), respectively, and mov-
9 ing the margin of each such subclause, as so re-
10 designated, 2 ems to the right;

11 (B) by striking “The resources require-
12 ment” and inserting the following:

13 “(i) IN GENERAL.—The resources re-
14 quirement”;

15 (C) by striking “subject to the life insur-
16 ance policy exclusion” and inserting “, subject
17 to the exclusions”;

18 (D) by aligning the margin of the flush
19 sentence at the end with the margin of clause
20 (i), as added by subparagraph (B); and

21 (E) by adding at the end the following:

22 “(ii) APPLICATION OF RESOURCE
23 STANDARD WITH RESPECT TO CERTAIN
24 BENEFICIARIES.—In applying the re-
25 sources requirement of this subparagraph

1 under section 1905(p)(1)(C), such require-
2 ment shall be applied without regard to the
3 exclusions provided under subparagraph
4 (G).”;

5 (4) in subparagraph (E), by striking “subject to
6 the life insurance policy exclusion” and inserting “,
7 subject to the exclusions”; and

8 (5) in subparagraph (G)—

9 (A) in the subparagraph heading, by strik-
10 ing “LIFE INSURANCE POLICY EXCLUSION” and
11 inserting “RESOURCE EXCLUSIONS”; and

12 (B) by striking “for purposes of subpara-
13 graphs (D) and (E) no part of the value of any
14 life insurance policy shall be taken into ac-
15 count.” and inserting “for purposes of subpara-
16 graphs (D)(i) and (E), the following exclusions
17 shall apply:

18 “(i) LIFE INSURANCE POLICY.—No
19 part of the value of any life insurance pol-
20 icy shall be taken into account.

21 “(ii) ELIGIBLE RETIREMENT PLAN.—
22 No balance in any eligible retirement plan
23 (as described in subparagraph (C)(i)(II))
24 shall be taken into account.”.

1 (b) CONFORMING AMENDMENT.—Section
2 1905(p)(1)(C) of the Social Security Act (42 U.S.C.
3 1396d(p)(1)(C)) by striking “life insurance policy exclu-
4 sion” and inserting “exclusions”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 subsection (a) shall apply with respect to plan years begin-
7 ning on or after January 1, 2025.

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