

109TH CONGRESS
2D SESSION

H. R. 5399

To amend title XVIII of the Social Security Act to eliminate the Medicare prescription drug late enrollment penalty for months during 2006, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2006

Mrs. JOHNSON of Connecticut (for herself, Mr. SHAW, Mr. SHAYS, Mr. RAMSTAD, Mr. FERGUSON, Mr. SIMMONS, Mr. TIBERI, Mr. FOLEY, Mr. ENGLISH of Pennsylvania, Mr. TOM DAVIS of Virginia, Mr. CASTLE, Mr. SWEENEY, Mrs. KELLY, Mr. REHBERG, Mr. SHERWOOD, Mr. LEACH, Mr. GERLACH, Mrs. JO ANN DAVIS of Virginia, Mr. DENT, Mr. BASS, Mr. BOEHLERT, Mr. UPTON, Mr. KIRK, Mr. SCHWARZ of Michigan, Mr. PORTER, and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 eliminate the Medicare prescription drug late enrollment penalty for months during 2006, 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 “Medicare Drug Benefit
5 Enrollment Fairness Act of 2006”.

1 **SEC. 2. ELIMINATION OF MEDICARE PRESCRIPTION DRUG**
 2 **LATE ENROLLMENT PENALTY FOR MONTHS**
 3 **DURING 2006.**

4 Section 1860D–13(b)(3)(B) of the Social Security
 5 Act (42 U.S.C. 1395w–113(b)(3)(B)) is amended by in-
 6 serting “(after December 2006)” after “any month”.

7 **SEC. 3. MEDICARE ADVANTAGE REGIONAL PLAN STA-**
 8 **BILIZATION FUND REVISIONS.**

9 Section 1858(e)(5) of the Social Security Act (42
 10 U.S.C. 1395w–27a(e)(5)) is amended by adding at the end
 11 the following new subparagraph:

12 “(C) **ADDITIONAL LIMITATION.**—In no
 13 case may the total expenditures from the
 14 Fund—

15 “(i) prior to October 1, 2007, exceed
 16 \$584,000,000; and

17 “(ii) during the period beginning on
 18 October 1, 2007, and ending on September
 19 30, 2011, exceed \$4,525,000,000.”.

20 **SEC. 4. EFFECTIVE DATE.**

21 The amendments made by this Act shall take effect
 22 as if included in the enactment of Medicare Prescription
 23 Drug, Improvement, and Modernization Act of 2003 (Pub-
 24 lic Law 108–173; 117 Stat. 2181).