

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6662
OFFERED BY MR. BRADY OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Empowering Seniors’
3 Enrollment Decision Act of 2018”.

**4 SEC. 2. EXTENDING THE SPECIAL ELECTION PERIOD
5 UNDER PART C OF THE MEDICARE PROGRAM
6 FOR CERTAIN DEEMED INDIVIDUALS EN-
7 ROLLED IN A REASONABLE COST REIM-
8 BURSEMENT CONTRACT TO CERTAIN NON-
9 DEEMED INDIVIDUALS ENROLLED IN SUCH
10 CONTRACT.**

11 Section 1851(e)(2)(F) of the Social Security Act (42
12 U.S.C. 1395w-21(e)(2)(F)) is amended—

13 (1) in the header, by striking “DEEMED ELEC-
14 TIONS” and inserting “INDIVIDUALS ENROLLED IN A
15 REASONABLE COST REIMBURSEMENT CONTRACT”;
16 and

17 (2) by amending clause (i) to read as follows:

18 “(i) IN GENERAL.—

1 “(I) ELECTION PERIOD.—At any
2 time during the period beginning after
3 the last day of the annual, coordi-
4 nated election period under paragraph
5 (3) occurring during an applicable
6 plan year and ending on the last day
7 of February of the first plan year fol-
8 lowing such applicable plan year, an
9 individual who is an eligible individual
10 (as defined in subclause (II)) with re-
11 spect to such applicable plan year may
12 change the election under subsection
13 (a)(1) (including changing the MA
14 plan or MA–PD plan in which the in-
15 dividual is enrolled) for such first plan
16 year.

17 “(II) ELIGIBLE INDIVIDUAL.—In
18 this clause, the term ‘eligible indi-
19 vidual’ means, with respect to a plan
20 year, an individual enrolled in a rea-
21 sonable cost reimbursement contract
22 under section 1876(h) that was ex-
23 tended or renewed for the last reason-
24 able cost reimbursement contract year
25 of the contract (as described in sub-

1 clause (I) of section
2 1876(h)(5)(C)(iv) pursuant to such
3 section.”.

