

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3971

---

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2005

Received

---

## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Social Services Emer-  
3 gency Relief and Recovery Act of 2005”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 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.

6 **TITLE I—ASSISTANCE RELATING**  
7 **TO UNEMPLOYMENT**

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

9 Section 903 of the Social Security Act (42 U.S.C.  
10 1103) is amended by adding at the end the following:

11 “Special Transfer in Fiscal Year 2006

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

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

3 “(2) \$400,000,000 to the account of Louisiana in the  
4 Unemployment Trust Fund; and

5 “(3) \$85,000,000 to the account of Mississippi in the  
6 Unemployment Trust Fund.”.

7 **SEC. 102. FLEXIBILITY IN UNEMPLOYMENT COMPENSATION**

8 **ADMINISTRATION TO ADDRESS HURRICANE**

9 **KATRINA.**

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

20 **SEC. 103. REGULATIONS.**

21 The Secretary of Labor may prescribe any operating  
22 instructions or regulations necessary to carry out this title  
23 and any amendment made by this title.

1 **TITLE II—HEALTH PROVISIONS**

2 **SEC. 201. ELIMINATION OF MEDICARE COVERAGE OF**  
3 **DRUGS USED FOR TREATMENT OF SEXUAL**  
4 **OR ERECTILE DYSFUNCTION.**

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

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

11 (2) by adding at the end the following: “Such  
12 term also does not include a drug when used for the  
13 treatment of sexual or erectile dysfunction, unless  
14 such drug were used to treat a condition, other than  
15 sexual or erectile dysfunction, for which the drug  
16 has been approved by the Food and Drug Adminis-  
17 tration.”.

18 (b) CONSTRUCTION.—Nothing in this section shall be  
19 construed as preventing a prescription drug plan or an  
20 MA–PD plan from providing coverage of drugs for the  
21 treatment of sexual or erectile dysfunction as supple-  
22 mental prescription drug coverage under section 1860D–  
23 2(a)(2)(A)(ii) of the Social Security Act (42 U.S.C.  
24 1395w-102(a)(2)(A)(ii)).

1           (c) EFFECTIVE DATES.—The amendment made by  
2 subsection (a)(1) shall take effect as if included in the en-  
3 actment of the Medicare Prescription Drug, Improvement,  
4 and Modernization Act of 2003 (Public Law 108–173)  
5 and the amendment made by subsection (a)(2) shall apply  
6 to coverage for drugs dispensed on or after January 1,  
7 2007.

8 **SEC. 202. ELIMINATION OF MEDICAID COVERAGE OF**  
9                           **DRUGS USED FOR TREATMENT OF SEXUAL**  
10                           **OR ERECTILE DYSFUNCTION.**

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

14                           “(K) Agents when used for the treatment  
15                           of sexual or erectile dysfunction, unless such  
16                           agents are used to treat a condition, other than  
17                           sexual or erectile dysfunction, for which the  
18                           agents have been approved by the Food and  
19                           Drug Administration.”.

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

23                           (1) by striking “or” at the end of paragraph  
24                           (19);

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

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

5           “(21) with respect to amounts expended for  
6           covered outpatient drugs described in section  
7           1927(d)(2)(K) (relating to drugs when used for  
8           treatment of sexual or erectile dysfunction).”.

9           (c) **CLARIFICATION OF NO EFFECT ON DETERMINA-**  
10          **TION OF BASE EXPENDITURES.**—Section  
11          1935(c)(3)(B)(ii)(II) of such Act (42 U.S.C.  
12          1396v(c)(3)(B)(ii)(II)) is amended by inserting “, includ-  
13          ing drugs described in subparagraph (K) of section  
14          1927(d)(2)” after “1860D–2(e)”.

15          (d) **EFFECTIVE DATE.**—The amendments made by  
16          this section shall apply to drugs dispensed on or after Jan-  
17          uary 1, 2006.

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

20          (a) **IN GENERAL.**—Section 1925(f) of the Social Se-  
21          curity Act (42 U.S.C. 1396r-6(f)) is amended by striking  
22          “September 30, 2003” and inserting “December 31,  
23          2005”.

24          (b) **CONFORMING AMENDMENT.**—Section  
25          1902(e)(1)(B) of such Act (42 U.S.C. 1396a(e)(1)(B)) is

1 amended by striking “September 30, 2003” and inserting  
2 “the last date (if any) on which section 1925 applies under  
3 subsection (f) of that section”.

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

6 **SEC. 204. EXTENSION OF ABSTINENCE EDUCATION PRO-**  
7 **GRAM.**

8 Activities authorized by section 510 of the Social Se-  
9 curity Act shall continue through December 31, 2005, in  
10 the manner authorized for fiscal year 2005, and out of  
11 any money in the Treasury of the United States not other-  
12 wise appropriated, there are hereby appropriated such  
13 sums as may be necessary for such purpose. Grants and  
14 payments may be made pursuant to this authority through  
15 the first quarter of fiscal year 2006 at the level provided  
16 for such activities through the first quarter of fiscal year  
17 2005.

18 **SEC. 205. EXTENSION OF QUALIFIED INDIVIDUAL (QI) PRO-**  
19 **GRAM.**

20 (a) THROUGH END OF 2005.—Section  
21 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C.  
22 1396a(a)(10)(E)(iv)) is amended by striking “September  
23 2005” and inserting “September 2006”.

1 (b) EXTENDING TOTAL AMOUNT AVAILABLE FOR  
2 ALLOCATION.— Section 1933(g) of such Act (42 U.S.C.  
3 1396u-3(g)) is amended—

4 (1) in paragraph (2)—

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

7 (B) by striking the period at the end of  
8 subparagraph (C) and inserting a semicolon;  
9 and

10 (C) by adding at the end the following new  
11 subparagraphs:

12 “(D) for the period that begins on October  
13 1, 2005, and ends on December 31, 2005, the  
14 total allocation amount is \$100,000,000; and

15 “(E) for the period that begins on January  
16 1, 2006, and ends on September 30, 2006, the  
17 total allocation amount is \$300,000,000.”; and

18 (2) in paragraph (3), in the matter preceding  
19 subparagraph (A), by inserting “or (D)” after “sub-  
20 paragraph (B)”.

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

**TITLE III—TANF**

1  
2 **SEC. 301. ADDITIONAL FUNDING FOR CERTAIN STATES AF-**  
3 **FECTED BY HURRICANE KATRINA PROVIDING**  
4 **EMERGENCY SHORT TERM BENEFITS TO AS-**  
5 **SIST FAMILIES EVACUATED WITHIN THE**  
6 **STATE.**

7 (a) ELIGIBILITY FOR PAYMENTS FROM THE CONTIN-  
8 GENCY FUND.—Beginning with the date of the enactment  
9 of this Act and ending with August 31, 2006, any of the  
10 States of Louisiana, Mississippi, or Alabama shall be con-  
11 sidered a needy State for purposes of section 403(b) of  
12 the Social Security Act if—

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

18 (2) a family that resided in such an area of the  
19 State before the onset of the hurricane evacuated  
20 from their place of residence (not necessarily di-  
21 rectly) to another part of the State as a result of the  
22 hurricane;

23 (3) while the family was in such other part of  
24 the State as a result of the hurricane, a cash benefit  
25 under the State program funded under part A of

1 title IV of the Social Security Act was provided to  
2 the family on a short-term, nonrecurring basis; and

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

5 (A) was not receiving a cash benefit from  
6 any program funded under such part (other  
7 than the cash benefit described in paragraph  
8 (3)); and

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

13 (b) LIMITATION ON FUNDING.—Subject to section  
14 403(b)(3)(C)(i) of the Social Security Act, the total  
15 amount paid under section 403(b)(3)(A) of such Act to  
16 a State which is a needy State for purposes of section  
17 403(b) of such Act by reason of subsection (a) of this sec-  
18 tion shall not exceed the total amount of cash benefits pro-  
19 vided as described in subsection (a)(3) of this section, to  
20 the extent that the conditions described in subsection  
21 (a)(4) of this section have been met with respect to the  
22 families involved.

23 (c) NO STATE MATCH REQUIRED.—Sections  
24 403(b)(6) and 409(a)(10) of the Social Security Act shall

1 not apply with respect to a payment made to a State by  
2 reason of this section.

Passed the House of Representatives October 6,  
2005.

Attest:

JEFF TRANDAHL,

*Clerk.*

By GERASIMOS C. VANS,

*Deputy Clerk.*