

115TH CONGRESS
1ST SESSION

S. 2066

To provide housing and Medicaid assistance to families affected by a major disaster, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2017

Mr. NELSON (for himself, Mrs. GILLIBRAND, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide housing and Medicaid assistance to families affected by a major disaster, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Displacement
5 Act of 2017”.

6 **SEC. 2. HOUSING ASSISTANCE.**

7 (a) DEFINITIONS.—In this section—

8 (1) the term “disaster housing assistance pro-
9 gram” means a program that provides direct rental
10 assistance and case management services to individ-

1 uals and households displaced from their pre-dis-
2 aster primary residences—

3 (A) pursuant to sections 408(b) and 426 of
4 the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act (42 U.S.C. 5174(b),
6 5189d); and

7 (B) using the authorities, as may be nec-
8 essary, under—

9 (i) section 102(b)(2) of the Homeland
10 Security Act of 2002 (6 U.S.C. 112(b)(2));

11 (ii) section 306(a) of the Robert T.
12 Stafford Disaster Relief and Emergency
13 Assistance Act (42 U.S.C. 5149(a)); and

14 (iii) section 1535 of title 31, United
15 States Code; and

16 (2) the term “public housing agency” has the
17 meaning given the term in section 3(b)(6) of the
18 United States Housing Act of 1937 (42 U.S.C.
19 1437a(b)(6)).

20 (b) HOUSING ASSISTANCE FOLLOWING A MAJOR
21 DISASTER.—Except as provided in subsection (c)—

22 (1) the Secretary of Housing and Urban Devel-
23 opment shall provide funding for, or make tem-
24 porary adjustments to, assistance provided under
25 section 8(o), 9(d), or 9(e) of the United States

1 Housing Act of 1937 (42 U.S.C. 1437f(o),
2 1437g(d), 1437(e)) upon request by a public housing
3 agency and supported by documentation, as required
4 by the Secretary of Housing and Urban Develop-
5 ment, that demonstrates a need for the additional
6 funding or adjustment as a consequence of a major
7 disaster declared by the President under section 401
8 of the Robert T. Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C. 5170); and

10 (2) the Secretary of Agriculture shall provide
11 funding for, or make temporary adjustments to, as-
12 sistance provided under section 504, 515, 521, or
13 542 of the Housing Act of 1949 (42 U.S.C. 1474,
14 1485, 1490a, 1490r) upon request by a State or a
15 political subdivision of a State and supported by
16 documentation, as required by the Secretary of Agri-
17 culture, that demonstrates a need for the additional
18 funding or adjustment as a consequence of a major
19 disaster declared by the President under section 401
20 of the Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5170).

22 (c) EXCEPTION.—With respect to a request made
23 under paragraph (1) or paragraph (2) of subsection (b),
24 no additional funding or temporary adjustment shall be
25 provided or made under such subsection if a disaster hous-

1 ing assistance program is established to address the need
 2 for the additional funding or temporary adjustment identi-
 3 fied in the request not later than 7 days after the date
 4 on which the request is made.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are appropriated, out of amounts in the Treasury not oth-
 7 erwise obligated, such sums as are necessary to carry out
 8 this section.

9 **SEC. 3. DISASTER RELIEF MEDICAID FOR HURRICANE**
 10 **MARIA SURVIVORS.**

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

22 (b) DRM-ELIGIBLE MARIA SURVIVOR DEFINED.—

23 (1) IN GENERAL.—In this section, the term
 24 “DRM-eligible Maria Survivor” means a Maria Sur-
 25 vivor whose family income (as determined under sec-

1 tion 1902(e)(14) (relating to modified adjusted gross
2 income), subject to paragraphs (2) and (3) of this
3 subsection) does not exceed the higher of—

4 (A) the income eligibility standard which
5 would apply to the Survivor under the Medicaid
6 plan of the State in which the Survivor had a
7 primary residence in a direct impact area on
8 any day during the week preceding September
9 17, 2017; or

10 (B) the income eligibility standard that ap-
11 plies to the Survivor under the Medicaid plan of
12 the State in which the Survivor temporarily is
13 residing.

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

19 (3) DISREGARD OF UI BENEFITS.—In deter-
20 mining the family income of a Maria Survivor, the
21 State shall disregard any amount received under a
22 law of the United States or of a State which is in
23 the nature of unemployment compensation by a
24 Maria Survivor during the DRM coverage period.

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

5 (c) ELIGIBILITY DETERMINATION; NO CONTINU-
6 ATION OF DRM ASSISTANCE.—

7 (1) STREAMLINED ELIGIBILITY PROCESS.—The
8 State shall use the following streamlined procedures
9 in processing applications and determining eligibility
10 for DRM assistance for DRM-eligible Maria Sur-
11 vivors:

12 (A) A common 1-page application form de-
13 veloped by the Secretary in consultation with
14 the National Association of State Medicaid Di-
15 rectors. Such form shall—

16 (i) require an applicant to provide an
17 expected address for the duration of the
18 DRM coverage period and to agree to up-
19 date that information if it changes during
20 such period;

21 (ii) include notice regarding the pen-
22 alties for making a fraudulent application;

23 (iii) require the applicant to assign to
24 the State any rights of the applicant (or
25 any other person who is a DRM-eligible

1 Maria Survivor and on whose behalf the
2 applicant has the legal authority to execute
3 an assignment of such rights) under any
4 group health plan or other third-party cov-
5 erage for health care; and

6 (iv) require the applicant to list any
7 health insurance coverage which the appli-
8 cant was enrolled in immediately prior to
9 submitting such application.

10 (B) Self-attestation by the applicant that
11 the applicant—

12 (i) is a DRM-eligible Maria Survivor;
13 and

14 (ii) if applicable, requires home and
15 community-based services provided under
16 such DRM assistance.

17 (C) No requirement for documentation evi-
18 dencing the basis on which the applicant quali-
19 fies to be a DRM-eligible Maria Survivor or, if
20 applicable, requires home and community-based
21 services.

22 (D) Issuance of a DRM assistance eligi-
23 bility card to an applicant who completes such
24 application, including the self-attestation re-
25 quired under subparagraph (B). Such card shall

1 be valid as long as the DRM coverage period is
2 in effect and shall be accompanied by notice of
3 the termination date for the DRM coverage pe-
4 riod and, if applicable, notice that such termi-
5 nation date may be extended. If the Secretary
6 extends the DRM coverage period, the State
7 shall notify DRM-eligible Maria Survivors en-
8 rolled in DRM assistance of the new termi-
9 nation date for the DRM coverage period.

10 (E) If an applicant completes the applica-
11 tion and presents it to a provider or facility
12 participating in the State Medicaid plan that is
13 qualified to make presumptive eligibility deter-
14 minations under such plan (which at a min-
15 imum shall consist of facilities identified in sec-
16 tion 1902(a)(55) of the Social Security Act (42
17 U.S.C. 1396a(a)(55))) and it appears to the
18 provider that the applicant is a DRM-eligible
19 Maria Survivor based on the information in the
20 application, the applicant will be deemed to be
21 a DRM-eligible Maria Survivor eligible for
22 DRM assistance in accordance with this section.

23 (F) Continuous eligibility, without the need
24 for any redetermination of eligibility, for the
25 duration of the DRM coverage period.

1 (2) NO CONTINUATION OF DRM ASSISTANCE.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraphs (B) and (C), no DRM assistance
4 shall be provided after the end of the DRM cov-
5 erage period.

6 (B) PRESUMPTIVE ELIGIBILITY.—In the
7 case of any DRM-eligible Maria Survivor who is
8 receiving DRM assistance from a State in ac-
9 cordance with this section and who, as of the
10 end of the DRM coverage period, has an appli-
11 cation pending for medical assistance under the
12 State Medicaid plan for periods beginning after
13 the end of such period, the State shall provide
14 such Survivor with a period of presumptive eli-
15 gibility for medical assistance under the State
16 Medicaid plan (not to exceed 60 days) until a
17 determination with respect to the Survivor's ap-
18 plication has been made.

19 (C) PREGNANT WOMEN.—In the case of a
20 DRM-eligible Maria Survivor who is receiving
21 DRM assistance from a State in accordance
22 with this section and whose pregnancy ended
23 during the 60-day period prior to the end of the
24 DRM coverage period, or who is pregnant as of
25 the end of such period, such Survivor shall con-

1 tinue to be eligible for DRM assistance after
2 the end of the DRM coverage period, including
3 (but not limited to) for all pregnancy-related
4 and postpartum medical assistance available
5 under the State Medicaid plan, through the end
6 of the month in which the 60-day period (begin-
7 ning on the last day of her pregnancy) ends.

8 (3) TREATMENT OF MARIA SURVIVORS PRO-
9 VIDED ASSISTANCE PRIOR TO DATE OF ENACT-
10 MENT.—Any Maria Survivor who is provided medical
11 assistance under a State Medicaid plan in accord-
12 ance with guidance from the Secretary during the
13 period that begins on September 17, 2017, and ends
14 on the date of enactment of this Act shall be treated
15 as a DRM-eligible Maria Survivor, without the need
16 to file an additional application, for purposes of eli-
17 gibility for DRM assistance under this section.

18 (d) SCOPE OF COVERAGE.—

19 (1) IN GENERAL.—The State shall treat a
20 DRM-eligible Maria Survivor as an individual eligi-
21 ble for medical assistance under the State Medicaid
22 plan on the same basis for eligibility under the State
23 Medicaid plan as would apply to the Survivor if the
24 Survivor were a permanent resident of the State in
25 which the Survivor temporarily is residing. Coverage

1 for such assistance shall be retroactive to items and
2 services furnished on or after September 17, 2017.

3 (2) CHILDREN BORN TO PREGNANT WOMEN.—

4 In the case of a child born to a DRM-eligible Maria
5 Survivor who is provided DRM assistance during the
6 DRM coverage period, such child shall be treated as
7 having been born to a pregnant woman eligible for
8 medical assistance under the State Medicaid plan
9 and shall be eligible for medical assistance under
10 such plan in accordance with section 1902(e)(4) of
11 the Social Security Act (42 U.S.C. 1396a(e)(4)).
12 The Federal medical assistance percentage applica-
13 ble to the State Medicaid plan shall apply to medical
14 assistance provided to a child under such plan in ac-
15 cordance with the preceding sentence.

16 (e) 100-PERCENT FEDERAL MATCHING PAY-
17 MENTS.—

18 (1) IN GENERAL.—Notwithstanding section
19 1905(b) of the Social Security Act (42 U.S.C.
20 1396d(b)), the Federal medical assistance percent-
21 age or the Federal matching rate otherwise applied
22 under section 1903(a) of such Act (42 U.S.C.
23 1396b(a)) shall be 100 percent for—

1 (A) providing DRM assistance to DRM-eli-
2 gible Maria Survivors during the DRM coverage
3 period in accordance with this section;

4 (B) costs directly attributable to adminis-
5 trative activities related to the provision of such
6 DRM assistance; and

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

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

16 (3) MAINTENANCE OF EFFORT.—A State that
17 receives payments in accordance with this subsection
18 shall provide assurances to the Secretary that the
19 funds provided under this subsection will be used to
20 supplement and not supplant other Federal and
21 State funds used to provide medical assistance under
22 the State Medicaid plan.

23 (f) VERIFICATION OF STATUS AS A MARIA SUR-
24 VIVOR.—

1 (1) IN GENERAL.—A State shall make a good
2 faith effort to verify the status of an individual who
3 is enrolled in the State Medicaid plan as a DRM-eli-
4 gible Maria Survivor under the provisions of this
5 section. Such effort shall not delay the determina-
6 tion of the eligibility of the Survivor for DRM assist-
7 ance under this section.

8 (2) EVIDENCE OF VERIFICATION.—A State may
9 satisfy the verification requirement under subpara-
10 graph (A) with respect to an individual by showing
11 that the State providing DRM assistance obtained
12 information from the Social Security Administration,
13 the Internal Revenue Service, or the State Medicaid
14 Agency for the State from which the individual is
15 from (if the individual was not a resident of such
16 State on any day during the week preceding Sep-
17 tember 17, 2017).

18 (g) EXEMPTION FROM ERROR RATE PENALTIES.—
19 All payments attributable to providing DRM assistance in
20 accordance with this section shall be disregarded for pur-
21 poses of section 1903(u) of the Social Security Act (42
22 U.S.C. 1396b(u)).

23 (h) PROVIDER PAYMENT RATES.—In the case of any
24 DRM assistance provided in accordance with this section
25 to a DRM-eligible Maria Survivor that is covered under

1 the State Medicaid plan (as applied without regard to this
2 section) the State shall pay a provider of such assistance
3 the same payment rate as the State would otherwise pay
4 for the assistance if the assistance were provided under
5 the State Medicaid plan (or, if no such payment rate ap-
6 plies under the State Medicaid plan, the usual and cus-
7 tomary prevailing rate for the item or service for the com-
8 munity in which it is provided).

9 (i) APPLICATION TO INDIVIDUALS ELIGIBLE FOR
10 MEDICAL ASSISTANCE.—Nothing in this section shall be
11 construed as affecting any rights accorded to an individual
12 who is a recipient of medical assistance under a State
13 Medicaid plan who is determined to be a DRM-eligible
14 Maria Survivor but the provision of DRM assistance to
15 such individual shall be limited to the provision of such
16 assistance in accordance with this section.

17 (j) DEFINITIONS.—In this section:

18 (1) DIRECT IMPACT AREA.—The term “direct
19 impact area” means an area for which a major dis-
20 aster has been declared by the President before Oc-
21 tober 1, 2017, under the Robert T. Stafford Dis-
22 aster Relief and Emergency Assistance Act by rea-
23 son of Hurricane Maria and which the President has
24 determined warrants individual and public assistance

1 from the Federal Government under such Act by
2 reason of Hurricane Maria.

3 (2) DRM COVERAGE PERIOD.—

4 (A) IN GENERAL.—The term “DRM cov-
5 erage period” means the period beginning on
6 September 17, 2017, and, subject to subpara-
7 graph (B), ending on such date as is deter-
8 mined by the Secretary, in consultation with the
9 Administrator of the Federal Emergency Man-
10 agement Agency, but not earlier than 24
11 months after the date of enactment of this Act.

12 (B) SECRETARY AUTHORITY TO EXTEND
13 DRM COVERAGE PERIOD.—The Secretary may
14 extend the DRM coverage period for an addi-
15 tional 6 months. Any reference to the term
16 “DRM coverage period” in this section shall in-
17 clude any extension under this subparagraph.

18 (3) MARIA SURVIVOR.—

19 (A) IN GENERAL.—The term “Maria Sur-
20 vivor” means an individual who is described in
21 subparagraph (B) or (C).

22 (B) RESIDENTS OF DIRECT IMPACT
23 AREAS.—An individual who, on any day during
24 the week preceding September 17, 2017, had a
25 primary residence in a direct impact area.

1 (C) TREATMENT OF CURRENT MEDICAID
2 BENEFICIARIES.—Nothing in this section shall
3 be construed as preventing an individual who is
4 otherwise entitled to medical assistance under a
5 State Medicaid plan from being treated as a
6 Maria Survivor under this section.

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

15 (4) MEDICAID PLAN.—The term “Medicaid
16 plan” means the plan for medical assistance estab-
17 lished by a State under title XIX of the Social Secu-
18 rity Act (42 U.S.C. 1396 et seq.) and includes any
19 waiver of such plan that is in effect in the State dur-
20 ing the DRM coverage period.

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

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

○