

Calendar No. 214

109TH CONGRESS
1ST SESSION**S. 1716**

To provide emergency health care relief for survivors of Hurricane Katrina,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2005

Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. COCHRAN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. PRYOR, and Mr. SMITH) introduced the following bill;
which was read the first time

SEPTEMBER 19, 2005

Read the second time and placed on the calendar

A BILL

To provide emergency health care relief for survivors of
Hurricane Katrina, 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 “Emergency Health Care Relief Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY HEALTH CARE RELIEF

- Sec. 101. Definitions.
- Sec. 102. Disaster relief medicaid.
- Sec. 103. Targeted medicaid relief for direct impact parishes and counties.
- Sec. 104. Authority to waive requirements during national emergencies with respect to evacuees from an emergency area.
- Sec. 105. Emergency assistance for States with respect to the Federal medical assistance percentage for fiscal year 2006.
- Sec. 106. Emergency assistance to medicare beneficiaries.
- Sec. 107. Relief for hospitals located in a direct impact parish or county.
- Sec. 108. Disaster relief fund.
- Sec. 109. Emergency designation.

TITLE II—TANF RELIEF

- Sec. 201. Reimbursement of States for TANF benefits provided to assist families from other States affected by Hurricane Katrina.
- Sec. 202. Increase in amount of additional TANF funds available for hurricane-damaged States.
- Sec. 203. Rules for receipt of Hurricane Katrina emergency TANF benefits and application to child support requirements.
- Sec. 204. Emergency designation.

TITLE III—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION

- Sec. 301. Federal-State agreements.
- Sec. 302. Temporary extended unemployment compensation account.
- Sec. 303. Payments to States having agreements for the payment of temporary extended unemployment compensation.
- Sec. 304. Financing provisions.
- Sec. 305. Fraud and overpayments.
- Sec. 306. Definitions.
- Sec. 307. Applicability.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Disclosure based on valid authorization.
- Sec. 402. Additional oversight funding for the Inspector General of the Department of Health and Human Services.
- Sec. 403. Emergency procurement authority in support of Hurricane Katrina rescue and relief efforts.

1 **TITLE I—EMERGENCY HEALTH** 2 **CARE RELIEF**

3 **SEC. 101. DEFINITIONS.**

4 In this title:

5 (1) DIRECT IMPACT PARISH OR COUNTY.—

1 (A) IN GENERAL.—The term “direct im-
2 pact parish or county” means a parish in the
3 State of Louisiana, or a county in the State of
4 Mississippi or Alabama, for which a major dis-
5 aster has been declared in accordance with sec-
6 tion 401 of the Robert T. Stafford Disaster Re-
7 lief and Emergency Assistance Act (42 U.S.C.
8 5170) as a result of Hurricane Katrina and
9 which the President has determined, before
10 September 14, 2005, warrants individual and
11 public assistance from the Federal Government
12 under such Act.

13 (B) EXCLUSION.—Such term does not in-
14 clude a parish in the State of Louisiana or a
15 county in the State of Mississippi or Alabama
16 which the President has determined warrants
17 only public assistance from the Federal Govern-
18 ment under such Act as a result of Hurricane
19 Katrina.

20 (C) AUTHORITY TO RELY ON WEBSITE
21 POSTED DESIGNATIONS.—The Secretary of
22 Health and Human Services shall post on the
23 Internet website for the Centers for Medicare &
24 Medicaid Services a list of parishes and coun-
25 ties identified as direct impact parishes or coun-

ties in accordance with this paragraph. Any such parish or county that is posted on such website as a direct impact parish or county shall be treated for purposes of subparagraph (A) as described in such subparagraph.

(2) DRM COVERAGE PERIOD.—

(A) IN GENERAL.—The term “DRM coverage period” means the period beginning on August 28, 2005, and, subject to subparagraph (B), ending on the date that is 5 months after the date of enactment of this Act.

(B) PRESIDENTIAL AUTHORITY TO EXTEND DRM COVERAGE PERIOD.—

(i) IN GENERAL.—The President may extend the DRM coverage period for an additional 5 months. Any reference to the term “DRM coverage period” in this title shall include any extension under this clause.

(ii) NOTICE TO CONGRESS AND STATES.—The President shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Chairs and

Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives, and the States at least 30 days prior to—

(I) extending the DRM coverage period; or

(II) if the President determines not to extend such period, the ending date described in subparagraph (A).

(3) KATRINA SURVIVOR.—

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

(B) RESIDENTS AND EVACUEES OF DIRECT IMPACT PARISHES AND COUNTIES.—An individual who, on any day during the week preceding August 28, 2005, had a primary residence in a direct impact parish or county.

(C) INDIVIDUALS WHO LOST EMPLOYMENT.—An individual whose—

(i) worksite, on any day during the week preceding August 28, 2005, was located in a direct impact parish or county; and

1 (ii) employment with an employer
2 which conducted an active trade or busi-
3 ness on August 28, 2005, in a direct im-
4 pact parish or county and with respect to
5 whom such trade or business is inoperable
6 on any day after August 28, 2005, and be-
7 fore January 1, 2006, as a result of dam-
8 age sustained in connection with Hurricane
9 Katrina, is terminated.

10 (D) TREATMENT OF CURRENT MEDICAID
11 BENEFICIARIES.—Nothing in this title shall be
12 construed as preventing an individual who is
13 otherwise entitled to medical assistance under
14 title XIX of the Social Security Act from being
15 treated as a Katrina Survivor under this title.

16 (E) TREATMENT OF HOMELESS PER-
17 SONS.—For purposes of this title, in the case of
18 an individual who was homeless on any day
19 during the week described in subparagraph (B),
20 the individual’s “residence” shall be deemed to
21 be the place of residence as otherwise deter-
22 mined for such an individual under title XIX of
23 the Social Security Act.

24 (4) POVERTY LINE.—The term “poverty line”
25 has the meaning given that term in section

1 2110(c)(5) of the Social Security Act (42 U.S.C.
2 1397jj(c)(5)).

3 (5) SECRETARY.—The term “Secretary” means
4 the Secretary of Health and Human Services.

5 (6) STATE.—The term “State” has the mean-
6 ing given that term for purposes of title XIX of the
7 Social Security Act (42 U.S.C 1396 et seq.).

8 **SEC. 102. DISASTER RELIEF MEDICAID.**

9 (a) AUTHORITY TO PROVIDE DISASTER RELIEF
10 MEDICAID.—Notwithstanding any provision of title XIX
11 of the Social Security Act, a State shall, as a condition
12 of participation in the Medicaid program established
13 under title XIX of the Social Security Act (42 U.S.C.
14 1396 et seq.), provide medical assistance to DRM-eligible
15 Katrina Survivors (as defined in subsection (b)) under a
16 State medicaid plan established under such title during
17 the DRM coverage period in accordance with the following
18 provisions of this section and without submitting an
19 amendment to the State Medicaid plan. Such assistance
20 shall be referred to as “DRM assistance”.

21 (b) DRM-ELIGIBLE KATRINA SURVIVOR DE-
22 FINED.—

23 (1) IN GENERAL.—In this section, the term
24 “DRM-eligible Katrina Survivor” means a Katrina

1 Survivor whose family income does not exceed the
2 higher of—

3 (A) 100 percent (200 percent, in the case
4 of such a Survivor who is a pregnant woman,
5 child, or a recipient of disability benefits under
6 section 223 of the Social Security Act) of the
7 poverty line; or

8 (B) the income eligibility standard which
9 would apply to the Survivor under the State
10 Medicaid plan.

11 (2) NO RESOURCES, RESIDENCY, OR CATEGOR-
12 ICAL ELIGIBILITY REQUIREMENTS.—Eligibility
13 under paragraph (1) shall be determined without ap-
14 plication of any resources test, State residency, or
15 categorical eligibility requirements.

16 (3) INCOME DETERMINATION.—

17 (A) LEAST RESTRICTIVE INCOME METH-
18 ODOLOGIES.—The State shall use the least re-
19 strictive methodologies applied under the State
20 medicaid plan under section 1902(r)(2) of the
21 Social Security Act (42 U.S.C. 1396a(r)(2)) in
22 determining income eligibility for Katrina Sur-
23 vivors under paragraph (1).

24 (B) DISREGARD OF UI BENEFITS.—In de-
25 termining such income eligibility, the State

shall disregard any amount received under a law of the United States or of a State which is in the nature of unemployment compensation by a Katrina Survivor during the DRM coverage period.

(4) DEFINITION OF CHILD.—For purposes of paragraph (1), a DRM-eligible Katrina Survivor shall be determined to be a “child” in accordance with the definition of “child” under the State Medicaid plan.

(c) ELIGIBILITY DETERMINATION; NO CONTINUATION OF DRM ASSISTANCE.—

(1) STREAMLINED ELIGIBILITY PROCESS.—The State shall use the following streamlined procedures in processing applications and determining eligibility for DRM assistance for DRM-eligible Katrina Survivors:

(A) A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall—

(i) require an applicant to provide an expected address for the duration of the DRM coverage period and to agree to up-

1 date that information if it changes during
2 such period;

3 (ii) include notice regarding the pen-
4 alties for making a fraudulent application
5 under subsection (h);

6 (iii) require the applicant to assign to
7 the State any rights of the applicant (or
8 any other person who is a DRM-eligible
9 Katrina Survivor and on whose behalf the
10 applicant has the legal authority to execute
11 an assignment of such rights) under any
12 group health plan or other third-party cov-
13 erage for health care; and

14 (iv) require the applicant to list any
15 health insurance coverage which the appli-
16 cant was enrolled in immediately prior to
17 submitting such application.

18 (B) Self-attestation by the applicant that
19 the applicant—

20 (i) is a DRM-eligible Katrina Sur-
21 vivor; and

22 (ii) if applicable, requires home and
23 community-based services provided under
24 such DRM assistance in accordance with
25 subsection (d)(3).

1 (C) No requirement for documentation evi-
2 dencing the basis on which the applicant quali-
3 fies to be a DRM-eligible Katrina Survivor or,
4 if applicable, requires home and community-
5 based services.

6 (D) Issuance of a DRM assistance eligi-
7 bility card to an applicant who completes such
8 application, including the self-attestation re-
9 quired under subparagraph (B). Such card shall
10 be valid as long as the DRM coverage period is
11 in effect and shall be accompanied by notice of
12 the termination date for the DRM coverage pe-
13 riod and, if applicable, notice that such termi-
14 nation date may be extended. If the President
15 extends the DRM coverage period, the State
16 shall notify DRM-eligible Katrina Survivors en-
17 rolled in DRM assistance of the new termi-
18 nation date for the DRM coverage period.

19 (E) If an applicant completes the applica-
20 tion and presents it to a provider or facility
21 participating in the State medicaid plan that is
22 qualified to make presumptive eligibility deter-
23 minations under such plan (which at a min-
24 imum shall consist of facilities identified in sec-
25 tion 1902(a)(55) of the Social Security Act (42

1 U.S.C. 1396a(a)(55)) and it appears to the pro-
2 vider that the applicant is a DRM-eligible
3 Katrina Survivor based on the information in
4 the application, the applicant will be deemed to
5 be a DRM-eligible Katrina Survivor eligible for
6 DRM assistance in accordance with this section,
7 subject to subsection (g).

8 (F) Continuous eligibility, without the need
9 for any redetermination of eligibility, for the
10 duration of the DRM coverage period.

11 (2) NO CONTINUATION OF DRM ASSISTANCE.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraphs (B) and (C), no DRM assistance
14 shall be provided after the end of the DRM cov-
15 erage period.

16 (B) PRESUMPTIVE ELIGIBILITY.—In the
17 case of any DRM-eligible Katrina Survivor who
18 is receiving DRM assistance from a State in ac-
19 cordance with this section and who, as of the
20 end of the DRM coverage period, has an appli-
21 cation pending for medical assistance under the
22 State medicaid plan for periods beginning after
23 the end of such period, the State shall provide
24 such Survivor with a period of presumptive eli-
25 gibility for medical assistance under the State

1 Medicaid plan (not to exceed 60 days) until a
2 determination with respect to the Survivor's ap-
3 plication has been made.

4 (C) PREGNANT WOMEN.—In the case of a
5 DRM-eligible Katrina Survivor who is receiving
6 DRM assistance from a State in accordance
7 with this section and whose pregnancy ended
8 during the 60-day period prior to the end of the
9 DRM coverage period, or who is pregnant as of
10 the end of such period, such Survivor shall con-
11 tinue to be eligible for DRM assistance after
12 the end of the DRM coverage period, including
13 (but not limited to) for all pregnancy-related
14 and postpartum medical assistance available
15 under the State Medicaid plan, through the end
16 of the month in which the 60-day period (begin-
17 ning on the last day of her pregnancy) ends.

18 (3) TREATMENT OF KATRINA SURVIVORS PRO-
19 VIDED ASSISTANCE PRIOR TO DATE OF ENACT-
20 MENT.—Any Katrina Survivor who is provided med-
21 ical assistance under a State medicaid plan in ac-
22 cordance with guidance from the Secretary during
23 the period that begins on August 28, 2005, and ends
24 on the date of enactment of this Act shall be treated
25 as a DRM-eligible Katrina Survivor, without the

1 need to file an additional application, for purposes of
2 eligibility for DRM assistance under this section.

3 (d) SCOPE OF COVERAGE.—

4 (1) CATEGORICALLY NEEDY BENEFITS.—The
5 State shall treat a DRM-eligible Katrina Survivor as
6 an individual eligible for medical assistance under
7 the State plan under title XIX of the Social Security
8 Act on the basis of section 1902(a)(10)(A)(i) of the
9 Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)),
10 with coverage for such assistance retroactive to
11 items and services furnished on or after August 28,
12 2005 (or in the case of applications for DRM assist-
13 ance submitted after January 1 2006, the first day
14 of the 5th month preceding the date on which such
15 application is submitted).

16 (2) EXTENDED MENTAL HEALTH AND CARE CO-
17 ORDINATION BENEFITS.—The State may provide,
18 without regard to any restrictions on amount, dura-
19 tion, and scope, comparability, or restrictions other-
20 wise applicable under the State medicaid plan (other
21 than restrictions applicable under such plan with re-
22 spect to services provided in an institution for men-
23 tal diseases), to DRM-eligible Katrina Survivors ex-
24 tended mental health and care coordination benefits
25 which may include the following:

1 (A) Screening, assessment, and diagnostic
2 services (including specialized assessments for
3 individuals with cognitive impairments).

4 (B) Coverage for a full range of mental
5 health medications at the dosages and fre-
6 quencies prescribed by health professionals for
7 depression, post-traumatic stress disorder, and
8 other mental disorders.

9 (C) Treatment of alcohol and substance
10 abuse determined to result from circumstances
11 related to Hurricane Katrina.

12 (D) Psychotherapy, rehabilitation and
13 other treatments administered by psychiatrists,
14 psychologists, or social workers for conditions
15 exacerbated by, or resulting from, Hurricane
16 Katrina.

17 (E) In-patient mental health care.

18 (F) Family counseling for families where a
19 member of the immediate family is a Katrina
20 Survivor or first responder to Hurricane
21 Katrina or includes an individual who has died
22 as a result of Hurricane Katrina.

23 (G) In connection with the provision of
24 health and long-term care services, arranging
25 for, (and when necessary, enrollment in waiver

1 programs or other specialized programs), and
2 coordination related to, primary and specialty
3 medical care, which may include personal care
4 services, durable medical equipment and sup-
5 plies, assistive technology, and transportation.

6 (3) HOME AND COMMUNITY-BASED SERV-
7 ICES.—

8 (A) IN GENERAL.—In the case of a State
9 with a waiver to provide home and community-
10 based services granted under section 1115 of
11 the Social Security Act or under subsection (c)
12 or (d) of section 1915 of such Act, the State
13 may provide such services to DRM-eligible
14 Katrina Survivors who self-attest in accordance
15 with subsection (c)(1)(B)(ii) that they require
16 immediate home and community-based services
17 that are available under such waiver without re-
18 gard to whether the Survivors would require the
19 level of care provided in a hospital, nursing fa-
20 cility, or intermediate care facility for the men-
21 tally retarded, including to DRM-eligible
22 Katrina Survivors who are individuals described
23 in subparagraph (B).

1 (B) INDIVIDUALS DESCRIBED.—Individ-
2 uals described in this subparagraph are individ-
3 uals who—

4 (i) on any day during the week pre-
5 ceding August 28, 2005—

6 (I) had been receiving home and
7 community-based services under a
8 waiver described in subparagraph (A)
9 in a direct impact parish or county;

10 (II) had been receiving support
11 services from a primary family care-
12 giver who, as a result of Hurricane
13 Katrina, is no longer available to pro-
14 vide services; or

15 (III) had been receiving personal
16 care, home health, or rehabilitative
17 services under the State medicaid plan
18 or under a waiver granted under sec-
19 tion 1915 or 1115 of the Social Secu-
20 rity Act; or

21 (ii) are disabled (as determined under
22 the State medicaid plan).

23 (C) WAIVER OF RESTRICTIONS.—The Sec-
24 retary shall waive with respect to the provision

1 of home and community-based services under
2 this paragraph any limitations on—

3 (i) the number of individuals who
4 shall receive home or community-based
5 services under a waiver described in sub-
6 paragraph (A);

7 (ii) budget neutrality requirements ap-
8 plicable to such waiver; and

9 (iii) targeted populations eligible for
10 services under such waiver.

11 The Secretary may waive other restrictions ap-
12 plicable under such a waiver, that would pre-
13 vent a State from providing home and commu-
14 nity-based services in accordance with this
15 paragraph.

16 (4) CHILDREN BORN TO PREGNANT WOMEN.—

17 In the case of a child born to a DRM-eligible
18 Katrina Survivor who is provided DRM assistance
19 during the DRM coverage period, such child shall be
20 treated as having been born to a pregnant woman el-
21 igible for medical assistance under the State med-
22 icaid plan and shall be eligible for medical assistance
23 under such plan in accordance with section
24 1902(e)(4) of the Social Security Act (42 U.S.C.
25 1396a(e)(4)). The Federal medical assistance per-

1 centage applicable to the State medicaid plan shall
 2 apply to medical assistance provided to a child under
 3 such plan in accordance with the preceding sentence.

4 (e) TERMINATION OF COVERAGE; ASSISTANCE WITH
 5 APPLYING FOR REGULAR MEDICAID COVERAGE.—

6 (1) NOTICE OF EXPECTED TERMINATION OF
 7 DRM COVERAGE PERIOD.—A State shall provide
 8 DRM-eligible Katrina Survivors who are receiving
 9 DRM assistance from the State in accordance with
 10 this section, as of the beginning of the 4th month
 11 (and, if applicable, 9th month) of the DRM coverage
 12 period with—

13 (A) notice of the expected termination date
 14 for DRM assistance for such period;

15 (B) information regarding eligibility for
 16 medical assistance under the State's eligibility
 17 rules otherwise applicable under the State med-
 18 icaid plan; and

19 (C) an application for such assistance and
 20 information regarding where to obtain assist-
 21 ance with completing such application in ac-
 22 cordance with paragraph (2).

23 (2) APPLICATION ASSISTANCE.—A State shall
 24 provide DRM-eligible Katrina Survivors who are re-
 25 ceiving DRM assistance from the State in accord-

1 ance with this section with assistance in applying for
 2 medical assistance under the State medicaid plan for
 3 periods beginning after the end of the DRM cov-
 4 erage period, at State Medicaid offices and at loca-
 5 tions easily accessible to such Survivors.

6 (3) STATE REPORTS.—A State providing DRM
 7 assistance in accordance with this section shall sub-
 8 mit to the Secretary the following reports:

9 (A) TERMINATION AND TRANSITION AS-
 10 SISTANCE TO REGULAR MEDICAID COVERAGE
 11 FOR DRM-ELIGIBLE KATRINA SURVIVORS ELIGI-
 12 BLE FOR SUCH ASSISTANCE.—A report detail-
 13 ing how the State intends to satisfy the require-
 14 ments of paragraphs (1) and (2).

15 (B) ENROLLMENT.—Reports regarding—

16 (i) the number of Katrina Survivors
 17 who are determined to be DRM-eligible
 18 Katrina Survivors; and

19 (ii) the number of DRM-eligible
 20 Katrina Survivors who are determined to
 21 be eligible for, and enrolled in, the State
 22 medicaid plan.

23 (4) SECRETARIAL OVERSIGHT.—The Secretary
 24 of Health and Human Services shall ensure that a
 25 State is complying with the requirements of para-

graphs (1) and (2) and that applications for medical assistance under the State medicaid plan from DRM-eligible Katrina Survivors for periods beginning after the end of the DRM coverage period are processed in a timely and appropriate manner.

(5) NO PRIVATE RIGHT OF ACTION AGAINST A STATE FOR FAILURE TO PROVIDE NOTICE.—No private right of action shall be brought against a State for failure to provide the notices required under paragraph (1) or subsection (c)(1) so long as the State makes a good faith effort to provide such notices.

(f) 100 PERCENT FEDERAL MATCHING PAYMENTS.—

(1) IN GENERAL.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), the Federal medical assistance percentage or the Federal matching rate otherwise applied under section 1903(a) of such Act (42 U.S.C. 1396b(a)) shall be 100 percent for—

(A) providing DRM assistance to DRM-eligible Katrina Survivors during the DRM coverage period in accordance with this section;

(B) costs directly attributable to administrative activities related to the provision of such

1 DRM assistance, including costs attributable to
2 obtaining recoveries under subsection (h);

3 (C) costs directly attributable to providing
4 application assistance in accordance with sub-
5 section (e)(2); and

6 (D) DRM assistance provided in accord-
7 ance with subparagraph (B) or (C) of sub-
8 section (c)(2) after the end of the DRM cov-
9 erage period.

10 (2) DISREGARD OF PAYMENTS.—Payments pro-
11 vided to a State in accordance with this subsection
12 shall be disregarded for purposes of applying sub-
13 sections (f) and (g) of section 1108 of the Social Se-
14 curity Act (42 U.S.C. 1308).

15 (g) VERIFICATION OF STATUS AS A KATRINA SUR-
16 VIVOR.—

17 (1) IN GENERAL.—The State shall make a good
18 faith effort to verify the status of an individual who
19 is enrolled in the State Medicaid plan as a DRM-eli-
20 gible Katrina Survivor under the provisions of this
21 section. Such effort shall not delay the determina-
22 tion of the eligibility of the Survivor for DRM assist-
23 ance under this section.

24 (2) EVIDENCE OF VERIFICATION.—A State may
25 satisfy the verification requirement under subpara-

graph (A) with respect to an individual by showing that the State providing DRM assistance obtained information from the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the State from which individual is from (if the individual was not a resident of such State on any day during the week preceding August 28, 2005).

(h) PENALTY FOR FRAUDULENT APPLICATIONS.—

(1) INDIVIDUAL LIABLE FOR COSTS.—If a State, as the result of verification activities conducted under subsection (g) or otherwise, determines after a fair hearing that an individual has knowingly made a false self-attestation described in subsection (c)(1)(B), the State may, subject to paragraph (2), seek recovery from the individual for the full amount of the cost of DRM assistance provided to the individual under this section.

(2) EXCEPTION.—The Secretary shall exempt a State from seeking recovery under paragraph (1) if the Secretary determines that it would not be cost-effective for the State to do so.

(3) REIMBURSEMENT TO THE FEDERAL GOVERNMENT.—Any amounts recovered by a State in

1 accordance with this subsection shall be returned to
2 the Federal government.

3 (i) EXEMPTION FROM ERROR RATE PENALTIES.—

4 All payments attributable to providing DRM assistance in
5 accordance with this section shall be disregarded for pur-
6 poses of section 1903(u) of the Social Security Act (42
7 U.S.C. 1396b(u)).

8 (j) PROVIDER PAYMENT RATES.—In the case of any
9 DRM assistance provided in accordance with this section
10 to a DRM-eligible Katrina Survivor that is covered under
11 the State medicaid plan (as applied without regard to this
12 section) the State shall pay a provider of such assistance
13 the same payment rate as the State would otherwise pay
14 for the assistance if the assistance were provided under
15 the State medicaid plan (or, if no such payment rate ap-
16 plies under the State medicaid plan, the usual and cus-
17 tomary prevailing rate for the item or service for the com-
18 munity in which it is provided).

19 (k) APPLICATION TO INDIVIDUALS ELIGIBLE FOR
20 MEDICAL ASSISTANCE.—Nothing in this section shall be
21 construed as affecting any rights accorded to an individual
22 who is a recipient of medical assistance under a State
23 medicaid plan who is determined to be a DRM-eligible
24 Katrina Survivor but the provision of DRM assistance to

1 such individual shall be limited to the provision of such
 2 assistance in accordance with this section.

3 **SEC. 103. TARGETED MEDICAID RELIEF FOR DIRECT IM-**
 4 **PACT PARISHES AND COUNTIES.**

5 (a) 100 PERCENT FEDERAL MATCHING PAYMENTS
 6 FOR MEDICAL ASSISTANCE PROVIDED IN DIRECT IMPACT
 7 PARISH OR COUNTY.—

8 (1) IN GENERAL.—Notwithstanding section
 9 1905(b) of the Social Security Act (42 U.S.C.
 10 1396d(b)), for items and services furnished during
 11 the period that begins on August 28, 2005, and ends
 12 on December 31, 2006, the Federal medical assist-
 13 ance percentage for providing medical assistance
 14 under a State medicaid plan under title XIX of the
 15 Social Security Act to any individual, including a
 16 Katrina Survivor, residing in a parish of the State
 17 of Louisiana described in subsection (c), or a county
 18 of the State of Mississippi or Alabama described in
 19 that subsection, shall be 100 percent.

20 (2) APPLICATION TO ENHANCED FMAP.—The
 21 100 percent Federal medical assistance percentage
 22 applicable under subsection (a) shall also apply for
 23 purposes of determining the enhanced FMAP (as de-
 24 fined in section 2105(b) of the Social Security Act
 25 (42 U.S.C. 1397ee(b)) for child health assistance

1 provided under a State child health plan under title
 2 XXI of such Act in such a parish or county during
 3 the period described in such subsection.

4 (b) MORATORIUM ON REDETERMINATIONS.—During
 5 the DRM coverage period, the States of Louisiana, Mis-
 6 sissippi, and Alabama shall not be required to conduct eli-
 7 gibility redeterminations under the State’s medicaid plan.

8 (c) PARISH OR COUNTY DESCRIBED.—For purposes
 9 of subsection (a), a parish or county described in this sub-
 10 section is a parish or county for which a major disaster
 11 has been declared in accordance with section 401 of the
 12 Robert T. Stafford Disaster Relief and Emergency Assist-
 13 ance Act (42 U.S.C. 5170) as a result of Hurricane
 14 Katrina and which the President has determined, as of
 15 September 14, 2005, warrant individual or public assist-
 16 ance from the Federal Government under such Act.

17 **SEC. 104. AUTHORITY TO WAIVE REQUIREMENTS DURING**
 18 **NATIONAL EMERGENCIES WITH RESPECT TO**
 19 **EVACUEES FROM AN EMERGENCY AREA.**

20 (a) IN GENERAL.—Section 1135(g)(1) of the Social
 21 Security Act (42 U.S.C. 1320b–5(g)(1)) is amended by
 22 adding at the end the following:

23 “Any geographical area in which the Secretary de-
 24 termines there are a significant number of evacuees
 25 from an area that is considered to be an emergency

1 area under the preceding sentence shall be consid-
 2 ered to be an ‘emergency area’ for purposes of this
 3 section.”.

4 (b) EFFECTIVE DATE.—The amendment made by
 5 subsection (a) shall take effect as if enacted on August
 6 28, 2005.

7 **SEC. 105. EMERGENCY ASSISTANCE FOR STATES WITH RE-**
 8 **SPECT TO THE FEDERAL MEDICAL ASSIST-**
 9 **ANCE PERCENTAGE FOR FISCAL YEAR 2006.**

10 If the Federal medical assistance percentage (as de-
 11 fined in section 1905(b) of the Social Security Act (42
 12 U.S.C. 1396d(b))) determined for a State for fiscal year
 13 2006 is less than the Federal medical assistance percent-
 14 age determined for the State for fiscal year 2005, the Fed-
 15 eral medical assistance percentage for the State for fiscal
 16 year 2005 shall apply to the State for fiscal year 2006
 17 for purposes of titles XIX and XXI of the Social Security
 18 Act (42 U.S.C. 1396 et seq., 1397aa et seq.).

19 **SEC. 106. EMERGENCY ASSISTANCE TO MEDICARE BENE-**
 20 **FICIARIES.**

21 (a) EXCLUSION OF DRM COVERAGE PERIOD IN
 22 COMPUTING MEDICARE PART B LATE ENROLLMENT PE-
 23 RIOD.—In applying the first sentence of section 1839(b)
 24 of the Social Security Act (42 U.S.C. 1395r(b)) in the case
 25 of an individual who, on any day during the week pre-

ceding August 28, 2005, had a residence in a direct impact parish or county, there shall not be taken into account any month any part of which is within the DRM coverage period.

(b) WRITTEN PLAN ON TRANSITION OF CERTAIN FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS TO PRESCRIPTION DRUG COVERAGE UNDER MEDICARE PART D.—Not later than October 7, 2005, the Secretary of Health and Human Services shall submit to Congress a written plan on how the Secretary will provide for the transition of coverage of prescription drugs for full-benefit dual eligible individuals (as defined in section 1935(c)(6) of the Social Security Act (42 U.S.C. 1396u–5(c)(6))) who, on any day during the week preceding August 28, 2005, had a residence in a direct impact parish or county, from the medicaid program under title XIX of such Act to the medicare program under part D of title XVIII of such Act.

SEC. 107. RELIEF FOR HOSPITALS LOCATED IN A DIRECT IMPACT PARISH OR COUNTY.

(a) INCREASE IN MEDICARE PAYMENTS TO HOSPITALS FOR BAD DEBT.—During the DRM coverage period, section 1861(v)(1)(T)(iv) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)(iv)) shall be applied by substituting “0 percent” for “30 percent” with respect to—

1 (1) a hospital located in a direct impact parish
2 or county; and

3 (2) any other hospital, but only to the extent
4 that the bad debt is related to items and services
5 furnished to an individual who, on any day during
6 the week preceding August 28, 2005, had a resi-
7 dence in a direct impact parish or county.

8 (b) **WAIVER OF CERTAIN MEDICARE QUALITY RE-**
9 **PORTING REQUIREMENTS FOR HOSPITALS.**—During the
10 DRM coverage period, section 1886(b)(3)(B)(vii) of the
11 Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(vii))
12 shall not apply to a hospital that is located in a direct
13 impact parish or county.

14 **SEC. 108. DISASTER RELIEF FUND.**

15 (a) **ESTABLISHMENT.**—There is established on the
16 books of the Treasury the Disaster Relief Fund (in this
17 subsection referred to as the “Fund”) which—

18 (1) shall be administered by the Secretary of
19 Health and Human Services (in this subsection re-
20 ferred to as the “Secretary”); and

21 (2) shall consist of amounts made available
22 under subsection (f).

23 (b) **USE OF AMOUNTS IN FUND.**—Amounts in the
24 Fund shall be used by the Secretary for the following:

1 (1) PAYMENTS TO PROVIDERS.—The Secretary
2 shall make payments directly to medicaid providers
3 described in subsection (c) to offset costs incurred
4 by such providers as a result of Hurricane Katrina.

5 (2) PAYMENTS FOR PRIVATE HEALTH INSUR-
6 ANCE COVERAGE.—The Secretary shall make pay-
7 ments to State insurance commissioners for the pur-
8 pose of making payments to health insurance
9 issuers—

10 (A) on behalf of individuals that would
11 otherwise qualify for DRM assistance from the
12 State under section 102 for such individual’s
13 share of their health insurance premium; and

14 (B) on behalf of qualified employers for
15 the employer share of their employee’s health
16 insurance premiums, but only with respect to
17 the days on which the employer meets the defi-
18 nition under subsection (d).

19 (c) MEDICAID PROVIDERS DESCRIBED.—For pur-
20 poses of subsection (b)(1), medicaid providers described
21 in this paragraph are—

22 (1) any provider under title XIX of the Social
23 Security Act) that, during a period after August 28,
24 2005, as determined by the Secretary—

1 (A) that has a significant increase (as de-
2 termined by the Secretary of Health and
3 Human Services) in the percentage of patients
4 who are eligible for medical assistance under a
5 State plan approved under title XIX of the So-
6 cial Security Act or provided with uncompen-
7 sated care; or

8 (B) that experiences a significant drop in
9 patient caseload (as determined by the Sec-
10 retary); and

11 (2) any other provider determined appropriate
12 by the Secretary.

13 (d) QUALIFIED EMPLOYER DEFINED.—For purposes
14 of subsection (b)(2), the term “qualified employer” means
15 any employer—

16 (1) which conducted an active trade or business
17 on August 28, 2005, in a Hurricane Katrina dis-
18 aster area; and

19 (2)(A) with respect to whom the trade or busi-
20 ness described in subparagraph (A) is inoperable on
21 any day during the DRM coverage period as a result
22 of damage sustained in connection with Hurricane
23 Katrina; or

24 (B) with respect to whom the trade or business
25 described in subparagraph (A) is not paying salary

1 or benefits to employees on any day during the
2 DRM coverage period as a result of damage sus-
3 tained in connection with Hurricane Katrina.

4 (e) EXPEDITING IMPLEMENTATION.—The Secretary
5 shall promulgate regulations to carry out this section
6 which may be effective and final immediately on an in-
7 terim basis as of the date of publication of the interim
8 final regulation. If the Secretary provides for an interim
9 final regulation, the Secretary shall provide for a period
10 of public comments on such regulation after the date of
11 publication. The Secretary may change or revise such reg-
12 ulation after completion of the period of public comment.

13 (f) APPROPRIATION.—Out of any money in the
14 Treasury not otherwise appropriated, there is appro-
15 priated to the Fund \$800,000,000 for fiscal year 2005,
16 to remain available until expended.

17 **SEC. 109. EMERGENCY DESIGNATION.**

18 Each amount provided in this title is designated as
19 an emergency requirement pursuant to section 402 of H.
20 Con. Res. 95 (109th Congress).

TITLE II—TANF RELIEF

SEC. 201. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSIST FAMILIES FROM OTHER STATES AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Section 3 of the TANF Emergency Response and Recovery Act of 2005 is amended to read as follows:

“SEC. 3. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSIST FAMILIES FROM OTHER STATES AFFECTED BY HURRICANE KATRINA.

“(a) ELIGIBILITY FOR PAYMENTS FROM THE CONTINGENCY FUND.—

“(1) PERIOD OF APPLICABILITY.—Beginning with August 29, 2005, and ending with September 30, 2006, a State described in paragraph (2) or (3) shall be considered a needy State for purposes of section 403(b) of the Social Security Act.

“(2) DIRECT IMPACT STATES.—A State described in this paragraph is Louisiana, Mississippi, or Alabama.

“(3) OTHER STATES.—A State is described in this paragraph if the State provides any benefit or service that may be provided under the State pro-

1 gram funded under part A of title IV of the Social
2 Security Act to a family which—

3 “(A) has resided in a direct impact State;

4 and

5 “(B) has travelled (not necessarily directly)

6 to the State from such direct impact State as

7 a result of the hurricane.

8 “(b) MONTHLY PAYMENTS.—

9 “(1) IN GENERAL.—Notwithstanding section

10 403(b)(3)(C)(i) of the Social Security Act, the total

11 amount paid during a month to a State described

12 in—

13 “(A) subsection (a)(2), shall not exceed $\frac{1}{4}$

14 of 20 percent of the State family assistance

15 grant; and

16 “(B) subsection (a)(3), shall not exceed the

17 lesser of—

18 “(i) total amount of benefits or serv-

19 ices provided under the State program

20 funded under part A of title IV of the So-

21 cial Security Act to families described in

22 subsection (a)(3); or

23 “(ii) $\frac{1}{4}$ of 20 percent of the State

24 family assistance grant.

1 “(c) NO STATE MATCH OR MAINTENANCE OF EF-
 2 FORT REQUIRED.—Sections 403(b)(6) and 409(a)(10) of
 3 the Social Security Act shall not apply with respect to a
 4 payment made to a State by reason of this section.

5 “(d) INCREASE IN FUNDING TO THE EXTENT NEC-
 6 ESSARY.—During the period described in subsection
 7 (a)(1), section 403(b)(2) of the Social Security Act (42
 8 U.S.C. 603(b)(2)) shall be applied without regard to the
 9 limitation on the total amount specified in that section.”.

10 (b) RETROACTIVE EFFECTIVE DATE.—The amend-
 11 ment made by subsection (a) shall take effect as if in-
 12 cluded in the enactment of the TANF Emergency Re-
 13 sponse and Recovery Act of 2005.

14 **SEC. 202. INCREASE IN AMOUNT OF ADDITIONAL TANF**
 15 **FUNDS AVAILABLE FOR HURRICANE-DAM-**
 16 **AGED STATES.**

17 (a) IN GENERAL.—Section 4 of the TANF Emer-
 18 gency Response and Recovery Act of 2005 is amended—

19 (1) in subsection (a)(2), by striking “20 per-
 20 cent” and inserting “40 percent”; and

21 (2) in subsection (b), in the matter preceding
 22 paragraph (1), by inserting “(at any time during or
 23 after the period described in section 3(a)(1))” after
 24 “may not be imposed”.

1 (b) RETROACTIVE EFFECTIVE DATE.—The amend-
 2 ments made by subsection (a) shall take effect as if in-
 3 cluded in the enactment of the TANF Emergency Re-
 4 sponse and Recovery Act of 2005.

5 **SEC. 203. RULES FOR RECEIPT OF HURRICANE KATRINA**
 6 **EMERGENCY TANF BENEFITS AND APPLICA-**
 7 **TION TO CHILD SUPPORT REQUIREMENTS.**

8 (a) IN GENERAL.—Section 6 of the TANF Emer-
 9 gency Response and Recovery Act of 2005 is amended to
 10 read as follows:

11 **“SEC. 6. RULES OF RECEIPT OF HURRICANE KATRINA**
 12 **EMERGENCY TANF BENEFITS AND APPLICA-**
 13 **TION TO CHILD SUPPORT REQUIREMENTS.**

14 “(a) IN GENERAL.—During the period described in
 15 section 3(a)(1), a recipient of Hurricane Katrina Emer-
 16 gency TANF Benefits provided by a State described in
 17 paragraph (2) or (3) of section 3(a), or by an Indian tribe
 18 under a tribal family assistance plan approved under sec-
 19 tion 412 of the Social Security Act (42 U.S.C. 612), shall
 20 not be considered assistance for purposes of sections 407,
 21 paragraphs (2), (3), or (7) of section 408(a), or section
 22 454(29) of the Social Security Act (42 U.S.C. 607,
 23 608(a), 654(29)).

24 “(b) HURRICANE KATRINA EMERGENCY TANF BEN-
 25 EFITS.—For purposes of subsection (a), the term “Hurri-

1 cane Katrina Emergency TANF Benefits” means any
 2 benefit or service that may be provided under a State or
 3 tribal program funded under part A of title IV of the So-
 4 cial Security Act to support—

5 “(1) families described in section 3(a)(3); and

6 “(2) families residing in a direct impact State
 7 which the State deems to be needy families based on
 8 their statement, circumstance, or inability to access
 9 resources.”.

10 (b) RETROACTIVE EFFECTIVE DATE.—The amend-
 11 ment made by subsection (a) shall take effect as if in-
 12 cluded in the enactment of the TANF Emergency Re-
 13 sponse and Recovery Act of 2005.

14 **SEC. 204. EMERGENCY DESIGNATION.**

15 Each amount provided in this title is designated as
 16 an emergency requirement pursuant to section 402 of H.
 17 Con. Res. 95 (109th Congress).

18 **TITLE III—TEMPORARY EX-**
 19 **TENDED UNEMPLOYMENT**
 20 **COMPENSATION**

21 **SEC. 301. FEDERAL-STATE AGREEMENTS.**

22 (a) IN GENERAL.—Any State which desires to do so
 23 may enter into and participate in an agreement under this
 24 title with the Secretary of Labor (in this title referred to
 25 as the “Secretary”). Any State which is a party to an

1 agreement under this title may, upon providing 30 days'
2 written notice to the Secretary, terminate such agreement.

3 (b) PROVISIONS OF AGREEMENT.—Any agreement
4 under subsection (a) shall provide that the State agency
5 of the State will make payments of temporary extended
6 unemployment compensation to individuals who—

7 (1) exhausted all rights to regular compensation
8 under the State law or under Federal law after Au-
9 gust 27, 2005;

10 (2) have no rights to regular compensation or
11 extended compensation with respect to a week under
12 such law or any other State unemployment com-
13 pensation law or to compensation under any other
14 Federal law; and

15 (3) are not receiving compensation with respect
16 to such week under the unemployment compensation
17 law of Canada.

18 (c) EXHAUSTION OF BENEFITS.—For purposes of
19 subsection (b)(1), an individual shall be deemed to have
20 exhausted such individual's rights to regular compensation
21 under a State law when—

22 (1) no payments of regular compensation can
23 be made under such law because such individual has
24 received all regular compensation available to such

1 individual based on employment or wages during
 2 such individual's base period; or

3 (2) such individual's rights to such compensa-
 4 tion have been terminated by reason of the expira-
 5 tion of the benefit year with respect to which such
 6 rights existed.

7 (d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes
 8 of any agreement under this title—

9 (1) the amount of temporary extended unem-
 10 ployment compensation which shall be payable to
 11 any individual for any week of total unemployment
 12 shall be equal to the amount of the regular com-
 13 pensation (including dependents' allowances) payable
 14 to such individual during such individual's benefit
 15 year under the State law for a week of total unem-
 16 ployment;

17 (2) the terms and conditions of the State law
 18 which apply to claims for regular compensation and
 19 to the payment thereof shall apply to claims for tem-
 20 porary extended unemployment compensation and
 21 the payment thereof, except—

22 (A) that an individual shall not be eligible
 23 for temporary extended unemployment com-
 24 pensation under this title unless, in the base pe-
 25 riod with respect to which the individual ex-

1 hausted all rights to regular compensation
2 under the State law, the individual had 20
3 weeks of full-time insured employment or the
4 equivalent in insured wages, as determined
5 under the provisions of the State law imple-
6 menting section 202(a)(5) of the Federal-State
7 Extended Unemployment Compensation Act of
8 1970 (26 U.S.C. 3304 note); and

9 (B) where otherwise inconsistent with the
10 provisions of this title or with the regulations or
11 operating instructions of the Secretary promul-
12 gated to carry out this title; and

13 (3) the maximum amount of temporary ex-
14 tended unemployment compensation payable to any
15 individual for whom a temporary extended unem-
16 ployment compensation account is established under
17 section 302 shall not exceed the amount established
18 in such account for such individual.

19 (e) ELECTION BY STATES.—Notwithstanding any
20 other provision of Federal law (and if State law permits),
21 the Governor of a State that is in an extended benefit pe-
22 riod may provide for the payment of temporary extended
23 unemployment compensation in lieu of extended com-
24 pensation to individuals who otherwise meet the require-

1 ments of this section. Such an election shall not require
 2 a State to trigger off an extended benefit period.

3 **SEC. 302. TEMPORARY EXTENDED UNEMPLOYMENT COM-**
 4 **PENSATION ACCOUNT.**

5 (a) IN GENERAL.—Any agreement under this title
 6 shall provide that the State will establish, for each eligible
 7 individual who files an application for temporary extended
 8 unemployment compensation, a temporary extended un-
 9 employment compensation account with respect to such in-
 10 dividual's benefit year.

11 (b) AMOUNT IN ACCOUNT.—

12 (1) IN GENERAL.—The amount established in
 13 an account under subsection (a) shall be equal to the
 14 lesser of—

15 (A) 100 percent of the total amount of
 16 regular compensation (including dependents' al-
 17 lowances) payable to the individual during the
 18 individual's benefit year under such law, or

19 (B) 13 times the individual's average week-
 20 ly benefit amount for the benefit year.

21 (2) WEEKLY BENEFIT AMOUNT.—For purposes
 22 of this subsection, an individual's weekly benefit
 23 amount for any week is the amount of regular com-
 24 pensation (including dependents' allowances) under

1 the State law payable to such individual for such
2 week for total unemployment.

3 **SEC. 303. PAYMENTS TO STATES HAVING AGREEMENTS FOR**
4 **THE PAYMENT OF TEMPORARY EXTENDED**
5 **UNEMPLOYMENT COMPENSATION.**

6 (a) GENERAL RULE.—There shall be paid to each
7 State that has entered into an agreement under this title
8 an amount equal to 100 percent of the temporary extended
9 unemployment compensation paid to individuals by the
10 State pursuant to such agreement.

11 (b) TREATMENT OF REIMBURSABLE COMPENSA-
12 TION.—No payment shall be made to any State under this
13 section in respect of any compensation to the extent the
14 State is entitled to reimbursement in respect of such com-
15 pensation under the provisions of any Federal law other
16 than this title or chapter 85 of title 5, United States Code.
17 A State shall not be entitled to any reimbursement under
18 such chapter 85 in respect of any compensation to the ex-
19 tent the State is entitled to reimbursement under this title
20 in respect of such compensation.

21 (c) DETERMINATION OF AMOUNT.—Sums payable to
22 any State by reason of such State having an agreement
23 under this title shall be payable, either in advance or by
24 way of reimbursement (as may be determined by the Sec-
25 retary), in such amounts as the Secretary estimates the

1 State will be entitled to receive under this title for each
2 calendar month, reduced or increased, as the case may be,
3 by any amount by which the Secretary finds that the Sec-
4 retary's estimates for any prior calendar month were
5 greater or less than the amounts which should have been
6 paid to the State. Such estimates may be made on the
7 basis of such statistical, sampling, or other method as may
8 be agreed upon by the Secretary and the State agency of
9 the State involved.

10 **SEC. 304. FINANCING PROVISIONS.**

11 (a) IN GENERAL.—Funds in the extended unemploy-
12 ment compensation account (as established by section
13 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of
14 the Unemployment Trust Fund (as established by section
15 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for
16 the making of payments to States having agreements en-
17 tered into under this title.

18 (b) CERTIFICATION.—The Secretary shall from time
19 to time certify to the Secretary of the Treasury for pay-
20 ment to each State the sums payable to such State under
21 this title. The Secretary of the Treasury, prior to audit
22 or settlement by the General Accounting Office, shall
23 make payments to the State in accordance with such cer-
24 tification, by transfers from the extended unemployment
25 compensation account (as so established) to the account

1 of such State in the Unemployment Trust Fund (as so
2 established).

3 (c) ASSISTANCE TO STATES.—There are appro-
4 priated out of the employment security administration ac-
5 count (as established by section 901(a) of the Social Secu-
6 rity Act (42 U.S.C. 1101(a)) of the Unemployment Trust
7 Fund, without fiscal year limitation, such funds as may
8 be necessary for purposes of assisting States (as provided
9 in title III of the Social Security Act (42 U.S.C. 501 et
10 seq.)) in meeting the costs of administration of agree-
11 ments under this title.

12 (d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—
13 There are appropriated from the general fund of the
14 Treasury, without fiscal year limitation, to the extended
15 unemployment compensation account (as so established)
16 of the Unemployment Trust Fund (as so established) such
17 sums as the Secretary estimates to be necessary to make
18 the payments under this section in respect of—

19 (1) compensation payable under chapter 85 of
20 title 5, United States Code; and

21 (2) compensation payable on the basis of serv-
22 ices to which section 3309(a)(1) of the Internal Rev-
23 enue Code of 1986 applies.

24 Amounts appropriated pursuant to the preceding sentence
25 shall not be required to be repaid.

1 **SEC. 305. FRAUD AND OVERPAYMENTS.**

2 (a) IN GENERAL.—If an individual knowingly has
3 made, or caused to be made by another, a false statement
4 or representation of a material fact, or knowingly has
5 failed, or caused another to fail, to disclose a material fact,
6 and as a result of such false statement or representation
7 or of such nondisclosure such individual has received an
8 amount of temporary extended unemployment compensa-
9 tion under this title to which he was not entitled, such
10 individual—

11 (1) shall be ineligible for further temporary ex-
12 tended unemployment compensation under this title
13 in accordance with the provisions of the applicable
14 State unemployment compensation law relating to
15 fraud in connection with a claim for unemployment
16 compensation; and

17 (2) shall be subject to prosecution under section
18 1001 of title 18, United States Code.

19 (b) REPAYMENT.—In the case of individuals who
20 have received amounts of temporary extended unemploy-
21 ment compensation under this title to which they were not
22 entitled, the State shall require such individuals to repay
23 the amounts of such temporary extended unemployment
24 compensation to the State agency, except that the State
25 agency may waive such repayment if it determines that—

1 (1) the payment of such temporary extended
2 unemployment compensation was without fault on
3 the part of any such individual; and

4 (2) such repayment would be contrary to equity
5 and good conscience.

6 (c) RECOVERY BY STATE AGENCY.—

7 (1) IN GENERAL.—The State agency may re-
8 cover the amount to be repaid, or any part thereof,
9 by deductions from any temporary extended unem-
10 ployment compensation payable to such individual
11 under this title or from any unemployment com-
12 pensation payable to such individual under any Fed-
13 eral unemployment compensation law administered
14 by the State agency or under any other Federal law
15 administered by the State agency which provides for
16 the payment of any assistance or allowance with re-
17 spect to any week of unemployment, during the 3-
18 year period after the date such individuals received
19 the payment of the temporary extended unemploy-
20 ment compensation to which they were not entitled,
21 except that no single deduction may exceed 50 per-
22 cent of the weekly benefit amount from which such
23 deduction is made.

24 (2) OPPORTUNITY FOR HEARING.—No repay-
25 ment shall be required, and no deduction shall be

1 made, until a determination has been made, notice
 2 thereof and an opportunity for a fair hearing has
 3 been given to the individual, and the determination
 4 has become final.

5 (d) REVIEW.—Any determination by a State agency
 6 under this section shall be subject to review in the same
 7 manner and to the same extent as determinations under
 8 the State unemployment compensation law, and only in
 9 that manner and to that extent.

10 **SEC. 306. DEFINITIONS.**

11 (a) IN GENERAL.—In this title, the terms “com-
 12 pensation”, “regular compensation”, “extended compensa-
 13 tion”, “additional compensation”, “benefit year”, “base
 14 period”, “State”, “State agency”, “State law”, and
 15 “week” have the respective meanings given such terms
 16 under section 205 of the Federal-State Extended Unem-
 17 ployment Compensation Act of 1970 (26 U.S.C. 3304
 18 note).

19 (b) STATE.—In this title, the term State means Lou-
 20 isiana, Mississippi, and Alabama.

21 **SEC. 307. APPLICABILITY.**

22 An agreement entered into under this title shall apply
 23 to weeks of unemployment—

24 (1) beginning after August 27, 2005; and

25 (2) ending before August 27, 2006.

1 **TITLE IV—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 401. DISCLOSURE BASED ON VALID AUTHORIZATION.**

4 (a) IN GENERAL.—Section 223(d)(5) of the Social
5 Security Act (42 U.S.C. 423(d)(5)) is amended by adding
6 at the end the following:

7 “(C) Notwithstanding any other provision of law, if
8 the Commissioner of Social Security provides to a custo-
9 dian of records a copy, facsimile, or electronic version of
10 an authorization obtained from the individual to disclose
11 records to the Commissioner, then such custodian shall
12 not be held liable under any applicable Federal or State
13 law for disclosing any record or other information in re-
14 sponse to such request, on the basis that the authorization
15 relied upon was a copy, facsimile, or electronic version of
16 the authorization.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall apply with respect to disclosures of
19 records or other information made on or after the date
20 of enactment of this Act.

21 **SEC. 402. ADDITIONAL OVERSIGHT FUNDING FOR THE IN-**
22 **SPECTOR GENERAL OF THE DEPARTMENT OF**
23 **HEALTH AND HUMAN SERVICES.**

24 (a) APPROPRIATION.—Out of any funds in the Treas-
25 ury not otherwise appropriated, there are appropriated

1 \$5,000,000 to the Office of the Inspector General of the
 2 Department of Health and Human Services to carry out
 3 accounting, oversight, and audit and investigation activi-
 4 ties with respect to funds expended under the Temporary
 5 Assistance for Needy Families, Medicare, Medicaid, and
 6 State Children's Health Insurance Programs under titles
 7 IV–A, XVIII, XIX, and XXI of the Social Security Act
 8 (42 U.S.C. 601 et seq., 1395 et seq., 1396 et seq., 1397aa
 9 et seq.) to provide assistance to individuals who reside or
 10 resided in a direct impact parish or county (as defined
 11 in section 101(1)).

12 (b) REPORT.—The Inspector General of the Depart-
 13 ment of Health and Human Services shall submit a report
 14 to the Committee on Finance of the Senate and the Com-
 15 mittees on Ways and Means and Energy and Commerce
 16 of the House of Representatives regarding the accounting,
 17 oversight, and audit and investigation activities conducted
 18 with funds made available under subsection (a).

19 **SEC. 403. EMERGENCY PROCUREMENT AUTHORITY IN SUP-**
 20 **PORT OF HURRICANE KATRINA RESCUE AND**
 21 **RELIEF EFFORTS.**

22 (a) AVAILABILITY OF SPECIAL EMERGENCY PRO-
 23 CUREMENT AUTHORITY.—The authority provided in sub-
 24 section 32A of the Office of Federal Procurement Policy
 25 Act (41 U.S.C. 428a) may be used with respect to any

1 procurement for property or services determined by the
2 head of an executive agency to be necessary for support
3 of Hurricane Katrina rescue and relief operations.

4 (b) MICRO-PURCHASES.—

5 (1) MODIFIED THRESHOLD.—Notwithstanding
6 section 101(2) of the Second Emergency Supple-
7 mental Appropriations Act to Meet Immediate Needs
8 Arising From the Consequences of Hurricane
9 Katrina, 2005 (Public Law 109–62), the amount
10 specified in subsections (c), (d), and (f) of the sec-
11 tion 32 of the Office of Federal Procurement Policy
12 Act (41 U.S.C. 428) for purchases necessary for
13 support of Hurricane Katrina rescue and relief oper-
14 ations shall be \$50,000, or such an amount in excess
15 of \$50,000, but not in excess of \$250,000, as may
16 be approved by the head of the executive agency con-
17 cerned (or any delegate of the head of such executive
18 agency, who shall be an officer or employee of such
19 executive agency who is a warranted contracting of-
20 ficer for making Federal acquisitions).

21 (2) OMB GUIDANCE ON USE OF GOVERNMENT
22 CREDIT CARDS FOR MICRO-PURCHASES.—

23 (A) GUIDANCE REQUIRED.—Not later than
24 14 calendar days after the date of the enact-
25 ment of this Act, the Director of the Office of

1 Management and Budget shall issue clear and
2 concise guidance regarding the use of govern-
3 ment credit cards by Federal agencies to make
4 micro-purchases under subsections (c), (d), and
5 (f) of section 32 of Office of Federal Procure-
6 ment Policy Act as modified by paragraph (1).

7 (B) ELEMENTS.—The guidance under
8 paragraph (1) shall include—

9 (i) a list of government officials with
10 the authority to approve purchases under
11 paragraph (1) in amounts in excess of
12 \$50,000, designated by agency, title, and
13 pay grade;

14 (ii) the number of credit cards, by
15 agency, that may be utilized for purchases
16 under paragraph (1) in amounts in excess
17 of \$50,000;

18 (iii) procedures for the immediate re-
19 view of any purchase under paragraph (1)
20 in an amount in excess of \$50,000 that
21 was not approved by an official specified in
22 that paragraph as required by that para-
23 graph; and

24 (iv) procedures for the audit of all
25 purchases made on government credit

1 cards after expiration of paragraph (1)
2 under subsection (c).

3 (3) REPORTS ON PURCHASES.—Not later than
4 180 days after the date of the enactment of this Act,
5 the head of each executive agency making any pur-
6 chase under paragraph (1) in an amount in excess
7 of \$50,000 shall submit to the appropriate Congres-
8 sional committees a report on each such purchase
9 made by such agency, including—

10 (A) a description of the property or serv-
11 ices so purchased;

12 (B) a statement of the purpose of such
13 purchase;

14 (C) a statement of the amount of such
15 purchase; and

16 (D) a statement of the name, title, and pay
17 grade of the officer or employee of such agency
18 making such purchase.

19 (4) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES DEFINED.—In this subsection, the term “ap-
21 propriate Congressional committees” means—

22 (A) the Committees on Appropriations, Fi-
23 nance, and Homeland Security and Govern-
24 mental Affairs of the Senate; and

1 (B) the Committees on Appropriations and
2 Government Reform of the House of Represent-
3 atives.

4 (c) EXPIRATION OF AUTHORITY.—The authority in
5 subsections (a) and (b)(1) shall expire 180 days after the
6 date of the enactment of this Act.

7 (d) REPEAL OF SUPERSEDED AUTHORITY.—Section
8 101 of the Second Emergency Supplemental Appropria-
9 tions Act to Meet Immediate Needs Arising From the
10 Consequences of Hurricane Katrina, 2005 is repealed.

Calendar No. 214

109TH CONGRESS
1ST Session

S. 1716

A BILL

To provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

SEPTEMBER 19, 2005

Read the second time and placed on the calendar