

In the House of Representatives, U. S.,

October 19, 2005.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3971) entitled “An Act to provide assistance to individuals and States affected by Hurricane Katrina”, with the following

HOUSE AMENDMENTS TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “QI, TMA, and Absti-*
3 *nence Programs Extension and Hurricane Katrina Unem-*
4 *ployment Relief Act of 2005”.*

5 ***TITLE I—HEALTH PROVISIONS***

6 ***SEC. 101. EXTENSION OF QUALIFIED INDIVIDUAL (QI) PRO-***
7 ***GRAM.***

8 (a) *THROUGH SEPTEMBER 2007.—Section*
9 *1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C.*
10 *1396a(a)(10)(E)(iv)) is amended by striking “September*
11 *2005” and inserting “September 2007”.*

12 (b) *EXTENDING TOTAL AMOUNT AVAILABLE FOR AL-*
13 *LOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-*
14 *3(g)) is amended—*

1 (1) in paragraph (2)—

2 (A) by striking “and” at the end of sub-
3 paragraph (B);

4 (B) by striking the period at the end of sub-
5 paragraph (C) and inserting a semicolon; and

6 (C) by adding at the end the following new
7 subparagraphs:

8 “(D) for the period that begins on October
9 1, 2005, and ends on December 31, 2005, the
10 total allocation amount is \$100,000,000;

11 “(E) for the period that begins on January
12 1, 2006, and ends on September 30, 2006, the
13 total allocation amount is \$300,000,000;

14 “(F) for the period that begins on October
15 1, 2006, and ends on December 31, 2006, the
16 total allocation amount is \$100,000,000; and

17 “(G) for the period that begins on January
18 1, 2007, and ends on September 30, 2007, the
19 total allocation amount is \$300,000,000.”; and

20 (2) in paragraph (3), in the matter preceding
21 subparagraph (A), by inserting “, (D), or (F)” after
22 “subparagraph (B)”.

23 (c) *EFFECTIVE DATE.*—The amendments made by this
24 section shall be effective as of September 30, 2005.

1 **SEC. 102. EXTENSION OF TRANSITIONAL MEDICAL ASSIST-**
 2 **ANCE (TMA) AND ABSTINENCE EDUCATION**
 3 **PROGRAM.**

4 *Effective as if enacted on September 30, 2005, activi-*
 5 *ties authorized by sections 510 and 1925 of the Social Secu-*
 6 *urity Act shall continue through December 31, 2005, in the*
 7 *manner authorized for fiscal year 2005, notwithstanding*
 8 *section 1902(e)(1)(A) of such Act, and out of any money*
 9 *in the Treasury of the United States not otherwise appro-*
 10 *priated, there are hereby appropriated such sums as may*
 11 *be necessary for such purpose. Grants and payments may*
 12 *be made pursuant to this authority through the first quarter*
 13 *of fiscal year 2006 at the level provided for such activities*
 14 *through the first quarter of fiscal year 2005.*

15 **SEC. 103. ELIMINATION OF MEDICARE COVERAGE OF**
 16 **DRUGS USED FOR TREATMENT OF SEXUAL OR**
 17 **ERECTILE DYSFUNCTION.**

18 *(a) IN GENERAL.—Section 1860D–2(e)(2)(A) of the*
 19 *Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is*
 20 *amended—*

21 *(1) by striking the period at the end and insert-*
 22 *ing “, as such sections were in effect on the date of*
 23 *the enactment of this part.”; and*

24 *(2) by adding at the end the following: “Such*
 25 *term also does not include a drug when used for the*
 26 *treatment of sexual or erectile dysfunction, unless*

1 *such drug were used to treat a condition, other than*
 2 *sexual or erectile dysfunction, for which the drug has*
 3 *been approved by the Food and Drug Administra-*
 4 *tion.”.*

5 (b) *CONSTRUCTION.*—*Nothing in this section shall be*
 6 *construed as preventing a prescription drug plan or an*
 7 *MA–PD plan from providing coverage of drugs for the*
 8 *treatment of sexual or erectile dysfunction as supplemental*
 9 *prescription drug coverage under section 1860D–*
 10 *2(a)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395w–*
 11 *102(a)(2)(A)(ii)).*

12 (c) *EFFECTIVE DATES.*—*The amendment made by*
 13 *subsection (a)(1) shall take effect as if included in the enact-*
 14 *ment of the Medicare Prescription Drug, Improvement, and*
 15 *Modernization Act of 2003 (Public Law 108–173) and the*
 16 *amendment made by subsection (a)(2) shall apply to cov-*
 17 *erage for drugs dispensed on or after January 1, 2007.*

18 **SEC. 104. ELIMINATION OF MEDICAID COVERAGE OF DRUGS**
 19 **USED FOR TREATMENT OF SEXUAL OR EREC-**
 20 **TILE DYSFUNCTION.**

21 (a) *IN GENERAL.*—*Section 1927(d)(2) of the Social Se-*
 22 *curity Act (42 U.S.C. 1396r-8(d)(2)) is amended by adding*
 23 *at the end the following new subparagraph:*

24 *“(K) Agents when used for the treatment of*
 25 *sexual or erectile dysfunction, unless such agents*

1 are used to treat a condition, other than sexual
 2 or erectile dysfunction, for which the agents have
 3 been approved by the Food and Drug Adminis-
 4 tration.”.

5 (b) *ELIMINATION OF FEDERAL PAYMENT UNDER MED-*
 6 *ICAID PROGRAM.*—Section 1903(i) of such Act (42 U.S.C.
 7 1396b(i)) is amended—

8 (1) by striking “or” at the end of paragraph
 9 (19);

10 (2) by striking the period at the end of para-
 11 graph (20) and inserting “; or”; and

12 (3) by inserting after paragraph (20) the fol-
 13 lowing new paragraph:

14 “(21) with respect to amounts expended for cov-
 15 ered outpatient drugs described in section
 16 1927(d)(2)(K) (relating to drugs when used for treat-
 17 ment of sexual or erectile dysfunction).”.

18 (c) *CLARIFICATION OF NO EFFECT ON DETERMINA-*
 19 *TION OF BASE EXPENDITURES.*—Section
 20 1935(c)(3)(B)(ii)(II) of such Act (42 U.S.C.
 21 1396v(c)(3)(B)(ii)(II)) is amended by inserting “, includ-
 22 ing drugs described in subparagraph (K) of section
 23 1927(d)(2)” after “1860D–2(e)”.

1 (d) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall apply to drugs dispensed on or after January*
 3 *1, 2006.*

4 ***TITLE II—ASSISTANCE***
 5 ***RELATING TO UNEMPLOYMENT***

6 ***SEC. 201. SPECIAL TRANSFER IN FISCAL YEAR 2006.***

7 *Section 903 of the Social Security Act (42 U.S.C.*
 8 *1103) is amended by adding at the end the following:*

9 “(e) *SPECIAL TRANSFER IN FISCAL YEAR 2006.*—*Not*
 10 *later than 10 days after the date of the enactment of this*
 11 *subsection, the Secretary of the Treasury shall transfer from*
 12 *the Federal unemployment account—*

13 “(1) \$15,000,000 to the account of Alabama in
 14 *the Unemployment Trust Fund;*

15 “(2) \$400,000,000 to the account of Louisiana in
 16 *the Unemployment Trust Fund; and*

17 “(3) \$85,000,000 to the account of Mississippi in
 18 *the Unemployment Trust Fund.”.*

19 ***SEC. 202. FLEXIBILITY IN UNEMPLOYMENT COMPENSATION***
 20 ***ADMINISTRATION TO ADDRESS HURRICANE***
 21 ***KATRINA.***

22 *Notwithstanding any provision of section 302(a) or*
 23 *303(a)(8) of the Social Security Act, any State may, on*
 24 *or after August 28, 2005, use any amounts received by such*
 25 *State pursuant to title III of the Social Security Act to*

1 *assist in the administration of claims for compensation on*
 2 *behalf of any other State if a major disaster was declared*
 3 *with respect to such other State or any area within such*
 4 *other State under the Robert T. Stafford Disaster Relief and*
 5 *Emergency Assistance Act by reason of Hurricane Katrina.*

6 **SEC. 203. REGULATIONS.**

7 *The Secretary of Labor may prescribe any operating*
 8 *instructions or regulations necessary to carry out this title*
 9 *and any amendment made by this title.*

Amend the title so as to read “An Act to extend medicare cost-sharing for qualifying individuals through September 2007, to extend transitional medical assistance and the program for abstinence education through December 2005, to provide unemployment relief for States and individuals affected by Hurricane Katrina, and for other purposes.”.

Attest:

Clerk.

109TH CONGRESS
1ST SESSION

H.R. 3971

**HOUSE AMENDMENTS TO
SENATE AMENDMENT**