

109TH CONGRESS
1ST SESSION

H. R. 3971

To provide assistance to individuals and States affected by Hurricane Katrina.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2005

Mr. DEAL of Georgia (for himself, Mr. MCCRERY, Mr. JINDAL, Mr. BAKER, and Mr. BOUSTANY) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 provide assistance to individuals and States affected by
Hurricane Katrina.

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 “Social Services Emer-
5 gency Relief and Recovery Act of 2005”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—ASSISTANCE RELATING TO UNEMPLOYMENT

- Sec. 101. Special transfer in fiscal year 2006.
 Sec. 102. Flexibility in unemployment compensation administration to address Hurricane Katrina.
 Sec. 103. Regulations.

TITLE II—HEALTH PROVISIONS

- Sec. 201. Elimination of medicare coverage of drugs used for treatment of sexual or erectile dysfunction.
 Sec. 202. Elimination of medicaid coverage of drugs used for treatment of sexual or erectile dysfunction.
 Sec. 203. Extension of sunset for transitional medical assistance (TMA).
 Sec. 204. Extension of abstinence education program.
 Sec. 205. Extension of Qualified Individual (QI) program.

TITLE III—TANF

- Sec. 301. Additional funding for certain States affected by Hurricane Katrina providing emergency short term benefits to assist families evacuated within the State.

1 **TITLE I—ASSISTANCE RELATING** 2 **TO UNEMPLOYMENT**

3 **SEC. 101. SPECIAL TRANSFER IN FISCAL YEAR 2006.**

4 Section 903 of the Social Security Act (42 U.S.C.
 5 1103) is amended by adding at the end the following:

6 “Special Transfer in Fiscal Year 2006

7 “(e) Not later than 10 days after the date of the en-
 8 actment of this subsection, the Secretary of the Treasury
 9 shall transfer from the Federal unemployment account—

10 “(1) \$15,000,000 to the account of Alabama in the
 11 Unemployment Trust Fund;

12 “(2) \$400,000,000 to the account of Louisiana in the
 13 Unemployment Trust Fund; and

14 “(3) \$85,000,000 to the account of Mississippi in the
 15 Unemployment Trust Fund.”.

1 **SEC. 102. FLEXIBILITY IN UNEMPLOYMENT COMPENSATION**
2 **ADMINISTRATION TO ADDRESS HURRICANE**
3 **KATRINA.**

4 Notwithstanding any provision of section 302(a) or
5 303(a)(8) of the Social Security Act, any State may, on
6 or after August 28, 2005, use any amounts received by
7 such State pursuant to title III of the Social Security Act
8 to assist in the administration of claims for compensation
9 on behalf of any other State if a major disaster was de-
10 clared with respect to such other State or any area within
11 such other State under the Robert T. Stafford Disaster
12 Relief and Emergency Assistance Act by reason of Hurri-
13 cane Katrina.

14 **SEC. 103. REGULATIONS.**

15 The Secretary of Labor may prescribe any operating
16 instructions or regulations necessary to carry out this title
17 and any amendment made by this title.

18 **TITLE II—HEALTH PROVISIONS**

19 **SEC. 201. ELIMINATION OF MEDICARE COVERAGE OF**
20 **DRUGS USED FOR TREATMENT OF SEXUAL**
21 **OR ERECTILE DYSFUNCTION.**

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

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

4 (2) by adding at the end the following: “Such
5 term also does not include a drug when used for the
6 treatment of sexual or erectile dysfunction, unless
7 such drug were used to treat a condition, other than
8 sexual or erectile dysfunction, for which the drug
9 has been approved by the Food and Drug Adminis-
10 tration.”.

11 (b) CONSTRUCTION.—Nothing in this section shall be
12 construed as preventing a prescription drug plan or an
13 MA–PD plan from providing coverage of drugs for the
14 treatment of sexual or erectile dysfunction as supple-
15 mental prescription drug coverage under section 1860D–
16 2(a)(2)(A)(ii) of the Social Security Act (42 U.S.C.
17 1395w–102(a)(2)(A)(ii)).

18 (c) EFFECTIVE DATES.—The amendment made by
19 subsection (a)(1) shall take effect as if included in the en-
20 actment of the Medicare Prescription Drug, Improvement,
21 and Modernization Act of 2003 (Public Law 108–173)
22 and the amendment made by subsection (a)(2) shall apply
23 to coverage for drugs dispensed on or after January 1,
24 2007.

1 **SEC. 202. ELIMINATION OF MEDICAID COVERAGE OF**
2 **DRUGS USED FOR TREATMENT OF SEXUAL**
3 **OR ERECTILE DYSFUNCTION.**

4 (a) IN GENERAL.—Section 1927(d)(2) of the Social
5 Security Act (42 U.S.C. 1396r–8(d)(2)) is amended by
6 adding at the end the following new subparagraph:

7 “(K) Agents when used for the treatment
8 of sexual or erectile dysfunction, unless such
9 agents are used to treat a condition, other than
10 sexual or erectile dysfunction, for which the
11 agents have been approved by the Food and
12 Drug Administration.”.

13 (b) ELIMINATION OF FEDERAL PAYMENT UNDER
14 MEDICAID PROGRAM.—Section 1903(i) of such Act (42
15 U.S.C. 1396b(i)) is amended—

16 (1) by striking “or” at the end of paragraph
17 (19);

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

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

22 “(21) with respect to amounts expended for
23 covered outpatient drugs described in section
24 1927(d)(2)(K) (relating to drugs when used for
25 treatment of sexual or erectile dysfunction).”.

1 (c) CLARIFICATION OF NO EFFECT ON DETERMINA-
2 TION OF BASE EXPENDITURES.—Section
3 1935(c)(3)(B)(ii)(II) of such Act (42 U.S.C.
4 1396v(c)(3)(B)(ii)(II)) is amended by inserting “, includ-
5 ing drugs described in subparagraph (K) of section
6 1927(d)(2)” after “1860D–2(e)”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to drugs dispensed on or after Jan-
9 uary 1, 2006.

10 **SEC. 203. EXTENSION OF SUNSET FOR TRANSITIONAL MED-**
11 **ICAL ASSISTANCE (TMA).**

12 (a) IN GENERAL.—Section 1925(f) of the Social Se-
13 curity Act (42 U.S.C. 1396r–6(f)) is amended by striking
14 “September 30, 2003” and inserting “December 31,
15 2005”.

16 (b) CONFORMING AMENDMENT.—Section
17 1902(e)(1)(B) of such Act (42 U.S.C. 1396a(e)(1)(B)) is
18 amended by striking “September 30, 2003” and inserting
19 “the last date (if any) on which section 1925 applies under
20 subsection (f) of that section”.

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

1 **SEC. 204. EXTENSION OF ABSTINENCE EDUCATION PRO-**
2 **GRAM.**

3 Activities authorized by section 510 of the Social Se-
4 curity Act shall continue through December 31, 2005, in
5 the manner authorized for fiscal year 2005, and out of
6 any money in the Treasury of the United States not other-
7 wise appropriated, there are hereby appropriated such
8 sums as may be necessary for such purpose. Grants and
9 payments may be made pursuant to this authority through
10 the first quarter of fiscal year 2006 at the level provided
11 for such activities through the first quarter of fiscal year
12 2005.

13 **SEC. 205. EXTENSION OF QUALIFIED INDIVIDUAL (QI) PRO-**
14 **GRAM.**

15 (a) THROUGH END OF 2005.—Section
16 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C.
17 1396a(a)(10)(E)(iv)) is amended by striking “September
18 2005” and inserting “September 2006”.

19 (b) EXTENDING TOTAL AMOUNT AVAILABLE FOR
20 ALLOCATION.—Section 1933(g) of such Act (42 U.S.C.
21 1396u–3(g)) is amended—

22 (1) in paragraph (2)—

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

1 (B) by striking the period at the end of
 2 subparagraph (C) and inserting a semicolon;
 3 and

4 (C) by adding at the end the following new
 5 subparagraphs:

6 “(D) for the period that begins on October
 7 1, 2005, and ends on December 31, 2005, the
 8 total allocation amount is \$100,000,000; and

9 “(E) for the period that begins on January
 10 1, 2006, and ends on September 30, 2006, the
 11 total allocation amount is \$300,000,000.”; and

12 (2) in paragraph (3), in the matter preceding
 13 subparagraph (A), by inserting “or (D)” after “sub-
 14 paragraph (B)”.

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

17 **TITLE III—TANF**

18 **SEC. 301. ADDITIONAL FUNDING FOR CERTAIN STATES AF-** 19 **FECTED BY HURRICANE KATRINA PROVIDING** 20 **EMERGENCY SHORT TERM BENEFITS TO AS-** 21 **SIST FAMILIES EVACUATED WITHIN THE** 22 **STATE.**

23 (a) ELIGIBILITY FOR PAYMENTS FROM THE CONTIN-
 24 GENCY FUND.—Beginning with the date of the enactment
 25 of this Act and ending with August 31, 2006, any of the

1 States of Louisiana, Mississippi, or Alabama shall be con-
2 sidered a needy State for purposes of section 403(b) of
3 the Social Security Act if—

4 (1) the State includes an area for which a
5 major disaster has been declared under the Robert
6 T. Stafford Disaster Relief and Emergency Assist-
7 ance Act (42 U.S.C. 5121 et seq.) as a result of
8 Hurricane Katrina;

9 (2) a family that resided in such an area of the
10 State before the onset of the hurricane evacuated
11 from their place of residence (not necessarily di-
12 rectly) to another part of the State as a result of the
13 hurricane;

14 (3) while the family was in such other part of
15 the State as a result of the hurricane, a cash benefit
16 under the State program funded under part A of
17 title IV of the Social Security Act was provided to
18 the family on a short-term, nonrecurring basis; and

19 (4) while the cash benefit was so provided, the
20 State determined that the family—

21 (A) was not receiving a cash benefit from
22 any program funded under such part (other
23 than the cash benefit described in paragraph
24 (3)); and

1 (B) had not received a cash benefit of any
2 kind from any such program in the 3-month pe-
3 riod ending with the date the cash benefit was
4 first so provided.

5 (b) LIMITATION ON FUNDING.—Subject to section
6 403(b)(3)(C)(i) of the Social Security Act, the total
7 amount paid under section 403(b)(3)(A) of such Act to
8 a State which is a needy State for purposes of section
9 403(b) of such Act by reason of subsection (a) of this sec-
10 tion shall not exceed the total amount of cash benefits pro-
11 vided as described in subsection (a)(3) of this section, to
12 the extent that the conditions described in subsection
13 (a)(4) of this section have been met with respect to the
14 families involved.

15 (c) NO STATE MATCH REQUIRED.—Sections
16 403(b)(6) and 409(a)(10) of the Social Security Act shall
17 not apply with respect to a payment made to a State by
18 reason of this section.

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