

109TH CONGRESS  
1ST SESSION

# S. 1778

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2005

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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## AN ACT

To extend medicare cost-sharing for qualifying individuals through September 2006, to extend the Temporary Assistance for Needy Families Program, transitional medical assistance under the Medicaid Program, and related programs through March 31, 2006, and for other purposes.

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 “Medicare Cost-Sharing  
5       and Welfare Extension Act of 2005”.

1 **SEC. 2. EXTENSION OF QI PROGRAM THROUGH SEP-**  
2 **TEMBER 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  
6 “September 2006”.

7 (b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—  
8 Section 1933(g)(2) of such Act (42 U.S.C. 1396u–  
9 3(g)(2)) is amended—

10 (1) by striking “and” at the end of subpara-  
11 graph (B);

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

14 (3) by adding at the end the following new sub-  
15 paragraphs:

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

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

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

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

18 (b) CONFORMING AMENDMENT.—Section  
 19 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C.  
 20 603(a)(3)(H)(ii)), as amended by section 2(b)(2)(A) of the  
 21 TANF Emergency Response and Recovery Act of 2005  
 22 (Public Law 109–68), is amended by striking “December  
 23 31, 2005” and inserting “March 31, 2006”.

24 (c) EXTENSION OF THE NATIONAL RANDOM SAMPLE  
 25 STUDY OF CHILD WELFARE AND CHILD WELFARE WAIV-  
 26 ER AUTHORITY THROUGH MARCH 31, 2006.—Activities

1 authorized by sections 429A and 1130(a) of the Social Se-  
 2 curity Act shall continue through March 31, 2006, in the  
 3 manner authorized for fiscal year 2005, and out of any  
 4 money in the Treasury of the United States not otherwise  
 5 appropriated, there are hereby appropriated such sums as  
 6 may be necessary for such purpose. Grants and payments  
 7 may be made pursuant to this authority through the sec-  
 8 ond quarter of fiscal year 2006 at the level provided for  
 9 such activities through the second quarter of fiscal year  
 10 2005.

11 **SEC. 4. RESTRICTION ON COVERED DRUGS UNDER THE**  
 12 **MEDICAID AND MEDICARE PROGRAMS.**

13 (a) EXCLUSION UNDER MEDICARE BEGINNING IN  
 14 2007.—Section 1860D–2(e)(2)(A) of the Social Security  
 15 Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended by in-  
 16 serting “and, only with respect to 2006, other than sub-  
 17 paragraph (K) (relating to agents when used to treat sex-  
 18 ual or erectile dysfunction, unless such agents are used  
 19 to treat a condition, other than sexual or erectile dysfunc-  
 20 tion, for which the agent has been approved by the Food  
 21 and Drug Administration)” after “agents”).

22 (b) RESTRICTION UNDER MEDICAID.—

23 (1) IN GENERAL.—Section 1927(d)(2) of the  
 24 Social Security Act (42 U.S.C. 1396r–8(d)(2)) is

1 amended by adding at the end the following new  
 2 subparagraph:

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

10 (2) EFFECTIVE DATE.—The amendment made  
 11 by this subsection shall apply to drugs dispensed on  
 12 or after the date that is 60 days after the date of  
 13 enactment of this Act.

14 (c) CLARIFICATION OF NO EFFECT ON DETERMINA-  
 15 TION OF BASE EXPENDITURES.—Section  
 16 1935(c)(3)(B)(ii)(II) of the Social Security Act (42 U.S.C.  
 17 1396v(c)(3)(B)(ii)(II)) is amended by inserting “, includ-  
 18 ing drugs described in subparagraph (K) of section  
 19 1927(d)(2)” after “1860D–2(e)”.

Passed the Senate September 29, 2005.

Attest: EMILY J. REYNOLDS,  
*Secretary.*