

109TH CONGRESS  
1ST SESSION

# H. R. 3870

To amend part D of title XVIII of the Social Security Act to delay for 2 years implementation of the Medicare prescription drug benefit for individuals who are not lowest-income subsidy eligible individuals.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2005

Mr. FLAKE (for himself, Mr. PENCE, and Mr. HENSARLING) 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 delay for 2 years implementation of the Medicare prescription drug benefit for individuals who are not lowest-income 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,*

1 **SECTION 1. DELAY IN IMPLEMENTATION OF MEDICARE**  
2 **PRESCRIPTION DRUG PROGRAM FOR ALL**  
3 **BUT LOWEST-INCOME SUBSIDY ELIGIBLE IN-**  
4 **DIVIDUALS.**

5 (a) IN GENERAL.—Section 1860D–1(a) of the Social  
6 Security Act (42 U.S.C. 1395w-101(a)) is amended by  
7 adding at the end the following new paragraph:

8 “(4) LIMITATION DURING 2006 AND 2007.—

9 “(A) IN GENERAL.—With respect to bene-  
10 fits during 2006 and 2007, no individual shall  
11 be treated as a part D eligible individual unless  
12 the individual is described in section 1860D–  
13 14(a)(1).

14 “(B) TRANSITION.—For individuals who  
15 would be part D eligible individuals but for sub-  
16 paragraph (A), the enrollment-related provi-  
17 sions of this part (and related provisions of part  
18 C) shall be applied as if any dates otherwise  
19 specified had been delayed for 2 years.”.

20 (b) CONTINUATION OF DRUG DISCOUNT CARD PRO-  
21 GRAM FOR NONQUALIFYING INDIVIDUALS.—Section  
22 1860D–31(a)(2) of such Act (42 U.S.C. 1395w-141(a)(2))  
23 is amended by adding at the end the following new sub-  
24 paragraph:

25 “(D) CONTINUATION FOR CERTAIN INDI-  
26 VIDUALS.—Notwithstanding any other provision

1 of this section, this section shall continue to op-  
2 erate during 2006 and 2007 in the same man-  
3 ner it operated during 2005 in the case of dis-  
4 count card eligible individuals who would be  
5 part D eligible individuals during such period  
6 but for the application of section 1860D-  
7 1(a)(4)(A).”.

8 (c) EFFECTIVE DATE.—The amendments made by  
9 this section shall be effective as if included in the enact-  
10 ment of Medicare Prescription Drug, Improvement, and  
11 Modernization Act of 2003 (Public Law 108–173).

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