

In the Senate of the United States,

October 7 (legislative day, October 6), 2005.

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

AMENDMENT:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

4 *This Act may be cited as the “Medicare Cost-Sharing*
5 *and Welfare Extension Act of 2005”.*

1 **SEC. 2. EXTENSION OF QI PROGRAM THROUGH SEPTEMBER**

2 **2006.**

3 (a) *IN GENERAL.*—Section 1902(a)(10)(E)(iv) of the
4 Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is
5 amended by striking “September 2005” and inserting “Sep-
6 tember 2006”.

7 (b) *TOTAL AMOUNT AVAILABLE FOR ALLOCATION.*—
8 Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is
9 amended—

10 (1) in paragraph (2)—

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

13 (B) by striking the period at the end of sub-
14 paragraph (C) and inserting “; and”; and

15 (C) by adding at the end the following new
16 subparagraphs:

17 “(D) for the period that begins on October
18 1, 2005, and ends on December 31, 2005, the
19 total allocation amount is \$100,000,000; and

20 “(E) for the period that begins on January
21 1, 2006, and ends on September 30, 2006, the
22 total allocation amount is \$300,000,000.”; and

23 (2) in paragraph (3), in the matter preceding
24 subparagraph (A), by inserting “or (D)” after “sub-
25 paragraph (B)”.

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

3 **SEC. 3. EXTENSION OF THE TEMPORARY ASSISTANCE FOR**
4 **NEEDY FAMILIES BLOCK GRANT PROGRAM,**
5 **TRANSITIONAL MEDICAL ASSISTANCE, AND**
6 **RELATED PROGRAMS THROUGH MARCH 31,**
7 **2006.**

8 (a) *IN GENERAL.*—*Activities authorized by part A of*
9 *title IV of the Social Security Act, and by sections 510,*
10 *1108(b), and 1925 of such Act, shall continue through*
11 *March 31, 2006, in the manner authorized for fiscal year*
12 *2005, notwithstanding section 1902(e)(1)(A) of such Act,*
13 *and out of any money in the Treasury of the United States*
14 *not otherwise appropriated, there are hereby appropriated*
15 *such sums as may be necessary for such purpose. Grants*
16 *and payments may be made pursuant to this authority*
17 *through the second quarter of fiscal year 2006 at the level*
18 *provided for such activities through the second quarter of*
19 *fiscal year 2005.*

20 (b) **CONFORMING AMENDMENT.**—*Section*
21 *403(a)(3)(H)(i) of the Social Security Act (42 U.S.C.*
22 *603(a)(3)(H)(i)), as amended by section 2(b)(2)(A) of the*
23 *TANF Emergency Response and Recovery Act of 2005*
24 *(Public Law 109–68), is amended by striking “December*
25 *31, 2005” and inserting “March 31, 2006”.*

1 (c) *EXTENSION OF THE NATIONAL RANDOM SAMPLE*
2 *STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER*
3 *AUTHORITY THROUGH MARCH 31, 2006.*—Activities au-
4 *thorized by sections 429A and 1130(a) of the Social Secu-*
5 *rity Act shall continue through March 31, 2006, in the*
6 *manner authorized for fiscal year 2005, and out of any*
7 *money in the Treasury of the United States not otherwise*
8 *appropriated, there are hereby appropriated such sums as*
9 *may be necessary for such purpose. Grants and payments*
10 *may be made pursuant to this authority through the second*
11 *quarter of fiscal year 2006 at the level provided for such*
12 *activities through the second quarter of fiscal year 2005.*

13 **SEC. 4. RESTRICTION ON COVERED DRUGS UNDER THE**
14 **MEDICAID AND MEDICARE PROGRAMS.**

15 (a) *EXCLUSION UNDER MEDICARE BEGINNING IN*
16 *2007.*—Section 1860D–2(e)(2)(A) of the Social Security
17 Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended by insert-
18 ing “and, only with respect to 2006, other than subpara-
19 graph (K) (relating to agents when used to treat sexual or
20 erectile dysfunction, unless such agents are used to treat a
21 condition, other than sexual or erectile dysfunction, for
22 which the agent has been approved by the Food and Drug
23 Administration)” after “agents”).

24 (b) *RESTRICTION UNDER MEDICAID.*—

1 (1) *IN GENERAL.*—Section 1927(d)(2) of the So-
2 cial Security Act (42 U.S.C. 1396r–8(d)(2)) is
3 amended by adding at the end the following new sub-
4 paragraph:

5 “(K) Agents when used to treat sexual or
6 erectile dysfunction, except that such exclusion or
7 other restriction shall not apply in the case of
8 such agents when used to treat a condition, other
9 than sexual or erectile dysfunction, for which the
10 agent has been approved by the Food and Drug
11 Administration.”.

12 (2) *EFFECTIVE DATE.*—The amendment made by
13 this subsection shall apply to drugs dispensed on or
14 after the date that is 60 days after the date of enact-
15 ment of this Act.

Attest:

Secretary.

109TH CONGRESS
1ST SESSION

H. R. 3971

AMENDMENT