

109TH CONGRESS  
1ST SESSION

# H. R. 4557

To amend part D of title XVIII of the Social Security Act to remove the Medicare prescription drug benefit late enrollment penalty and to extend the initial enrollment period for 2006 through July 15, 2006.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2005

Mr. GERLACH 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 part D of title XVIII of the Social Security Act to remove the Medicare prescription drug benefit late enrollment penalty and to extend the initial enrollment period for 2006 through July 15, 2006.

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 Prescription  
5 Drug Late Enrollment Penalty Repeal Act of 2005”.

1 **SEC. 2. REMOVING THE MEDICARE PRESCRIPTION DRUG**  
 2 **BENEFIT LATE ENROLLMENT PENALTY.**

3 (a) IN GENERAL.—Section 1860D–13 of the Social  
 4 Security Act (42 U.S.C. 1395w–113) is amended—

5 (1) in the heading, by striking “; **LATE EN-**  
 6 **ROLLMENT PENALTY**”;

7 (2) in subsection (a)(1), by striking subpara-  
 8 graph (D);

9 (3) by striking subsection (b); and

10 (4) in subsection (c)—

11 (A) in paragraph (1), by striking “(and  
 12 any late enrollment penalty)”;

13 (B) by striking paragraph (2); and

14 (C) in paragraph (3), by striking “para-  
 15 graph (2) shall not apply and”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 1860D–1 of such Act (42 U.S.C.  
 18 1395w–101) is amended—

19 (A) in subsection (b)—

20 (i) in paragraph (3), by striking sub-  
 21 paragraph (A); and

22 (ii) by striking paragraph (6); and

23 (B) in subsection (c), by striking para-  
 24 graph (4).

25 (2) Section 1860D–11(g)(6) of such Act (42  
 26 U.S.C. 1395w–111(g)(6)) is amended by striking

1 “Except for as provided in section 1860D–13(b) (re-  
2 lating to late enrollment penalty) and subject” and  
3 inserting “Subject”.

4 (3) Section 1860D–14 of such Act (42 U.S.C.  
5 1395w–114) is amended—

6 (A) by amending subsection (a)(1)(A) to  
7 read as follows:

8 “(A) FULL PREMIUM SUBSIDY.—An income-re-  
9 lated premium subsidy equal to 100 percent of the  
10 amount described in subsection (b)(1), but not to ex-  
11 ceed the premium amount specified in subsection  
12 (b)(2)(B).”; and

13 (B) in subsection (b)(1)(B), by striking  
14 “The premium amounts described in this sub-  
15 paragraph do not include any amounts attrib-  
16 utable to late enrollment penalties under section  
17 1860D–13(b).”.

18 (4) Section 1860D–16(b)(3) of such Act (42  
19 U.S.C. 1395w–116(b)(3)) is amended by striking  
20 “(and the portion of late enrollment penalties)”.

21 (5) Section 1860D–41(a) of such Act (42  
22 U.S.C. 1395w–141(a)) is amended by striking para-  
23 graph (3).

1           (6) Section 1882(v)(2)(B)(ii) of such Act (42  
 2       U.S.C. 1395ss(v)(2)(B)(ii)) is amended to read as  
 3       follows:

4           “(ii) If the individual does not enroll in a  
 5       plan under part D during such period, the indi-  
 6       vidual may continue enrollment in the individ-  
 7       ual’s current plan without change, but the indi-  
 8       vidual will not be guaranteed the option of en-  
 9       rollment in another medicare supplemental pol-  
 10      icy pursuant to paragraph (3).”.

11   **SEC. 3. EXTENSION OF THE 2006 OPEN ENROLLMENT PE-**  
 12                   **RIOD FOR MEDICARE PRESCRIPTION DRUG**  
 13                   **PLANS.**

14       Section 1860D–1(b)(2)(A) of the Social Security Act  
 15   (42 U.S.C. 1395w–101(b)(2)(A)) is amended by inserting  
 16   “, except that such period shall continue through July 15,  
 17   2006” before the period.

18   **SEC. 4. EFFECTIVE DATE.**

19       The amendments made by this Act shall be effective  
 20   as if included in the enactment of the Medicare Prescrip-  
 21   tion Drug, Improvement, and Modernization Act of 2003  
 22   (Public Law 108–173).

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