

**Calendar No. 434**

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2810**

To amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling programs and area agencies on aging, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 16, 2006

Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. DEWINE, Mr. NELSON of Florida, Mr. KYL, Mr. CARPER, Mr. TALENT, Mrs. LINCOLN, Ms. SNOWE, Ms. CANTWELL, Mr. SANTORUM, Mr. BAYH, Mr. BURNS, Mr. CONRAD, Ms. MURKOWSKI, Mrs. MURRAY, Mr. SMITH, and Mr. HATCH) introduced the following bill; which was read the first time

MAY 17, 2006

Read the second time and placed on the calendar

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**A BILL**

To amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling programs and area agencies on aging, 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 Late Enroll-  
 5 ment Assistance Act of 2006”.

6 **SEC. 2. ELIMINATION OF MONTHS IN 2006 FROM THE CAL-**  
 7 **CULATION OF ANY LATE ENROLLMENT PEN-**  
 8 **ALTY UNDER MEDICARE PART D.**

9 (a) **ELIMINATION.**—Section 1860D–13(b)(3)(B) of  
 10 the Social Security Act (42 U.S.C. 1895w–113(b)(3)(B))  
 11 is amended by adding at the end the following new sen-  
 12 tence: “In no case shall any month in 2006 be considered  
 13 to be an uncovered month under this subsection.”.

14 (b) **EFFECTIVE DATE.**—The amendment made by  
 15 this section shall take effect as if included in the enact-  
 16 ment of section 101(a) of the Medicare Prescription Drug,  
 17 Improvement, and Modernization Act of 2003 (Public Law  
 18 108–173; 117 Stat. 2071).

19 **SEC. 3. ADDITIONAL FUNDING FOR STATE HEALTH INSUR-**  
 20 **ANCE COUNSELING PROGRAMS.**

21 (a) **IN GENERAL.**—Out of any funds in the Treasury  
 22 not otherwise appropriated, there are appropriated  
 23 \$13,000,000 to the Secretary of Health and Human Serv-  
 24 ices for fiscal year 2007, for the purpose of providing  
 25 grants to States for State health insurance counseling pro-

1 grams receiving assistance under section 4360 of the Om-  
2 nibus Reconciliation Act of 1990.

3 (b) ALLOCATION.—

4 (1) ALLOCATION BASED ON PERCENTAGE OF  
5 LOW-INCOME BENEFICIARIES.—The amount of a  
6 grant to a State under this section from  $\frac{1}{2}$  of the  
7 total amount made available under subsection (a)  
8 shall be based on the number of individuals that  
9 meet the requirement under section 1860D–  
10 14(a)(3)(A)(ii) of the Social Security Act (42 U.S.C.  
11 1395w–114(a)(3)(A)(ii)) relative to the total number  
12 of part D eligible individuals (as defined in section  
13 1860D–1(a)(3)(A) of such Act (42 U.S.C. 1395w–  
14 101(a)(3))) in each State, as estimated by the Sec-  
15 retary of Health and Human Services.

16 (2) ALLOCATION BASED ON PERCENTAGE OF  
17 RURAL BENEFICIARIES.—The amount of a grant to  
18 a State under this section from  $\frac{1}{2}$  of the total  
19 amount made available under subsection (a) shall be  
20 based on the number of part D eligible individuals  
21 (as so defined) residing in a rural area (as deter-  
22 mined by the Administrator of the Centers for Medi-  
23 care & Medicaid Services) relative to the total num-  
24 ber of such individuals in each State, as estimated  
25 by the Secretary of Health and Human Services.

1 (c) AVAILABILITY.—Amounts made available under  
2 subsection (a) shall remain available—

3 (1) for obligation until November 1, 2006; and

4 (2) for expenditure until June 30, 2008.

5 **SEC. 4. ADDITIONAL FUNDING FOR AREA AGENCIES ON**  
6 **AGING.**

7 (a) IN GENERAL.—Out of any funds in the Treasury  
8 not otherwise appropriated, there are appropriated  
9 \$5,000,000 to the Secretary of Health and Human Serv-  
10 ices for fiscal year 2007, to enable the Assistant Secretary  
11 on Aging to provide grants to States for area agencies on  
12 aging (as defined in section 102 of the Older American  
13 Act of 1965 (42 U.S.C. 3002)). Such assistance shall be  
14 used to provide eligible Medicare beneficiaries with infor-  
15 mation regarding benefits under title XVIII of the Social  
16 Security Act.

17 (b) ALLOCATION BASED ON PERCENTAGE OF LOW-  
18 INCOME AND RURAL BENEFICIARIES.—The amount of a  
19 grant to a State under this section from the total amount  
20 made available under subsection (a) shall be determined  
21 in the same manner as the amount of a grant to a State  
22 under section 4 from the total amount made available  
23 under subsection (a) of such section is determined under  
24 paragraphs (1) and (2) of subsection (b) of such section.

1 (c) AVAILABILITY.—Amounts made available under  
 2 subsection (a) shall remain available—

3 (1) for obligation until November 1, 2006; and

4 (2) for expenditure until June 30, 2008.

5 **SEC. 5. MEDICARE ADVANTAGE REGIONAL PLAN STA-**  
 6 **BILIZATION FUND REVISIONS.**

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

10 “(C) ADDITIONAL LIMITATION.—In no  
 11 case may the total expenditures from the  
 12 Fund—

13 “(I) prior to October 1, 2007, ex-  
 14 ceed \$566,000,000;

15 “(II) during the period beginning  
 16 on October 1, 2007, and ending on  
 17 September 30, 2011, exceed  
 18 \$4,507,000,000.”.

19 (b) EFFECTIVE DATE.—The amendments made by  
 20 this section shall take effect as if included in the enact-  
 21 ment of section 221(c) of the Medicare Prescription Drug,  
 22 Improvement, and Modernization Act of 2003 (Public Law  
 23 108–173; 117 Stat. 2181).

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