

109TH CONGRESS  
1ST SESSION

# S. 1637

To provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2005

Mr. REID (for himself, Ms. LANDRIEU, Mr. OBAMA, Ms. MIKULSKI, Mr. KENNEDY, Mr. LIEBERMAN, Mr. ROCKEFELLER, Ms. STABENOW, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEVIN, Mr. DURBIN, Mr. JOHNSON, Mr. REED, Mr. CORZINE, Mr. BAUCUS, Mr. SALAZAR, Mrs. FEINSTEIN, Mrs. BOXER, Mr. DORGAN, and Mr. BIDEN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Katrina Emergency Relief Act of 2005”.

- 1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—TEMPORARY MEDICAID DISASTER RELIEF

Sec. 101. Short title; purpose.

Sec. 102. Disaster relief period.

Sec. 103. Temporary Medicaid coverage for Katrina Survivors.

Sec. 104. Temporary disaster relief for States under Medicaid.

Sec. 105. Accommodation of special needs of Katrina Survivors under Medicare program.

#### TITLE II—EDUCATION

##### Subtitle A—Support for Elementary and Secondary Schools

Sec. 201. Support for elementary and secondary schools.

##### Subtitle B—Fund for Early Childhood Care and Education

Sec. 211. Fund for early childhood care and education.

##### Subtitle C—Support for Students in Higher Education

Sec. 221. Support for students in higher education.

#### TITLE III—EMERGENCY HOUSING ASSISTANCE

Sec. 301. Short title.

Sec. 302. Hurricane Katrina Emergency Assistance Vouchers.

Sec. 303. Report on inventory of availability of temporary housing.

Sec. 304. Appropriation of funding.

#### TITLE IV—FINANCIAL RELIEF

##### Subtitle A—Limitation on Payments

Sec. 401. Short title.

Sec. 402. Definitions.

Sec. 403. Moratorium on payments.

##### Subtitle B—Individual and Household Assistance

Sec. 411. Individual and household assistance.

##### Subtitle C—Unemployment Assistance

Sec. 421. Unemployment assistance.

##### Subtitle D—Tax Relief

Sec. 431. Required exercise of authority under section 7508A for tax relief for victims of Hurricane Katrina.

Sec. 432. Penalty free withdrawals from retirement plans for victims of Hurricane Katrina.

##### Subtitle E—Hurricane Katrina Food Assistance Relief

Sec. 441. Short title.  
 Sec. 442. Definition of Secretary.  
 Sec. 443. Food Stamp Program disaster authority.  
 Sec. 444. Emergency Food Assistance Program and Section 32 Assistance.  
 Sec. 445. WIC Funding.  
 Sec. 446. Report.  
 Sec. 447. Regulations.

#### Subtitle F—Bankruptcy Relief

Sec. 451. Bankruptcy Relief for Victims of Hurricane Katrina.

#### TITLE V—ADMINISTRATIVE MATTERS

Sec. 501. Period of availability of benefits.  
 Sec. 502. Nondiscrimination.

## 1 **TITLE I—TEMPORARY MEDICAID** 2 **DISASTER RELIEF**

### 3 **SEC. 101. SHORT TITLE; PURPOSE.**

4 (a) SHORT TITLE.—This title may be cited as the  
 5 “Temporary Medicaid Disaster Relief Act of 2005”.

6 (b) PURPOSE.—The purpose of this title is to ensure  
 7 all those affected by Hurricane Katrina have access to  
 8 health coverage and medical care through the medicaid  
 9 program and to authorize temporary changes in such pro-  
 10 gram to guarantee and expedite that coverage and access  
 11 to care.

### 12 **SEC. 102. DISASTER RELIEF PERIOD.**

13 (a) IN GENERAL.—For purposes of this title, the  
 14 term “disaster relief period” means the period beginning  
 15 on August 29, 2005, and, subject to subsection (b), ending  
 16 on February 28, 2006.

17 (b) PRESIDENTIAL AUTHORITY TO EXTEND DIS-  
 18 ASTER RELIEF PERIOD.—

1           (1) IN GENERAL.—The President shall extend  
2           the application of section 103 and paragraphs (1)  
3           and (2) of section 104(a) until September 30, 2006,  
4           unless the President determines that all Katrina  
5           Survivors would have sufficient access to health care  
6           without such an extension. In the case of such an  
7           extension, the reference to “February 28, 2006” in  
8           subsection (a) shall be considered to be a reference  
9           to “September 30, 2006”.

10          (2) NOTICE TO CONGRESS.—The President  
11          shall notify the majority and minority leaders of the  
12          Senate, the Speaker of the House of Representa-  
13          tives, the minority leader of the House of Represent-  
14          atives, and the Chairs and Ranking Members of the  
15          Committee on Finance of the Senate and the Com-  
16          mittees on Energy and Commerce and Ways and  
17          Means of the House of Representatives at least 30  
18          days prior to—

19                (A) extending the application of such sec-  
20                tions; or

21                (B) if the President determines not to ex-  
22                tend the application of such sections, February  
23                28, 2006.

1 **SEC. 103. TEMPORARY MEDICAID COVERAGE FOR KATRINA**  
2 **SURVIVORS.**

3 (a) DEFINITIONS.—In this title:

4 (1) KATRINA SURVIVOR.—

5 (A) IN GENERAL.—The term “Katrina  
6 Survivor” means an individual who is described  
7 in subparagraph (B) or (C).

8 (B) RESIDENTS OF DISASTER LOCAL-  
9 ITIES.—

10 (i) IN GENERAL.—An individual who,  
11 on any day during the week preceding the  
12 declaration of a public health emergency  
13 on August 29, 2005, had a residence in—

14 (I) a parish in the State of Lou-  
15 isiana that is among the parishes that  
16 the Federal Emergency Management  
17 Agency of the Emergency Prepared-  
18 ness and Response Directorate of the  
19 Department of Homeland Security de-  
20 clared on September 4, 2005, to be  
21 Federal Disaster Parishes; or

22 (II) a county in the State of Ala-  
23 bama or Mississippi that is among the  
24 counties such Agency declared Federal  
25 Disaster Counties on September 4,  
26 2005.

1 (ii) AUTHORITY TO RELY ON WEBSITE  
 2 POSTED DESIGNATIONS.—The Secretary of  
 3 Health and Human Services shall post on  
 4 the Internet website for the Centers for  
 5 Medicare & Medicaid Services a list of par-  
 6 ishes and counties identified as Federal  
 7 Disaster Parishes or Counties. Any State  
 8 which provides medical assistance to  
 9 Katrina Survivors on the basis of such  
 10 posting and in accordance with this title  
 11 shall be held harmless if it is subsequently  
 12 determined that the provision of such as-  
 13 sistance was in error.

14 (C) INDIVIDUALS WHO LOST EMPLOY-  
 15 MENT.—An individual who, on any day during  
 16 the week preceding the declaration of a public  
 17 health emergency on August 29, 2005, had a  
 18 residence in a direct impact State and lost their  
 19 employment since Hurricane Katrina.

20 (D) CONSTRUCTION.—A Katrina Survivor  
 21 shall be treated as being “from” the State of  
 22 residence described in subparagraph (B)(i) or  
 23 (C), as the case may be.

24 (E) TREATMENT OF CURRENT MEDICAID  
 25 BENEFICIARIES.—Nothing in this title shall be

1 construed as preventing an individual who is  
 2 otherwise entitled to medical assistance under  
 3 title XIX of the Social Security Act from being  
 4 treated as a Katrina Survivor under this title.

5 (F) TREATMENT OF HOMELESS PER-  
 6 SONS.—For purposes of this title, in the case of  
 7 an individual who was homeless on any day  
 8 during the week described in subparagraph  
 9 (B)(i), the individual’s “residence” shall be  
 10 deemed to be the place of residence as other-  
 11 wise determined for such an individual under  
 12 title XIX of the Social Security Act.

13 (2) DIRECT IMPACT STATE.—The term “direct  
 14 impact State” means the State of Louisiana, Ala-  
 15 bama, and Mississippi.

16 (b) RULES FOR PROVIDING TEMPORARY MEDICAL  
 17 ASSISTANCE TO KATRINA SURVIVORS.—During the dis-  
 18 aster relief period, any State may provide medical assist-  
 19 ance to Katrina Survivors under a State medicaid plan  
 20 established under title XIX of the Social Security Act in  
 21 accordance with the following:

22 (1) UNIFORM ELIGIBILITY RULES.—

23 (A) NO INCOME, RESOURCES, RESIDENCY,  
 24 OR CATEGORICAL ELIGIBILITY REQUIRE-  
 25 MENTS.—Such assistance shall be provided

1 without application of any income or resources  
2 test, State residency, or categorical eligibility  
3 requirements.

4 (B) STREAMLINED ELIGIBILITY PROCE-  
5 DURES.—The State shall use the following  
6 streamlined procedures in processing applica-  
7 tions and determining eligibility for medical as-  
8 sistance for Katrina Survivors:

9 (i) A common 1-page application form  
10 developed by the Secretary of Health and  
11 Human Services in consultation with the  
12 National Association of State Medicaid Di-  
13 rectors. Such form shall include notice re-  
14 garding the penalties for making a fraudu-  
15 lent application under paragraph (4) and  
16 shall require the applicant to assign to the  
17 State any rights of the applicant (or any  
18 other person who is a Katrina Survivor  
19 and on whose behalf the applicant has the  
20 legal authority to execute an assignment of  
21 such rights) under any group health plan  
22 or other third-party coverage for health  
23 care.

24 (ii) Self-attestation by the applicant  
25 that the applicant is a Katrina Survivor.

1 (iii) No requirement for documenta-  
2 tion evidencing the basis on which the ap-  
3 plicant qualifies to be a Katrina Survivor.

4 (iv) Issuance of a Medicaid eligibility  
5 card to an applicant who completes such  
6 application, including the self-attestation  
7 required under clause (ii). Such card shall  
8 be valid during the disaster relief period.

9 (v) If an applicant completes the ap-  
10 plication and presents it to a provider or  
11 facility participating in the State medicaid  
12 plan that is qualified to make presumptive  
13 eligibility determinations under such plan  
14 (which at a minimum shall consist of facili-  
15 ties identified in section 1902(a)(55) of the  
16 Social Security Act (42 U.S.C.  
17 1396a(a)(55)) and it appears to the pro-  
18 vider that the applicant is a Katrina Sur-  
19 vivor based on the information in the ap-  
20 plication, the applicant will be deemed to  
21 be a Katrina Survivor eligible for medical  
22 assistance in accordance with this section,  
23 subject to paragraph (3).

24 (vi) Continuous eligibility, without the  
25 need for any redetermination of eligibility,

1           for the duration of the disaster relief pe-  
2           riod.

3           (C) DETERMINATION OF ELIGIBILITY FOR  
4           COVERAGE AFTER THE TERMINATION OF THE  
5           DISASTER RELIEF PERIOD.—In the case of a  
6           Katrina Survivor who is receiving medical as-  
7           sistance from a State, prior to the termination  
8           of the disaster relief period, the State providing  
9           such assistance shall determine whether the  
10          Katrina Survivor is eligible for continued med-  
11          ical assistance under the State’s eligibility rules  
12          otherwise applicable under the State medicaid  
13          plan. If a State determines that the individual  
14          is so eligible, the State shall provide the indi-  
15          vidual with written notice of the determination  
16          and provide the individual with continued cov-  
17          erage for such medical assistance for so long as  
18          the individual remains eligible under such oth-  
19          erwise applicable eligibility rules. If a State de-  
20          termines that the individual is not so eligible,  
21          the State shall provide the individual with writ-  
22          ten notice of the determination, including the  
23          reasons for such determination.

24          (2) SCOPE OF COVERAGE SAME AS CATEGORI-  
25          CALLY NEEDY.—The State shall treat Katrina Sur-

1       vivors as individuals eligible for medical assistance  
2       under the State plan under title XIX of the Social  
3       Security Act on the basis of section  
4       1902(a)(10)(A)(i) of the Social Security Act (42  
5       U.S.C. 1396a(a)(10)(A)(i)), with coverage for such  
6       assistance retroactive to August 29, 2005.

7               (3) VERIFICATION OF STATUS AS A KATRINA  
8       SURVIVOR.—

9               (A) IN GENERAL.—The State shall make a  
10       good faith effort to verify the status of a  
11       Katrina Survivor enrolled in the State Medicaid  
12       plan under the provisions of this section after  
13       the determination of the eligibility of the Sur-  
14       vivor for medical assistance under such plan.

15              (B) EVIDENCE OF VERIFICATION.—A  
16       State may satisfy the verification requirement  
17       under subparagraph (A) with respect to a  
18       Katrina Survivor by showing that the State  
19       providing medical assistance obtained informa-  
20       tion from the Social Security Administration,  
21       the Internal Revenue Service, or the State Med-  
22       icaid Agency for the direct impact State.

23              (C) DISALLOWANCE OF PAYMENTS FOR  
24       FAILURE TO MAKE GOOD FAITH EFFORT.—If,  
25       with respect to the status of a Katrina Survivor

1 enrolled in a State Medicaid plan, the State  
 2 fails to make the good faith effort required  
 3 under subparagraph (A), and the Secretary de-  
 4 termines that the individual so enrolled is not  
 5 a Katrina Survivor, the Secretary shall disallow  
 6 all Federal payments made to the State that  
 7 are directly attributable to medical assistance  
 8 provided or administrative costs incurred with  
 9 respect to the individual during the disaster re-  
 10 lief period.

11 (4) PENALTY FOR FRAUDULENT APPLICA-  
 12 TIONS.—

13 (A) INDIVIDUAL LIABLE FOR COSTS.—If a  
 14 State, as the result of verification activities con-  
 15 ducted under paragraph (3), determines after a  
 16 fair hearing that an individual has knowingly  
 17 made a false self-attestation described in para-  
 18 graph (1)(B)(ii), the State may, subject to sub-  
 19 paragraph (B), seek recovery from the indi-  
 20 vidual for the full amount of the cost of medical  
 21 assistance provided to the individual under this  
 22 section.

23 (B) EXCEPTION.—The Secretary shall ex-  
 24 empt a State from seeking recovery under sub-  
 25 paragraph (A) if the Secretary determines that

1           it would not be cost-effective for the State to do  
2           so.

3                   (C) REIMBURSEMENT TO THE FEDERAL  
4           GOVERNMENT.—Any amounts recovered by a  
5           State in accordance with this paragraph shall  
6           be returned to the Federal government, except  
7           that a State’s administrative costs attributable  
8           to obtaining such recovery shall be reimbursed  
9           by the Federal government in accordance with  
10          section 104(a)(2).

11                   (5) EXEMPTION FROM ERROR RATE PEN-  
12          ALTIES.—All payments attributable to providing  
13          medical assistance to Katrina Survivors in accord-  
14          ance with this section shall be disregarded for pur-  
15          poses of section 1903(u) of the Social Security Act.

16 **SEC. 104. TEMPORARY DISASTER RELIEF FOR STATES**  
17 **UNDER MEDICAID.**

18           (a) INCREASE IN FEDERAL MATCHING RATE.—

19                   (1) 100 PERCENT FMAP FOR MEDICAL ASSIST-  
20          ANCE.—Notwithstanding section 1905(b) of the So-  
21          cial Security Act (42 U.S.C. 1396d(b)), the Federal  
22          medical assistance percentage for providing medical  
23          assistance under a State medicaid plan under title  
24          XIX of such Act to Katrina Survivors or, in the case  
25          of a direct impact State, to any individual who is

1 provided medical assistance under the State med-  
2 icaid plan during the disaster relief period, shall be  
3 100 percent.

4 (2) 100 PERCENT FEDERAL MATCH FOR CER-  
5 TAIN ADMINISTRATIVE COSTS.—Notwithstanding  
6 paragraph (7) of section 1903(a) of such Act (42  
7 U.S.C. 1396b(a)), or any other paragraph of such  
8 section, the Federal matching rate for costs directly  
9 attributable to all administrative activities that re-  
10 late to the enrollment of Katrina Survivors under  
11 section 103 in a State medicaid plan, verification of  
12 the status of such Survivors, processing of claims for  
13 payment for medical assistance provided to such  
14 Survivors under such section, and recovery costs  
15 under section 103(b)(4)(C), shall be 100 percent.  
16 The Secretary shall issue guidance not later 30 days  
17 after the date of enactment of this Act on the imple-  
18 mentation of this paragraph.

19 (b) LIMITATION ON REDUCTION OF FMAP FOR FIS-  
20 CAL YEAR 2006 FOR ANY STATE.—If the Federal medical  
21 assistance percentage (as defined in section 1905(b) of the  
22 Social Security Act) determined for a State for fiscal year  
23 2006 is less than the Federal medical assistance percent-  
24 age determined for the State for fiscal year 2005, the Fed-  
25 eral medical assistance percentage for the State for fiscal

1 year 2005 shall apply to the State for fiscal year 2006  
 2 only for purposes of title XIX of the Social Security Act.

3 (c) TEMPORARY SUSPENSION OF MEDICARE  
 4 “CLAWBACK” AND POSTPONEMENT OF CUT-OFF OF  
 5 MEDICAID PRESCRIPTION DRUG FUNDING IN AFFECTED  
 6 STATES.—

7 (1) SUSPENSION IN APPLICATION OF  
 8 “CLAWBACK”.—Section 1935(c) of the Social Secu-  
 9 rity Act (42 U.S.C. 1396u–5(c)) shall not apply,  
 10 subject to paragraph (3), before January 2007 to a  
 11 direct impact State or to a State that experiences a  
 12 significant influx of Katrina Survivors.

13 (2) CONTINUATION OF MEDICAID DRUG COV-  
 14 ERAGE FOR DUAL ELIGIBLES.—Section 1935(d)(1)  
 15 of such Act shall also not apply, subject to para-  
 16 graph (3), before January 2007 to a part D eligible  
 17 individual who is a Katrina Survivor.

18 (3) TERMINATION OF APPLICATION OF SUB-  
 19 SECTION.—Paragraphs (1) and (2) shall no longer  
 20 apply to a State or a Katrina Survivor, respectively,  
 21 if the Secretary determines, after consultation with  
 22 the State, that enrollment of all part D eligible indi-  
 23 viduals in the State under part D of title XVIII of  
 24 the Social Security Act who are described in section  
 25 1935(c)(6)(A)(ii) of such Act can be achieved with-

1 out a discontinuation in prescription drug coverage  
 2 for any such individual.

3 (4) DEFINITION.—For purposes of this sub-  
 4 section, the term “State that experiences a signifi-  
 5 cant influx of Katrina Survivors” means those  
 6 States, including Arkansas, Florida, Oklahoma, and  
 7 Texas, that the Secretary of Health and Human  
 8 Services identifies as having a significant in-migra-  
 9 tion of Katrina Survivors.

10 **SEC. 105. ACCOMMODATION OF SPECIAL NEEDS OF**  
 11 **KATRINA SURVIVORS UNDER MEDICARE PRO-**  
 12 **GRAM.**

13 (a) EXCLUSION OF DISASTER RELIEF PERIOD IN  
 14 COMPUTING PART B LATE ENROLLMENT PENALTY.—In  
 15 applying the first sentence of section 1839(b) of the Social  
 16 Security Act (42 U.S.C. 1395r(b)) in the case of a Katrina  
 17 Survivor, there shall not be taken into account any month  
 18 any part of which is within the disaster relief period or  
 19 within the 2-month period following the end of such dis-  
 20 aster relief period.

21 (b) PART D.—

22 (1) EXTENSION OF INITIAL ENROLLMENT PE-  
 23 RIOD.—In the case of a Katrina Survivor, the initial  
 24 enrollment period under section 1860D–1(b)(2) of  
 25 the Social Security Act (42 U.S.C. 1395w–

1       101(b)(2)) shall in no case end before May 15,  
2       2007.

3           (2) FLEXIBILITY IN DOCUMENTATION FOR  
4       LOW-INCOME SUBSIDIES.—For purposes of carrying  
5       out section 1860D–14 of the Social Security Act (42  
6       U.S.C. 1395w–114), with respect to Katrina Sur-  
7       vivors, the Secretary of Health and Human Services  
8       shall establish documentation rules for Katrina Sur-  
9       vivors which take into account the loss and unavail-  
10      ability of documents due to Hurricane Katrina.

11                   **TITLE II—EDUCATION**  
12                   **Subtitle A—Support for**  
13      **Elementary and Secondary Schools**

14      **SEC. 201. SUPPORT FOR ELEMENTARY AND SECONDARY**  
15                   **SCHOOLS.**

16      (a) PURPOSE.—It is the purpose of this section—

17           (1) to provide assistance to eligible local edu-  
18      cational agencies experiencing large increases in stu-  
19      dent enrollment due to Hurricane Katrina;

20           (2) to facilitate the enrollment of students im-  
21      pacted by Hurricane Katrina into elementary schools  
22      and secondary schools served by such agencies; and

23           (3) to provide high quality instruction to such  
24      students.

25      (b) GRANTS AUTHORIZED.—

1           (1) IN GENERAL.—The Secretary of Education  
2       shall award grants to eligible local educational agen-  
3       cies.

4           (2) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
5       CIES.—

6           (A) CHILD COUNT.—Each State that has a  
7       large influx of displaced students due to Hurri-  
8       cane Katrina, as determined by the Secretary of  
9       Education, shall set a child count date for local  
10      educational agencies in the State that have a  
11      large influx of such students, as determined by  
12      the State, for the purpose of determining the  
13      total number of such students in each such  
14      agency.

15          (B) DEFINITION.—In this section, the  
16      term “eligible local educational agency” means  
17      a local educational agency—

18           (i) that serves, as determined in ac-  
19      cordance with the child count described in  
20      subparagraph (A), not less than 50 dis-  
21      placed students due to Hurricane Katrina;  
22      or

23           (ii) that serves an elementary school  
24      or secondary school in which not less than  
25      3 percent of the students enrolled at the

1 school are displaced students due to Hurri-  
2 cane Katrina, as determined in accordance  
3 with the child count described in subpara-  
4 graph (A).

5 (3) GRANT AMOUNT.—An eligible local edu-  
6 cational agency that receives a grant under this sec-  
7 tion shall receive a grant amount that is equal to  
8 \$2,500 multiplied by the number of students who  
9 enroll in elementary schools and secondary schools  
10 served by such agency because the students are dis-  
11 placed due to Hurricane Katrina.

12 (c) APPLICATION.—Each eligible local educational  
13 agency desiring a grant under this section shall prepare  
14 and submit an application to the Secretary of Education  
15 that contains—

16 (1) an assurance that the educational pro-  
17 grams, services, and activities proposed under this  
18 section will be administered by or under the super-  
19 vision of the agency;

20 (2) an assurance that the agency will coordinate  
21 the use of funds received under this section with  
22 other funds received by the agency under the Ele-  
23 mentary and Secondary Education Act of 1965 (20  
24 U.S.C. 6301 et seq.) and with programs described  
25 under such Act;

1 (3) an assurance that funds will be used—

2 (A) to improve instruction to students who  
3 enroll in elementary schools and secondary  
4 schools served by such agency because the stu-  
5 dents are displaced due to Hurricane Katrina;  
6 and

7 (B) to facilitate such students' transition  
8 into schools served by the agency; and

9 (4) such other information and assurances as  
10 the Secretary may reasonably require.

11 (d) USE OF FUNDS.—Each eligible local educational  
12 agency that receives a grant under this section shall use  
13 the grant funds to enhance instructional opportunities for  
14 students who enroll in elementary schools and secondary  
15 schools served by such agency because the students are  
16 displaced due to Hurricane Katrina, which may include—

17 (1) basic instructional services for such stu-  
18 dents, including tutoring, mentoring, or academic  
19 counseling;

20 (2) salaries of personnel, including teacher  
21 aides, to provide instructional services to such stu-  
22 dents;

23 (3) identification and acquisition of curricular  
24 material, including the costs of providing additional  
25 classroom supplies, overhead costs, costs of construc-

1       tion, acquisition or rental of space, costs of transpor-  
 2       tation, or such other costs as are directly attrib-  
 3       utable to such instructional services for such stu-  
 4       dents;

5           (4) health services (including mental health  
 6       services), meals, and clothing; and

7           (5) such other activities, related to the purpose  
 8       of this section, as the Secretary of Education may  
 9       authorize.

## 10           **Subtitle B—Fund for Early** 11       **Childhood Care and Education**

### 12       **SEC. 211. FUND FOR EARLY CHILDHOOD CARE AND EDU-** 13       **CATION.**

14       (a) PURPOSE.—It is the purpose of this section—

15           (1) to provide assistance to local communities  
 16       experiencing large influxes of preschool-aged chil-  
 17       dren displaced by Hurricane Katrina; and

18           (2) to facilitate placement of such children in  
 19       early childhood education programs.

20       (b) EARLY CHILDHOOD EDUCATION PROGRAMS.—In  
 21       this section, the term “early childhood education pro-  
 22       gram” means a Head Start program or an Early Head  
 23       Start program carried out under the Head Start Act (42  
 24       U.S.C. 9831 et seq.), a State licensed or regulated child  
 25       care program or school, or a State prekindergarten pro-

1 gram that serves children from birth through kinder-  
 2 garten.

3 (c) GRANTS AND SUBGRANTS AUTHORIZED.—

4 (1) GRANTS.—The Secretary of Health and  
 5 Human Services shall award grants to States dem-  
 6 onstrating large influxes of children and families dis-  
 7 placed due to Hurricane Katrina.

8 (2) SUBGRANTS.—

9 (A) IN GENERAL.—A State receiving a  
 10 grant under paragraph (1) shall award sub-  
 11 grants to affected local communities in the  
 12 State to facilitate placement of displaced chil-  
 13 dren in existing early childhood education pro-  
 14 grams.

15 (B) AFFECTED LOCAL COMMUNITIES.—In  
 16 this paragraph, the term “affected local com-  
 17 munity” means a local community in a State  
 18 described in subparagraph (A) in which—

19 (i) there are not less than 200 pre-  
 20 school aged children who are displaced due  
 21 to Hurricane Katrina; or

22 (ii) there is a significant percentage of  
 23 the total number of children participating  
 24 in early childhood education programs in  
 25 the community who are children who are in

1           the community because the children are  
2           displaced due to Hurricane Katrina, as de-  
3           termined by the Secretary of Health and  
4           Human Services.

5       (d) APPLICATIONS.—Each State that desires to re-  
6   ceive a grant under this section shall prepare and submit  
7   an application to the Secretary of Health and Human  
8   Services that contains—

9           (1) a description of the collaborative planning  
10   process between the State agency responsible for  
11   pre-kindergarten, State child care administrator, and  
12   Head Start Collaboration Director to facilitate the  
13   placement of children who are displaced due to Hur-  
14   ricane Katrina in early childhood education pro-  
15   grams;

16          (2) assurances that funds received under this  
17   section will be used for the purpose described in sub-  
18   section (a);

19          (3) a plan to coordinate funds received under  
20   this section with existing resources available to the  
21   early childhood education programs for similar pur-  
22   poses; and

23          (4) such other information and assurances as  
24   the Secretary of Health and Human Services may  
25   reasonably require.

1 (e) USE OF SUBGRANT FUNDS.—

2 (1) IN GENERAL.—Each affected local commu-  
3 nity receiving a subgrant under this section shall use  
4 the subgrant funds only for—

5 (A) costs associated with accommodating  
6 the influx of displaced children, including acqui-  
7 sition or rental of space;

8 (B) costs associated with providing services  
9 to displaced children, including related services  
10 such as nutrition and acquisition of related ma-  
11 terials; and

12 (C) costs associated with hiring additional  
13 personnel, including teacher aides or personnel  
14 working with families of children.

15 (2) INCOME AND DOCUMENTATION WAIVER.—

16 The Secretary of Health and Human Services shall  
17 waive requirements of income eligibility and docu-  
18 mentation for children displaced by Hurricane  
19 Katrina who participate in Head Start programs  
20 and Early Head Start programs funded by sub-  
21 grants awarded pursuant to this section.

22 **Subtitle C—Support for Students**  
23 **in Higher Education**

24 **SEC. 221. SUPPORT FOR STUDENTS IN HIGHER EDUCATION.**

25 (a) STUDENTS IN SCHOOL.—

1           (1) NO QUESTIONS ASKED POLICY.—The Sec-  
 2       retary of Education shall authorize an institution of  
 3       higher education to waive Federal financial aid re-  
 4       quirements, as determined appropriate by the Sec-  
 5       retary of Education, with respect to a student at  
 6       such institution who enrolls in such institution be-  
 7       cause such student was impacted by Hurricane  
 8       Katrina.

9           (2) CAMPUS-BASED AID.—

10          (A) SEOG.—

11           (i) IN GENERAL.—

12           (I)       AUTHORIZATION.—From  
 13       funds appropriated pursuant to sub-  
 14       clause (II), the Secretary of Edu-  
 15       cation shall carry out a program of  
 16       making payments to institutions of  
 17       higher education to enable such insti-  
 18       tutions to award Federal supple-  
 19       mental educational opportunity grants  
 20       under subpart 3 of part A of title IV  
 21       of the Higher Education Act of 1965  
 22       (20 U.S.C. 1070b et seq.) to students  
 23       enrolled at such institutions who are  
 24       eligible to receive a grant under such  
 25       subpart and who enrolled at such in-

stitutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subclause (I) such sums as may be necessary.

(ii) WAIVER OF NONFEDERAL SHARE.—Notwithstanding subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.), the Federal share of awards made pursuant to this subparagraph shall be equal to 100 percent.

(B) WORK-STUDY PROGRAMS.—

(i) IN GENERAL.—

(I) AUTHORIZATION.—From funds appropriated pursuant to subclause (II), the Secretary of Education shall carry out a program of awarding grants to institutions of higher education to enable such institutions to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (20

U.S.C. 2751 et seq.) for students enrolled at such institutions who are eligible to participate in work-study programs under such part and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subclause (I) such sums as may be necessary.

(ii) WAIVER OF NONFEDERAL SHARE.—Notwithstanding part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.), the Federal share of the compensation of students made pursuant to this subparagraph shall be equal to 100 percent.

(b) HELP FOR INDIVIDUALS WITH STUDENT LOANS.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE BORROWER.—The term “eligible borrower” means an individual who has lost the individual’s job due to the impact of

1 Hurricane Katrina, as determined by the Sec-  
 2 retary of Education.

3 (B) ELIGIBLE LOAN.—In this subsection,  
 4 the term “eligible loan” means a student loan  
 5 of an eligible borrower made, insured, or guar-  
 6 anteed under title IV of the Higher Education  
 7 Act of 1965 (20 U.S.C. 1070 et seq.).

8 (2) GRACE PERIOD.—The Secretary of Edu-  
 9 cation shall carry out a program in which the Sec-  
 10 retary enters into an agreement with the holder of  
 11 an eligible loan in which, for a 6 month period, peri-  
 12 odic installments of principal are not paid but inter-  
 13 est shall accrue and be paid by the Secretary on  
 14 such loan.

15 (3) PERIOD NOT TO COUNT AGAINST ECONOMIC  
 16 HARDSHIP PERIODS PROVIDED IN HIGHER EDU-  
 17 CATION ACT OF 1965.—Notwithstanding any provi-  
 18 sion of the Higher Education Act of 1965 (20  
 19 U.S.C. 1001 et seq.), the 6-month grace period pro-  
 20 vided in paragraph (2) for an eligible borrower shall  
 21 not count as part of the 3-year economic hardship  
 22 periods provided in sections 427(a)(2)(C)(iii),  
 23 428(b)(1)(M)(iii), 455(f)(2)(C), and  
 24 464(c)(2)(A)(iii) of the Higher Education Act of  
 25 1965 (20 U.S.C. 1077(a)(2)(C)(iii),

1       1078(b)(1)(M)(iii),       1087e(f)(2)(C),       and  
 2       1087dd(c)(2)(A)(iii)).

3                   **TITLE III—EMERGENCY**  
 4                   **HOUSING ASSISTANCE**

5   **SEC. 301. SHORT TITLE.**

6       This title may be cited as the “Helping to House the  
 7   Victims of Hurricane Katrina Act of 2005”.

8   **SEC. 302. HURRICANE KATRINA EMERGENCY ASSISTANCE**  
 9                   **VOUCHERS.**

10       Section 8(o) of the United States Housing Act of  
 11   1937 (42 U.S.C. 1437f(o)) is amended by adding at the  
 12   end the following:

13               “(20) HURRICANE KATRINA EMERGENCY AS-  
 14   SISTANCE VOUCHERS.—

15               “(A) IN GENERAL.—Subject to section 501  
 16       of the Katrina Emergency Relief Act of 2005,  
 17       during the 6-month period beginning on the  
 18       date of enactment of the Katrina Emergency  
 19       Relief Act of 2005, the Secretary shall provide  
 20       temporary rental assistance to any individual or  
 21       family, if—

22               “(i) the individual or family resides,  
 23       or resided on August 29, 2005, in any area  
 24       that is subject to a declaration by the  
 25       President of a major disaster or emergency

1 under the Robert T. Stafford Disaster Re-  
2 lief and Emergency Assistance Act (42  
3 U.S.C. 5121 et seq.) in connection with  
4 Hurricane Katrina; and

5 “(ii) the residence of the individual or  
6 family became uninhabitable or inaccessible  
7 as result of that major disaster or emer-  
8 gency.

9 “(B) REGULATIONS.—Not later than 30  
10 days after the date of enactment of the Katrina  
11 Emergency Relief Act of 2005, the Secretary  
12 shall issue final rules to establish the proce-  
13 dures applicable to the issuance of assistance  
14 under subparagraph (A).

15 “(C) NOTICE.—The Secretary, in consulta-  
16 tion with the Director of the Federal Emer-  
17 gency Management Agency and such other  
18 agencies as the Secretary determines appro-  
19 priate, shall establish procedures for providing  
20 notice of the availability of assistance under  
21 this paragraph to individuals or families that  
22 may be eligible for such assistance.

23 “(D) AUTHORITY TO CONTRACT WITH  
24 PHA’S AND OTHERS.—The Secretary may con-  
25 tract with any State or local government agency

1 or public housing agency, or in consultation  
2 with any State or local government agency, with  
3 any other entity, to ensure that assistance pay-  
4 ments under this paragraph are provided in an  
5 efficient and expeditious manner.

6 “(E) WAIVER OF ELIGIBILITY REQUIRE-  
7 MENTS.—In providing assistance under this  
8 paragraph, the Secretary shall waive the re-  
9 quirements under—

10 “(i) paragraph (2), relating to tenant  
11 contributions towards rent, except that any  
12 such waiver shall expire on an individual’s  
13 return to work;

14 “(ii) paragraph (4), relating to the eli-  
15 gibility of individuals to receive assistance;

16 “(iii) subsection (k) and paragraph  
17 (5) of this subsection, relating to  
18 verification of income;

19 “(iv) paragraph (7)(A), relating to the  
20 requirement that leases shall be for a term  
21 of 1 year;

22 “(v) paragraph (8), relating to initial  
23 inspection of housing units by a public  
24 housing agency; and

1 “(vi) subsection (r)(1)(B), relating to  
2 restrictions on portability.

3 “(F) USE OF FUNDS.—Notwithstanding  
4 any other provision of law, funds available for  
5 assistance under this paragraph—

6 “(i) shall be made available by the  
7 Secretary to individuals to cover the cost  
8 of—

9 “(I) rent;

10 “(II) security and utility depos-  
11 its;

12 “(III) relocation expenses, includ-  
13 ing expenses incurred in relocating  
14 back to the major disaster area when  
15 such relocation is permitted; and

16 “(IV) such additional expenses as  
17 the Secretary determines necessary;  
18 and

19 “(ii) shall be used by the Secretary—

20 “(I) for payments to public hous-  
21 ing agencies, State or local govern-  
22 ment agencies, or other voucher ad-  
23 ministrators for vouchers used to as-  
24 sist individuals or families affected by  
25 the major disaster or emergency de-

1                   scribed in this paragraph up to their  
2                   authorized level of vouchers, if any  
3                   such vouchers are not otherwise fund-  
4                   ed; and

5                   “(II) to provide operating sub-  
6                   sidies to public housing agencies for  
7                   public housing units provided to indi-  
8                   viduals or families affected by the  
9                   major disaster or emergency described  
10                  in this paragraph, if such a subsidy  
11                  was not previously provided for those  
12                  units.

13               “(G) PAYMENT STANDARD.—For purposes  
14               of this paragraph, the payment standard for  
15               each size of dwelling unit in a market area may  
16               not exceed 150 percent, or higher if the Sec-  
17               retary approves of such increase, of the fair  
18               market rental established under subsection (c)  
19               for the same size dwelling unit in the same  
20               market area, and shall be not less than 90 per-  
21               cent of that fair market rental.

22               “(H) NONDISCRIMINATION.—In selecting  
23               individuals or families for tenancy, a landlord  
24               or owner may not exclude or penalize an indi-  
25               vidual or family solely because any portion of

1 the rental payment of that individual or family  
2 is provided under this paragraph.

3 “(21) ASSISTANCE FOR CURRENT VOUCHER RE-  
4 CIPIENTS AFFECTED BY HURRICANE KATRINA.—

5 “(A) IN GENERAL.—The Secretary shall  
6 waive any of the requirements described in  
7 clauses (i) through (vi) of paragraph (20)(E)  
8 for any individual or family receiving assistance  
9 under this section on August 29, 2005, if—

10 “(i) the individual or family resides,  
11 or resided on August 29, 2005, in any area  
12 that is subject to a declaration by the  
13 President of a major disaster or emergency  
14 under the Robert T. Stafford Disaster Re-  
15 lief and Emergency Assistance Act (42  
16 U.S.C. 5121 et seq.) in connection with  
17 Hurricane Katrina; and

18 “(ii) the residence of the individual or  
19 family became uninhabitable or inaccessible  
20 as result of that major disaster or emer-  
21 gency.

22 “(B) ADDITIONAL USES OF FUNDS.—Not-  
23 withstanding any other provision of law, the  
24 Secretary shall provide, as the Secretary deter-  
25 mines appropriate, supplemental assistance to

1 an individual or family receiving assistance  
2 under this section on August 29, 2005, and  
3 meeting the requirements described in subpara-  
4 graph (A), to assist the individual or family  
5 with the additional costs of relocating to new  
6 housing, including to cover—

7 “(i) the additional cost of rent and  
8 utilities;

9 “(ii) security and utility deposits;

10 “(iii) relocation expenses, including  
11 expenses incurred in relocating back to the  
12 major disaster area when such relocation is  
13 permitted; and

14 “(iv) such additional expenses as the  
15 Secretary determines necessary.

16 “(C) PAYMENT STANDARD.—For purposes  
17 of this paragraph, the payment standard for  
18 each size of dwelling unit in a market area may  
19 not exceed 150 percent, or higher if the Sec-  
20 retary approves of such increase, of the fair  
21 market rental established under subsection (c)  
22 for the same size dwelling unit in the same  
23 market area, and shall be not less than 90 per-  
24 cent of that fair market rental.

1                   “(D) NONDISCRIMINATION.—A landlord or  
 2                   owner may not exclude or penalize an individual  
 3                   or family solely because that individual or fam-  
 4                   ily is eligible for any waivers or benefits pro-  
 5                   vided under this paragraph.

6                   “(22) AUTHORITY OF THE SECRETARY TO DI-  
 7                   RECTLY ADMINISTER VOUCHERS WHEN PHA’S ARE  
 8                   UNABLE TO DO SO.—If the Secretary determines  
 9                   that a public housing agency is unable to implement  
 10                  the provisions of this subsection due to the effects  
 11                  of Hurricane Katrina, the Secretary may—

12                   “(A) directly administer any voucher pro-  
 13                   gram described in paragraphs (1) through (20);  
 14                   and

15                   “(B) perform the functions assigned to a  
 16                   public housing agency by this subsection.”.

17 **SEC. 303. REPORT ON INVENTORY OF AVAILABILITY OF**  
 18 **TEMPORARY HOUSING.**

19                  Not later than 10 days after the date of enactment  
 20 of this Act, the Secretary of Defense, the Administrator  
 21 of the General Services Administration, the Secretary of  
 22 Agriculture, and such other agency heads as the Secretary  
 23 determines appropriate, shall compile and report to the  
 24 Secretary an inventory of Federal civilian and defense fa-  
 25 cilities that can be used—

1 (1) to provide emergency housing; or

2 (2) as locations for the construction or deploy-  
3 ment of temporary housing units.

4 **SEC. 304. APPROPRIATION OF FUNDING.**

5 (a) IN GENERAL.—There are authorized to be appro-  
6 priated and are appropriated \$3,500,000,000 to provide  
7 assistance under this title.

8 (b) EMERGENCY DESIGNATION.—The amount appro-  
9 priated under subsection (a) is designated as an emer-  
10 gency requirement pursuant to section 402 of H. Con.  
11 Res. 95 (109th Congress).

12 **TITLE IV—FINANCIAL RELIEF**  
13 **Subtitle A—Limitation on**  
14 **Payments**

15 **SEC. 401. SHORT TITLE.**

16 This subtitle may be cited as the “Hurricane Emer-  
17 gency Limitation on Payments (HELP) Act of 2005”.

18 **SEC. 402. DEFINITIONS.**

19 In this subtitle:

20 (1) DISASTER.—The term “Disaster” means  
21 the major disasters declared by the President on Au-  
22 gust 29, 2005, relating to damage caused by Hurri-  
23 cane Katrina.

24 (2) INJURED PERSON.—The term “injured per-  
25 son” means any individual or entity that suffers

1       harm resulting from the Disaster that makes the in-  
 2       dividual or entity eligible to receive, and the indi-  
 3       vidual or entity submits an application in good faith  
 4       to receive—

5               (A) housing assistance under section  
 6               408(b) of the Robert T. Stafford Disaster Re-  
 7               lief and Emergency Assistance Act (42 U.S.C.  
 8               5174(b));

9               (B) financial assistance to address other  
 10              needs under section 408(e) of that Act (42  
 11              U.S.C. 5174(e));

12             (C) unemployment assistance under section  
 13             410 of that Act (42 U.S.C. 5177) (as amended  
 14             by subtitle C);

15             (D) a disaster loan under section 7(b) of  
 16             the Small Business Act (15 U.S.C. 636(b)); or

17             (E) an emergency loan made under subtitle  
 18             C of the Consolidated Farm and Rural Develop-  
 19             ment Act (7 U.S.C. 1961 et seq.).

20   **SEC. 403. MORATORIUM ON PAYMENTS.**

21       (a) IN GENERAL.—Except as otherwise provided in  
 22       this subtitle, no injured person shall be subject to a pen-  
 23       alty or a requirement to pay interest for a failure of the  
 24       injured person, as a result of the Disaster, to make timely

1 payment of a financial obligation for any loan made, sub-  
2 sidized, or guaranteed by the United States.

3 (b) APPLICABILITY TO LOANS.—The moratorium  
4 under subsection (a) shall not apply to any loan made to  
5 or assumed by an injured person on or after August 29,  
6 2005.

7 (c) PERIOD OF EFFECTIVENESS.—The moratorium  
8 under subsection (a) shall apply in accordance with section  
9 501 to the failure of an injured person to make timely  
10 payments.

11 (d) ELIGIBILITY.—If a Federal agency responsible  
12 for administering a benefit program referred to in section  
13 402(b) determines that an individual or entity that has  
14 applied to receive a benefit under the program is not eligi-  
15 ble to receive the benefit, the individual or entity, for pur-  
16 poses of the moratorium under subsection (a), shall cease  
17 to be considered an injured person as of the date on which  
18 the individual or entity receives notice of the determina-  
19 tion of the Federal agency.

20 (e) FEDERAL RESPONSIBILITY.—In the case of a  
21 moratorium on payments on a loan subsidized or guaran-  
22 teed by the United States, nothing in this section excuses  
23 the United States from any liability of the United States  
24 to the lender under the terms of the agreement between  
25 the United States and the lender.

1 (f) EFFECT OF OTHER LAW.—The moratorium  
 2 under subsection (a) shall apply to an injured person only  
 3 if, and to the extent that, the injured person is not excused  
 4 from, or eligible to be excused from, the obligation under  
 5 other applicable law.

6 **Subtitle B—Individual and**  
 7 **Household Assistance**

8 **SEC. 411. INDIVIDUAL AND HOUSEHOLD ASSISTANCE.**

9 (a) MAXIMUM AMOUNTS.—Notwithstanding section  
 10 408 of the Robert T. Stafford Disaster Relief and Emer-  
 11 gency Assistance Act (42 U.S.C. 5174), in providing as-  
 12 sistance to individuals and households affected by Hurri-  
 13 cane Katrina, the President may waive the limitation on  
 14 total assistance under subsection (h) of that section.

15 (b) MORTGAGE AND RENTAL ASSISTANCE.—

16 (1) IN GENERAL.—During the 18-month period  
 17 beginning on the date of enactment of this Act, the  
 18 President may provide assistance in the form of  
 19 mortgage or rental payments for persons described  
 20 in paragraph (2).

21 (2) ELIGIBLE PERSONS.—Assistance under  
 22 paragraph (1) may be provided to any individual or  
 23 household that—

24 (A) resided on August 29, 2005, in an  
 25 area that is subject to a declaration by the

1 President of a major disaster under the Robert  
2 T. Stafford Disaster Relief and Emergency As-  
3 sistance Act (42 U.S.C. 5121 et seq.) in con-  
4 nection with Hurricane Katrina; and

5 (B) as a result of financial hardship  
6 caused by a major disaster described in sub-  
7 paragraph (A), is subject to dispossession or  
8 eviction from a residence due to foreclosure of  
9 a mortgage or lien or termination of a lease en-  
10 tered into before the date on which the major  
11 disaster is declared.

12 (c) TYPES OF HOUSING ASSISTANCE.—No limitation  
13 relating to the maximum amount of assistance under  
14 paragraph (2) or (3) of section 408(c) of the Robert T.  
15 Stafford Disaster Relief and Emergency Assistance Act  
16 (42 U.S.C. 5174(c)) shall apply with respect to major dis-  
17 aster FEMA-1603-DR-Louisiana, FEMA-1604-DR-Mis-  
18 sissippi, or FEMA-1605-DR-Alabama.

19 (d) FINANCIAL ASSISTANCE TO ADDRESS OTHER  
20 NEEDS.—Notwithstanding section 408(g)(2) of the Rob-  
21 ert T. Stafford Disaster Relief and Emergency Assistance  
22 Act (42 U.S.C. 5174(g)(2)), in the case of financial assist-  
23 ance provided under subsection (e) of that section to any  
24 individual or household in response to a major disaster

1 referred to in subsection (c), the Federal share shall be  
 2 100 percent.

## 3           **Subtitle C—Unemployment** 4                           **Assistance**

### 5   **SEC. 421. UNEMPLOYMENT ASSISTANCE.**

6           Section 410 of the Robert T. Stafford Disaster Relief  
 7 and Emergency Assistance Act (42 U.S.C. 5177) is  
 8 amended by striking the section heading and all that fol-  
 9 lows through the end of subsection (a) and inserting the  
 10 following:

### 11   **“SEC. 410. UNEMPLOYMENT ASSISTANCE.**

12           “(a) PROVISION OF UNEMPLOYMENT ASSISTANCE.—

13                   “(1) ASSISTANCE.—

14                           “(A) IN GENERAL.—The President shall  
 15                   provide to any individual unemployed as a re-  
 16                   sult of a major disaster such benefit assistance  
 17                   as the President determines to be appropriate.

18                           “(B) LOCATION OF EMPLOYMENT.—An in-  
 19                   dividual that is unemployed as a result of a  
 20                   major disaster as determined under subpara-  
 21                   graph (A) may receive assistance under this  
 22                   subsection regardless of whether the individual  
 23                   was employed at a location within the declared  
 24                   disaster area.

1           “(C) REASON FOR UNEMPLOYMENT.—For  
2           purposes of this subsection, an individual who is  
3           unemployed because a loss of business resulting  
4           from a major disaster contributed importantly  
5           to the employer’s decision to reduce or termi-  
6           nate employment shall be considered to be an  
7           individual unemployed as a result of a major  
8           disaster.

9           “(D) ELIGIBILITY.—An individual shall be  
10          eligible to receive assistance under this sub-  
11          section regardless of whether the individual is  
12          eligible to receive, or has exhausted eligibility  
13          for, State unemployment compensation.

14          “(2) AVAILABILITY.—Assistance provided to an  
15          unemployed individual under paragraph (1) shall be  
16          available as long as the unemployment of the indi-  
17          vidual caused by the major disaster continues, or  
18          until the individual is reemployed in at least a com-  
19          parable position, but not longer than 52 weeks after  
20          the date on which the unemployed individual first re-  
21          ceives assistance.

22          “(3) MAXIMUM AND MINIMUM WEEKLY  
23          AMOUNTS.—The amount of assistance provided to  
24          an unemployed individual under this subsection for  
25          each week of unemployment shall be—

1           “(A) unless the amount is less than the  
 2           amount described in subparagraph (B), not  
 3           more than the maximum weekly amount au-  
 4           thorized under the unemployment compensation  
 5           law of the State in which the disaster occurred;  
 6           and

7           “(B) not less than the national average  
 8           weekly unemployment benefit provided to an in-  
 9           dividual as of the date of the major disaster for  
 10          which unemployment assistance is provided.

11          “(4) PERIOD FOR APPLICATION.—The Presi-  
 12          dent shall accept applications for assistance under  
 13          this subsection for—

14               “(A) the 90-day period beginning on the  
 15               date on which the applicable major disaster is  
 16               declared; or

17               “(B) such longer period as may be estab-  
 18               lished by the President.

19          “(5) COOPERATION WITH STATES.—The Presi-  
 20          dent shall provide assistance under this subsection  
 21          through agreements with States that, in the judg-  
 22          ment of the President, have an adequate system for  
 23          administering the assistance through existing State  
 24          agencies.”.

## **Subtitle D—Tax Relief**

### **SEC. 431. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.**

In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, the Secretary of the Treasury shall specify a period under section 7508A of the Internal Revenue Code of 1986 of not less than 6 months beginning on August 29, 2005, that may be disregarded with respect to all of the acts described in section 7508(a)(1) of such Code.

### **SEC. 432. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.**

(a) EXCLUSION FROM INCOME OF CERTAIN DISTRIBUTIONS WHICH ARE REPAYED.—Section 72 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (w) the following new subsection:

“(x) REPAYABLE DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.—

1           “(1) IN GENERAL.—Notwithstanding any other  
2           provision of this section, gross income shall not in-  
3           clude any qualified distribution.

4           “(2) REPAYMENT REQUIREMENT.—

5           “(A) ADDITION TO TAX.—If the required  
6           recontributions made by the taxpayer during  
7           the repayment period are less than the qualified  
8           distribution, the tax imposed by this chapter for  
9           the last taxable year in the repayment period  
10          shall be increased by the amount determined  
11          under subparagraph (B).

12          “(B) DETERMINATION OF AMOUNT.—The  
13          amount determined under this subparagraph  
14          shall be an amount which bears the same ratio  
15          to the tax benefit amount as—

16                 “(i) the excess (if any) of the qualified  
17                 distribution over required recontributions  
18                 made during the repayment period, bears  
19                 to

20                 “(ii) the qualified distribution.

21          “(C) REPAYMENT PERIOD.—For purposes  
22          of this subsection, the term ‘repayment period’  
23          means, with respect to any qualified distribu-  
24          tion, the 5-taxable year period beginning after

1           the taxable year in which such distribution is  
2           received.

3           “(D) TAX BENEFIT AMOUNT.—For pur-  
4           poses of this subsection, the term ‘tax benefit  
5           amount’ means, with respect to any qualified  
6           distribution, the aggregate reduction in the tax  
7           imposed by this chapter for the taxable year in  
8           which such distribution is received by reason of  
9           the exclusion under paragraph (1).

10          “(3) QUALIFIED DISTRIBUTION.—For purposes  
11          of this subsection, the term ‘qualified distribution’  
12          means any distribution to an individual who has a  
13          principal place of abode within the area designated  
14          as a disaster area by the President under the Robert  
15          T. Stafford Disaster Relief and Emergency Assist-  
16          ance Act in connection with Hurricane Katrina—

17                 “(A) if such distribution is made during  
18                 the 6-month period beginning on the date such  
19                 declaration is made, and

20                 “(B) to the extent such distribution does  
21                 not exceed the excess of—

22                         “(i) the amount of expenses incurred  
23                         as a result of such disaster, over

1                   “(ii) the amount of such expenses  
 2                   which are compensated for by insurance or  
 3                   otherwise.

4                   “(4) RECONTRIBUTION OF QUALIFIED DIS-  
 5                   TRIBUTIONS.—

6                   “(A) IN GENERAL.—If an individual re-  
 7                   ceived a qualified distribution, such individual  
 8                   shall make required recontributions in the man-  
 9                   ner provided in this paragraph to an individual  
 10                  retirement plan maintained for the benefit of  
 11                  such individual.

12                  “(B) METHOD OF MAKING RECONTRIBU-  
 13                  TION.—Any required recontribution—

14                  “(i) shall be made during the repay-  
 15                  ment period for the qualified distribution,

16                  “(ii) shall not exceed the qualified dis-  
 17                  tribution reduced by any prior contribu-  
 18                  tion under this paragraph with respect to  
 19                  such distribution, and

20                  “(iii) shall be made by making a pay-  
 21                  ment in cash to the qualified retirement  
 22                  plan from which the qualified distribution  
 23                  was made.

24                  An individual making a required recontribution  
 25                  under this paragraph shall designate (in the

manner prescribed by the Secretary) such contribution as a required recontribution under this paragraph and shall specify the qualified distribution with respect to which such recontribution is being made.

“(C) TREATMENT OF CONTRIBUTION.—

For purposes of this title, any required recontribution under this paragraph shall not be taken into account for purposes of any limitation on contributions to a qualified retirement plan (as so defined).

“(5) OTHER SPECIAL RULES.—

“(A) BASIS RULES NOT AFFECTED.—The

tax treatment under this chapter of any distribution (other than a qualified distribution) shall be determined as if this subsection had not been enacted.

“(B) AGGREGATION RULE.—For purposes

of this subsection, all qualified distributions received by an individual during a taxable year shall be treated as a single distribution.”.

(b) EFFECTIVE DATE.—The amendments made by

this section shall apply to distributions received after the date of the enactment of this Act, in taxable years ending after such date.

## **Subtitle E—Hurricane Katrina Food Assistance Relief**

### **SEC. 441. SHORT TITLE.**

This subtitle may be cited as the “Hurricane Katrina Food Assistance Relief Act of 2005”.

### **SEC. 442. DEFINITION OF SECRETARY.**

In this subtitle, the term “Secretary” means the Secretary of Agriculture.

### **SEC. 443. FOOD STAMP PROGRAM DISASTER AUTHORITY.**

(a) IN GENERAL.—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

“(4) RESPONSE TO HURRICANE KATRINA.—

“(A) DEFINITIONS.—In this paragraph:

“(i) AFFECTED AREA.—

“(I) IN GENERAL.—The term ‘affected area’ means an area of a State that the Secretary determines was affected by Hurricane Katrina or a related condition.

“(II) INCLUSION.—The term ‘affected area’ includes any area that, as a result of Hurricane Katrina or a related condition, was covered by—

“(aa) a natural disaster declaration under section 321(a) of the Con-

1 solidated Farm and Rural Develop-  
 2 ment Act (7 U.S.C. 1961(a)); or

3 “(bb) a major disaster or emer-  
 4 gency designation under the Robert T.  
 5 Stafford Disaster Relief and Emer-  
 6 gency Assistance Act (42 U.S.C. 5121  
 7 et seq.).

8 “(ii) AFFECTED HOUSEHOLD.—

9 “(I) IN GENERAL.—The term ‘af-  
 10 fected household’ means a household—

11 “(aa) in an affected area;

12 “(bb) in which a member worked  
 13 immediately prior to August 29, 2005,  
 14 in an affected area; or

15 “(cc) that was displaced as a re-  
 16 sult of Hurricane Katrina or a related  
 17 condition to other areas of the same  
 18 or another State.

19 “(II) INCLUSION.—The term ‘affected  
 20 household’ includes a household containing  
 21 1 or more individuals that were displaced  
 22 as a result of Hurricane Katrina or a re-  
 23 lated condition, as determined by the Sec-  
 24 retary.

25 “(iii) DISASTER RECOVERY PERIOD.—

1                   “(I) IN GENERAL.—The term ‘dis-  
 2                   aster recovery period’ means the period of  
 3                   180 days beginning on the date of enact-  
 4                   ment of this paragraph.

5                   “(II) EXTENSION.—The disaster re-  
 6                   covery period shall be extended for another  
 7                   180 days unless the President determines  
 8                   that the extension is not necessary to fully  
 9                   meet the needs of affected households.

10                  “(B) DISASTER RECOVERY PERIOD.—During  
 11                  the disaster recovery period—

12                   “(i) clauses (iv) and (v) of subsection  
 13                   (g)(2)(B), subsections (d) and (o) of section 6,  
 14                   and section 8(c)(1) shall not apply to affected  
 15                   households;

16                   “(ii) the application of an affected house-  
 17                   hold shall be processed under the procedures es-  
 18                   tablished under section 11(e)(9);

19                   “(iii) at the option of the State agency, the  
 20                   State agency may increase the value to the af-  
 21                   fected household of the thrifty food plan deter-  
 22                   mined under section 3(o) by 6 percent when  
 23                   calculating the value of the allotment for an af-  
 24                   fected household under section 8(a), in lieu of

1 making the adjustment otherwise required by  
2 clause (iv);

3 “(iv) except in the case of a household to  
4 which clause (iii) applies, the State agency shall  
5 calculate the income of an affected household  
6 using a standard deduction of \$323 in lieu of  
7 the deduction provided under subsection (e)(1);

8 “(v) the Secretary shall pay each State  
9 agency an amount equal to 100 percent of ad-  
10 ministrative costs allowable under section 16(a)  
11 related to serving affected households in lieu of  
12 the payments section 16(a) would otherwise re-  
13 quire for those costs;

14 “(vi) an affected household shall be consid-  
15 ered to meet the requirements of subsection  
16 (c)(2) if the income of the affected household,  
17 as calculated under subsection (c)(2), does not  
18 exceed the level permitted under subsection  
19 (c)(1) by more than 50 percent;

20 “(vii) any funds designated for rebuilding  
21 or relocation (including payments from Federal,  
22 State, or local governments, charitable organi-  
23 zations, employers, or insurance companies)  
24 shall be excluded from consideration under sub-

1 section (g) in determining the eligibility of an  
2 affected household; and

3 “(viii) an affected household may not be  
4 considered to customarily purchase food and  
5 prepare meals together with other individuals if  
6 the affected household did not customarily pur-  
7 chase food and prepare meals for home con-  
8 sumption with those individuals immediately  
9 prior to August 29, 2005.

10 “(C) DUPLICATE PARTICIPATION.—

11 “(i) IN GENERAL.—The Secretary shall  
12 take such actions as are prudent and reasonable  
13 under the circumstances to identify affected  
14 households that are participating in more than  
15 1 State and to terminate the duplicate partici-  
16 pation of those households.

17 “(ii) NO ACTION TAKEN.—Except in the  
18 case of deliberate falsehoods, no action may be  
19 taken against any affected household relating to  
20 any duplicate participation during the disaster  
21 recovery period that takes place prior to termi-  
22 nation under clause (i).

23 “(D) CLAIMS RELATING TO BENEFITS.—Except  
24 in the case of intentional program violations as de-  
25 termined under section 6(b), no claim may be estab-

1       lished under section 13(b) relating to benefits issued  
2       under this subsection.

3               “(E) PAYMENT ERROR RATE.—For purposes of  
4       determining the payment error rate of a State agen-  
5       cy under section 16(c), the Secretary shall disregard  
6       any errors resulting from the application of this  
7       paragraph to an affected household during the dis-  
8       aster recovery period.

9               “(F) SAVINGS CLAUSE.—This paragraph shall  
10      not apply in any area of a State to the extent that  
11      there is in effect in the area an emergency food  
12      stamp plan approved by the Secretary that is more  
13      generous than the assistance provided under this  
14      paragraph.”.

15      (b) PROGRAM INFORMATION ACTIVITIES.—

16              (1) IN GENERAL.—From funds otherwise ap-  
17      propriated for the food stamp program established  
18      under the Food Stamp Act of 1977 (7 U.S.C. 2011  
19      et seq.), the Secretary may use not more than  
20      \$5,000,000 for the period of fiscal year 2005  
21      through 2006 to enter into contracts with nonprofit  
22      organizations to provide affected households (as de-  
23      fined in section 5(h)(4)(A)(i) of the Food Stamp Act  
24      of 1977 (as added by subsection (a)) with informa-  
25      tion about and assistance in completing the applica-

1       tion process for any food assistance programs for  
2       which the Secretary provides funds or commodities.

3           (2)     EXPEDITING     PROVISIONS.—Notwith-  
4       standing any other provision of law, the Secretary  
5       shall not be required—

6                   (A) to provide public notice of the avail-  
7                   ability of funds described in paragraph (1); or

8                   (B) to accept competitive bids for contracts  
9       under this subsection.

10   **SEC. 444. EMERGENCY FOOD ASSISTANCE PROGRAM AND**  
11                   **SECTION 32 ASSISTANCE.**

12       (a) DEFINITION OF ELIGIBLE RECIPIENT.—In this  
13       section, the term “eligible recipient” means an individual  
14       or household that, as determined by the Secretary in con-  
15       sultation with the Secretary of Homeland Security—

16           (1) is a victim of Hurricane Katrina or a re-  
17       lated condition;

18           (2) has been displaced by Hurricane Katrina or  
19       a related condition; or

20           (3) is temporarily housing 1 or more individuals  
21       displaced by Hurricane Katrina or a related condi-  
22       tion.

23       (b) ASSISTANCE.—

24           (1) IN GENERAL.—In addition to funds already  
25       obligated to carry out the emergency food assistance

1 program established under the Emergency Food As-  
 2 sistance Act of 1983 (7 U.S.C. 7501 et seq.), the  
 3 Secretary, in consultation with the Secretary of  
 4 Homeland Security, shall use not more than  
 5 \$200,000,000 of funds made available under that  
 6 Act to provide a variety of food to eligible recipient  
 7 agencies for providing food assistance to eligible re-  
 8 cipients, including—

9 (A) special supplemental foods for preg-  
 10 nant women and infants or for other individuals  
 11 with special needs;

12 (B) infant formula;

13 (C) bottled water; and

14 (D) fruit juices.

15 (2) USE OF FUNDS.—Funds made available  
 16 under paragraph (1) may be used to provide com-  
 17 modities in accordance with—

18 (A) section 27 of the Food Stamp Act of  
 19 1977 (7 U.S.C. 2036);

20 (B) section 203A of the Emergency Food  
 21 Assistance Act of 1983 (7 U.S.C. 7504); and

22 (C) section 204 of the Emergency Food  
 23 Assistance Act of 1983 (7 U.S.C. 7508).

24 (c) SECTION 32 FUNDING.—In addition to funds ob-  
 25 ligated for fiscal years 2005 and 2006 under section 32

1 of the Act of August 24, 1935 (7 U.S.C. 612c), the Sec-  
2 retary shall use not more than \$200,000,000 of funds  
3 made available under that section to provide food assist-  
4 ance to eligible recipients, including food described in sub-  
5 paragraphs (A) through (D) of subsection (b)(1).

6 **SEC. 445. WIC FUNDING.**

7 (a) IN GENERAL.—In addition to other funds made  
8 available to the Secretary for fiscal year 2005 or 2006  
9 to carry out the special supplemental nutrition program  
10 for women, infants, and children established by section 17  
11 of the Child Nutrition Act of 1966 (42 U.S.C. 1786),  
12 there is authorized to be appropriated \$200,000,000, to  
13 remain available until September 30, 2007.

14 (b) EMERGENCY DESIGNATION.—The amounts made  
15 available by the transfer of funds in or pursuant to sub-  
16 section (a) are designated as an emergency requirement  
17 pursuant to section 402 of H. Con. Res. 95 (109th Con-  
18 gress).

19 (c) ALLOCATION OF FUNDS.—Notwithstanding sec-  
20 tion 17(i) of the Child Nutrition Act of 1966 (42 U.S.C.  
21 1786(i)), the Secretary may allocate funds made available  
22 under subsection (a) as the Secretary determines to be  
23 necessary to provide assistance to women, infants, and  
24 children who, as determined by the Secretary in consulta-  
25 tion with the Secretary of Homeland Security—

1           (1) are victims of Hurricane Katrina or a re-  
2       lated condition; or

3           (2) have been displaced by Hurricane Katrina  
4       or a related condition.

5 **SEC. 446. REPORT.**

6       Not later than 180 days after the date of enactment  
7 of this Act, the Secretary, in consultation with the Sec-  
8 retary of Homeland Security, shall submit to the Com-  
9 mittee on Agriculture of the House of Representatives and  
10 the Committee on Agriculture, Nutrition, and Forestry of  
11 the Senate a report that—

12           (1) describes whether additional funding or au-  
13       thority is needed to continue to address the food  
14       needs of eligible recipients; and

15           (2) includes any determination by the President  
16       under section 5(h)(4)(A)(iii)(II) of the Food Stamp  
17       Act of 1977 (as added by section \_\_03(a)) that an  
18       extension of the disaster recovery period is not nec-  
19       essary to fully meet the needs of affected house-  
20       holds.

21 **SEC. 447. REGULATIONS.**

22       (a) IN GENERAL.—The Secretary may promulgate  
23 such regulations as are necessary to implement this sub-  
24 title.

1 (b) PROCEDURE.—The promulgation of the regula-  
 2 tions and administration of this subtitle shall be made  
 3 without regard to—

4 (1) the notice and comment provisions of sec-  
 5 tion 553 of title 5, United States Code;

6 (2) the Statement of Policy of the Secretary of  
 7 Agriculture effective July 24, 1971 (36 Fed. Reg.  
 8 13804), relating to notices of proposed rulemaking  
 9 and public participation in rulemaking; and

10 (3) chapter 35 of title 44, United States Code  
 11 (commonly known as the “Paperwork Reduction  
 12 Act”).

13 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-  
 14 MAKING.—In carrying out this section, the Secretary shall  
 15 use the authority provided under section 808 of title 5,  
 16 United States Code.

## 17 **Subtitle F—Bankruptcy Relief**

### 18 **SEC. 451. BANKRUPTCY RELIEF FOR VICTIMS OF HURRI-** 19 **CANE KATRINA.**

20 (a) IN GENERAL.—Notwithstanding any other provi-  
 21 sion of law, the provisions of title 11, United States Code,  
 22 as in effect on August 29, 2005, shall apply to any case  
 23 described in subsection (b).

24 (b) ELIGIBILITY.—A case described in this subsection  
 25 is a case commenced during the 180-day period beginning

1 on the effective date of the Bankruptcy Abuse Prevention  
 2 and Consumer Protection Act of 2005, under title 11,  
 3 United States Code (other than under chapter 12 of that  
 4 title 11), or during an extension of a period for the avail-  
 5 ability of benefits or assistance in accordance with section  
 6 501(b), by or on behalf of a debtor who resides, or who  
 7 resided on August 29, 2005, in any area that is subject  
 8 to a declaration by the President of a major disaster under  
 9 the Robert T. Stafford Disaster Relief and Emergency As-  
 10 sistance Act (42 U.S.C. 5121 et seq.) in connection with  
 11 Hurricane Katrina.

## 12 **TITLE V—ADMINISTRATIVE** 13 **MATTERS**

### 14 **SEC. 501. PERIOD OF AVAILABILITY OF BENEFITS.**

15 (a) IN GENERAL.—Except as otherwise provided by  
 16 this Act or an amendment made by this Act, a benefit  
 17 or assistance provided by any provision of this Act or an  
 18 amendment made by this Act shall be available through  
 19 the date that is 180 days after the date of enactment of  
 20 this Act.

21 (b) AUTOMATIC EXTENSION.—The period during  
 22 which a benefit or assistance described in subsection (a)  
 23 is available shall be automatically extended for an addi-  
 24 tional 180 days, beginning on the date that is 181 days  
 25 after the date of enactment of this Act (or any earlier date

1 on which such period expires under a provision of this Act  
2 or an amendment made by this Act), unless the President  
3 determines that the extension of the availability of the  
4 benefit or assistance is not necessary to fully meet the  
5 needs of individuals and households affected by Hurricane  
6 Katrina or a related condition.

7 (c) REPORT.—If the President determines that an ex-  
8 tension is not necessary under subsection (b), the Presi-  
9 dent shall submit to Congress a report describing the de-  
10 termination.

11 **SEC. 502. NONDISCRIMINATION.**

12 Each recipient of Federal funds made available pur-  
13 suant to this Act or an amendment made by this Act, in  
14 carrying out programs and activities with those funds,  
15 shall comply with all Federal laws (including regulations)  
16 prohibiting discrimination on the basis of race, color, reli-  
17 gion, sex, national origin, age, or disability, including title  
18 VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et  
19 seq.). Each recipient of Federal funds made available pur-  
20 suant to this Act or an amendment made by this Act, in  
21 carrying out programs and activities with those funds,  
22 shall comply with all Federal laws (including regulations)  
23 prohibiting discrimination on the basis of race, color, reli-  
24 gion, sex, national origin, age, or disability, including title

1 VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et  
2 seq.).

