

110TH CONGRESS
1ST SESSION

H. R. 1310

To amend part D of title XVIII of the Social Security Act to waive the late enrollment penalty under such part for 2006 and 2007 and to fully subsidize any such penalties subsequently imposed for part D subsidy-eligible individuals.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2007

Mr. ALTMIRE 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 part D of title XVIII of the Social Security Act to waive the late enrollment penalty under such part for 2006 and 2007 and to fully subsidize any such penalties subsequently imposed for part D subsidy-eligible individuals.

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 “Relief and Elimination
5 of the Medicare Enrollment Deadline Penalty (REMEDY)
6 Act of 2007”.

1 **SEC. 2. WAIVER OF MEDICARE PART D LATE ENROLLMENT**
2 **PENALTY FOR 2006 AND 2007.**

3 (a) IN GENERAL.—Section 1860D–13(b)(3)(B) of
4 the Social Security Act (42 U.S.C. 1395w–113(b)(3)(B))
5 is amended by inserting “(after December 2007)” after
6 “any month”.

7 (b) EFFECTIVE DATE; REBATES OF CERTAIN PEN-
8 ALTIES PREVIOUSLY COLLECTED.—

9 (1) EFFECTIVE DATE.—The amendment made
10 by subsection (a) shall take effect as if included in
11 the enactment of the Medicare Prescription Drug,
12 Improvement, and Modernization Act of 2003 (Pub-
13 lic Law 108–173).

14 (2) REBATES OF CERTAIN PENALTIES PRE-
15 VIOUSLY COLLECTED.—The Secretary of Health and
16 Human Services shall establish a method for pro-
17 viding rebates of late enrollment penalties paid pur-
18 suant to section 1860D–13(b) of the Social Security
19 Act (42 U.S.C. 1395w–113(b)(3)(B)) for months be-
20 fore the date of the enactment of this Act for which
21 a penalty does not apply under the amendment made
22 by subsection (a) but for which a penalty was pre-
23 viously collected. The amount of any rebate provided
24 under this paragraph shall not be treated as income
25 for purposes of determining the eligibility for or the
26 amount of assistance under section 1860D–14 of the

1 Social Security Act (42 U.S.C. 1395w–114) or to
 2 determine the eligibility for or the amount of assist-
 3 ance under any other Federal or federally assisted
 4 program that bases eligibility, or the amount of ben-
 5 efits, on need.

6 **SEC. 3. ELIMINATION OF MEDICARE PART D LATE ENROLL-**
 7 **MENT PENALTIES PAID BY LOW-INCOME SUB-**
 8 **SIDY-ELIGIBLE INDIVIDUALS FOR PERIODS**
 9 **AFTER 2007.**

10 (a) INDIVIDUALS WITH INCOME BELOW 135 PER-
 11 CENT OF POVERTY LINE.—Paragraph (1)(A)(ii) of sec-
 12 tion 1860D–14(a) of the Social Security Act (42 U.S.C.
 13 1395w–114(a)) is amended to read as follows:

14 “(ii) 100 percent of any late enrollment
 15 penalties imposed under section 1860D–13(b)
 16 for such individual.”.

17 (b) INDIVIDUALS WITH INCOME BETWEEN 135 AND
 18 150 PERCENT OF POVERTY LINE.—Paragraph (2)(A) of
 19 such section is amended—

20 (1) by inserting “equal to (i) an amount” after
 21 “premium subsidy”;

22 (2) by striking “paragraph (1)(A)” and insert-
 23 ing “clause (i) of paragraph (1)(A)”; and

24 (3) by adding at the end before the period the
 25 following: “, plus (ii) 100 percent of the amount de-

1 scribed in clause (ii) of such paragraph for such in-
2 dividual”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to subsidies for months beginning
5 with January 2008.

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