

109TH CONGRESS  
1ST SESSION

# H. R. 3952

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2005

Mr. GINGREY introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, the Budget, Government Reform, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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 to medicare beneficiaries.
- Sec. 106. Relief for hospitals located in a direct impact parish or county.
- Sec. 107. Disaster relief fund.
- Sec. 108. Emergency designation.
- Sec. 109. Temporary waiver of medicaid IMD restriction for Katrina Survivors.

## TITLE II—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION

- Sec. 201. Federal-State agreements.
- Sec. 202. Temporary extended unemployment compensation account.
- Sec. 203. Payments to States having agreements for the payment of temporary extended unemployment compensation.
- Sec. 204. Financing provisions.
- Sec. 205. Fraud and overpayments.
- Sec. 206. Definitions.
- Sec. 207. Applicability.

## TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Disclosure based on valid authorization.
- Sec. 302. Additional oversight funding for the Inspector General of the Department of Health and Human Services.
- Sec. 303. Emergency procurement authority in support of Hurricane Katrina rescue and relief efforts.
- Sec. 304. Allowing FEMA assistance for investor-owned hospitals.

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

## 3     **SEC. 101. DEFINITIONS.**

4         In this title:

5                 (1) DIRECT IMPACT PARISH OR COUNTY.—

6                         (A) IN GENERAL.—The term “direct im-  
7                         pact parish or county” means a parish in the  
8                         State of Louisiana, or a county in the State of  
9                         Mississippi or Alabama, for which a major dis-  
10                         aster has been declared in accordance with sec-  
11                         tion 401 of the Robert T. Stafford Disaster Re-

1            lief and Emergency Assistance Act (42 U.S.C.  
2            5170) as a result of Hurricane Katrina and  
3            which the President has determined, before  
4            September 14, 2005, warrants individual and  
5            public assistance from the Federal Government  
6            under such Act.

7            (B) EXCLUSION.—Such term does not in-  
8            clude a parish in the State of Louisiana or a  
9            county in the State of Mississippi or Alabama  
10           which the President has determined warrants  
11           only public assistance from the Federal Govern-  
12           ment under such Act as a result of Hurricane  
13           Katrina.

14           (C) AUTHORITY TO RELY ON WEBSITE  
15           POSTED DESIGNATIONS.—The Secretary of  
16           Health and Human Services shall post on the  
17           Internet website for the Centers for Medicare &  
18           Medicaid Services a list of parishes and coun-  
19           ties identified as direct impact parishes or coun-  
20           ties in accordance with this paragraph. Any  
21           such parish or county that is posted on such  
22           website as a direct impact parish or county  
23           shall be treated for purposes of subparagraph  
24           (A) as described in such subparagraph.

25           (2) DRM COVERAGE PERIOD.—

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

6 (B) PRESIDENTIAL AUTHORITY TO EX-  
7 TEND DRM COVERAGE PERIOD.—

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

14 (ii) NOTICE TO CONGRESS AND  
15 STATES.—The President shall notify the  
16 Majority and Minority Leaders of the Sen-  
17 ate, the Speaker of the House of Rep-  
18 resentatives, the Minority Leader of the  
19 House of Representatives, the Chairs and  
20 Ranking Members of the Committee on Fi-  
21 nance of the Senate and the Committees  
22 on Energy and Commerce and Ways and  
23 Means of the House of Representatives,  
24 and the States at least 30 days prior to—

1 (I) extending the DRM coverage  
2 period; or

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

6 (3) KATRINA SURVIVOR.—

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

10 (B) RESIDENTS AND EVACUEES OF DIRECT  
11 IMPACT PARISHES AND COUNTIES.—An indi-  
12 vidual who, on any day during the week pre-  
13 ceding August 28, 2005, had a primary resi-  
14 dence in a direct impact parish or county.

15 (C) INDIVIDUALS WHO LOST EMPLOY-  
16 MENT.—An individual whose—

17 (i) worksite, on any day during the  
18 week preceding August 28, 2005, was lo-  
19 cated in a direct impact parish or county;  
20 and

21 (ii) employment with an employer  
22 which conducted an active trade or busi-  
23 ness on August 28, 2005, in a direct im-  
24 pact parish or county and with respect to  
25 whom such trade or business is inoperable

1 on any day after August 28, 2005, and be-  
2 fore January 1, 2006, as a result of dam-  
3 age sustained in connection with Hurricane  
4 Katrina, is terminated.

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

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

19 (4) POVERTY LINE.—The term “poverty line”  
20 has the meaning given that term in section  
21 2110(c)(5) of the Social Security Act (42 U.S.C.  
22 1397jj(c)(5)).

23 (5) SECRETARY.—The term “Secretary” means  
24 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.).

4   **SEC. 102. DISASTER RELIEF MEDICAID.**

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

17          (b) DRM-ELIGIBLE KATRINA SURVIVOR DE-  
 18  FINED.—In this section, the term “DRM-eligible Katrina  
 19  Survivor” means a Katrina Survivor who is otherwise eli-  
 20  gible for medical assistance under the State Medicaid plan  
 21  for the State in which the Survivor was residing as of the  
 22  week described in section 101(3)(B).

23          (c) ELIGIBILITY DETERMINATION; NO CONTINU-  
 24  ATION OF DRM ASSISTANCE.—

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

6           (A) A common 1-page application form de-  
7       veloped by the Secretary of Health and Human  
8       Services in consultation with the National Asso-  
9       ciation of State Medicaid Directors. Such form  
10      shall—

11           (i) require an applicant to provide an  
12       expected address for the duration of the  
13       DRM coverage period and to agree to up-  
14       date that information if it changes during  
15       such period;

16           (ii) include notice regarding the pen-  
17       alties for making a fraudulent application  
18       under subsection (h);

19           (iii) require the applicant to assign to  
20       the State any rights of the applicant (or  
21       any other person who is a DRM-eligible  
22       Katrina Survivor and on whose behalf the  
23       applicant has the legal authority to execute  
24       an assignment of such rights) under any



1 group health plan or other third-party cov-  
2 erage for health care; and

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

7 (B) Self-attestation by the applicant that  
8 the applicant—

9 (i) is a DRM-eligible Katrina Sur-  
10 vivor; and

11 (ii) if applicable, requires home and  
12 community-based services provided under  
13 such DRM assistance in accordance with  
14 subsection (d)(3).

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

20 (D) Issuance of a DRM assistance eligi-  
21 bility card to an applicant who completes such  
22 application, including the self-attestation re-  
23 quired under subparagraph (B). Such card shall  
24 be valid as long as the DRM coverage period is  
25 in effect and shall be accompanied by notice of

1 the termination date for the DRM coverage pe-  
2 riod and, if applicable, notice that such termi-  
3 nation date may be extended. If the President  
4 extends the DRM coverage period, the State  
5 shall notify DRM-eligible Katrina Survivors en-  
6 rolled in DRM assistance of the new termi-  
7 nation date for the DRM coverage period.

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

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

25 (2) NO CONTINUATION OF DRM ASSISTANCE.—

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

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

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

the end of the DRM coverage period, including  
 (but not limited to) for all pregnancy-related  
 and postpartum medical assistance available  
 under the State Medicaid plan, through the end  
 of the month in which the 60-day period (begin-  
 ning on the last day of her pregnancy) ends.

(3) TREATMENT OF KATRINA SURVIVORS PRO-  
 VIDED ASSISTANCE PRIOR TO DATE OF ENACT-  
 MENT.—Any Katrina Survivor who is provided med-  
 ical assistance under a State medicaid plan in ac-  
 cordance with guidance from the Secretary during  
 the period that begins on August 28, 2005, and ends  
 on the date of enactment of this Act shall be treated  
 as a DRM-eligible Katrina Survivor, without the  
 need to file an additional application, for purposes of  
 eligibility for DRM assistance under this section.

(d) SCOPE OF COVERAGE.—

(1) CATEGORICALLY NEEDY BENEFITS.—The  
 State shall treat a DRM-eligible Katrina Survivor as  
 an individual eligible for medical assistance under  
 the State plan under title XIX of the Social Security  
 Act on the basis of section 1902(a)(10)(A)(i) of the  
 Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)),  
 with coverage for such assistance retroactive to  
 items and services furnished on or after August 28,

2005 (or in the case of applications for DRM assistance submitted after January 1 2006, the first day of the 5th month preceding the date on which such application is submitted).

(2) EXTENDED MENTAL HEALTH AND CARE COORDINATION BENEFITS.—The State may provide, without regard to any restrictions on amount, duration, and scope, comparability, or restrictions otherwise applicable under the State medicaid plan (other than restrictions applicable under such plan with respect to services provided in an institution for mental diseases), to DRM-eligible Katrina Survivors extended mental health and care coordination benefits which may include the following:

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

(B) Coverage for a full range of mental health medications at the dosages and frequencies prescribed by health professionals for depression, post-traumatic stress disorder, and other mental disorders.

(C) Psychotherapy, rehabilitation and other treatments administered by psychiatrists, psychologists, or social workers for conditions

1 exacerbated by, or resulting from, Hurricane  
2 Katrina.

3 (D) In-patient mental health care.

4 (E) Family counseling for families where a  
5 member of the immediate family is a first re-  
6 sponder to Hurricane Katrina or includes an in-  
7 dividual who has died as a result of Hurricane  
8 Katrina.

9 (F) In connection with the provision of  
10 health and long-term care services, arranging  
11 for, (and when necessary, enrollment in waiver  
12 programs or other specialized programs), and  
13 coordination related to, primary and specialty  
14 medical care, which may include personal care  
15 services, durable medical equipment and sup-  
16 plies, assistive technology, and transportation.

17 (3) HOME AND COMMUNITY-BASED SERV-  
18 ICES.—

19 (A) IN GENERAL.—In the case of a State  
20 with a waiver to provide home and community-  
21 based services granted under section 1115 of  
22 the Social Security Act or under subsection (c)  
23 or (d) of section 1915 of such Act, the State  
24 may provide such services to DRM-eligible  
25 Katrina Survivors who self-attest in accordance

1 with subsection (c)(1)(B)(ii) that they require  
2 immediate home and community-based services  
3 that are available under such waiver without re-  
4 gard to whether the Survivors would require the  
5 level of care provided in a hospital, nursing fa-  
6 cility, or intermediate care facility for the men-  
7 tally retarded, including to DRM-eligible  
8 Katrina Survivors who are individuals described  
9 in subparagraph (B).

10 (B) INDIVIDUALS DESCRIBED.—Individ-  
11 uals described in this subparagraph are individ-  
12 uals who—

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

15 (I) had been receiving home and  
16 community-based services under a  
17 waiver described in subparagraph (A)  
18 in a direct impact parish or county;

19 (II) had been receiving support  
20 services from a primary family care-  
21 giver who, as a result of Hurricane  
22 Katrina, is no longer available to pro-  
23 vide services; or

24 (III) had been receiving personal  
25 care, home health, or rehabilitative

1 services under the State medicaid plan  
2 or under a waiver granted under sec-  
3 tion 1915 or 1115 of the Social Secu-  
4 rity Act; or  
5 (ii) are disabled (as determined under  
6 the State medicaid plan).

7 (C) WAIVER OF RESTRICTIONS.—The Sec-  
8 retary shall waive with respect to the provision  
9 of home and community-based services under  
10 this paragraph any limitations on—

11 (i) the number of individuals who  
12 shall receive home or community-based  
13 services under a waiver described in sub-  
14 paragraph (A);

15 (ii) budget neutrality requirements ap-  
16 plicable to such waiver; and

17 (iii) targeted populations eligible for  
18 services under such waiver.

19 The Secretary may waive other restrictions ap-  
20 plicable under such a waiver, that would pre-  
21 vent a State from providing home and commu-  
22 nity-based services in accordance with this  
23 paragraph.

24 (4) CHILDREN BORN TO PREGNANT WOMEN.—

25 In the case of a child born to a DRM-eligible



1 Katrina Survivor who is provided DRM assistance  
2 during the DRM coverage period, such child shall be  
3 treated as having been born to a pregnant woman el-  
4 igible for medical assistance under the State med-  
5 icaid plan and shall be eligible for medical assistance  
6 under such plan in accordance with section  
7 1902(e)(4) of the Social Security Act (42 U.S.C.  
8 1396a(e)(4)). The Federal medical assistance per-  
9 centage applicable to the State medicaid plan shall  
10 apply to medical assistance provided to a child under  
11 such plan in accordance with the preceding sentence.

12 (e) TERMINATION OF COVERAGE; ASSISTANCE WITH  
13 APPLYING FOR REGULAR MEDICAID COVERAGE.—

14 (1) NOTICE OF EXPECTED TERMINATION OF  
15 DRM COVERAGE PERIOD.—A State shall provide  
16 DRM-eligible Katrina Survivors who are receiving  
17 DRM assistance from the State in accordance with  
18 this section, as of the beginning of the 4th month  
19 (and, if applicable, 9th month) of the DRM coverage  
20 period with—

21 (A) notice of the expected termination date  
22 for DRM assistance for such period;

23 (B) information regarding eligibility for  
24 medical assistance under the State's eligibility

1 rules otherwise applicable under the State med-  
2 icaid plan; and

3 (C) an application for such assistance and  
4 information regarding where to obtain assist-  
5 ance with completing such application in ac-  
6 cordance with paragraph (2).

7 (2) APPLICATION ASSISTANCE.—A State shall  
8 provide DRM-eligible Katrina Survivors who are re-  
9 ceiving DRM assistance from the State in accord-  
10 ance with this section with assistance in applying for  
11 medical assistance under the State medicaid plan for  
12 periods beginning after the end of the DRM cov-  
13 erage period, at State Medicaid offices and at loca-  
14 tions easily accessible to such Survivors.

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

18 (A) TERMINATION AND TRANSITION AS-  
19 SISTANCE TO REGULAR MEDICAID COVERAGE  
20 FOR DRM-ELIGIBLE KATRINA SURVIVORS ELIGI-  
21 BLE FOR SUCH ASSISTANCE.—A report detail-  
22 ing how the State intends to satisfy the require-  
23 ments of paragraphs (1) and (2).

24 (B) ENROLLMENT.—Reports regarding—

1 (i) the number of Katrina Survivors  
2 who are determined to be DRM-eligible  
3 Katrina Survivors; and

4 (ii) the number of DRM-eligible  
5 Katrina Survivors who are determined to  
6 be eligible for, and enrolled in, the State  
7 medicaid plan.

8 (4) SECRETARIAL OVERSIGHT.—The Secretary  
9 of Health and Human Services shall ensure that a  
10 State is complying with the requirements of para-  
11 graphs (1) and (2) and that applications for medical  
12 assistance under the State medicaid plan from  
13 DRM-eligible Katrina Survivors for periods begin-  
14 ning after the end of the DRM coverage period are  
15 processed in a timely and appropriate manner.

16 (5) NO PRIVATE RIGHT OF ACTION AGAINST A  
17 STATE FOR FAILURE TO PROVIDE NOTICE.—No pri-  
18 vate right of action shall be brought against a State  
19 for failure to provide the notices required under  
20 paragraph (1) or subsection (c)(1) so long as the  
21 State makes a good faith effort to provide such no-  
22 tices.

23 (f) 90 PERCENT FEDERAL MATCHING PAYMENTS.—

24 (1) IN GENERAL.—Notwithstanding section  
25 1905(b) of the Social Security Act (42 U.S.C.

1 1396d(b), the Federal medical assistance percentage  
2 or the Federal matching rate otherwise applied  
3 under section 1903(a) of such Act (42 U.S.C.  
4 1396b(a)) shall be 90 percent for—

5 (A) providing DRM assistance to DRM-eli-  
6 gible Katrina Survivors during the DRM cov-  
7 erage period in accordance with this section;

8 (B) costs directly attributable to adminis-  
9 trative activities related to the provision of such  
10 DRM assistance, including costs attributable to  
11 obtaining recoveries under subsection (h);

12 (C) costs directly attributable to providing  
13 application assistance in accordance with sub-  
14 section (e)(2); and

15 (D) DRM assistance provided in accord-  
16 ance with subparagraph (B) or (C) of sub-  
17 section (c)(2) after the end of the DRM cov-  
18 erage period.

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

24 (g) VERIFICATION OF STATUS AS A KATRINA SUR-  
25 VIVOR.—

1           (1) IN GENERAL.—The 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 Katrina 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 individual is from  
15      (if the individual was not a resident of such State  
16      on any day during the week preceding August 28,  
17      2005).

18      (h) PENALTY FOR FRAUDULENT APPLICATIONS.—

19           (1) INDIVIDUAL LIABLE FOR COSTS.—If a  
20      State, as the result of verification activities con-  
21      ducted under subsection (g) or otherwise, determines  
22      after a fair hearing that an individual has knowingly  
23      made a false self-attestation described in subsection  
24      (c)(1)(B), the State may, subject to paragraph (2),  
25      seek recovery from the individual for the full amount

1 of the cost of DRM assistance provided to the indi-  
2 vidual under this section.

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

7 (3) REIMBURSEMENT TO THE FEDERAL GOV-  
8 ERNMENT.—Any amounts recovered by a State in  
9 accordance with this subsection shall be returned to  
10 the Federal government.

11 (i) EXEMPTION FROM ERROR RATE PENALTIES.—  
12 All payments attributable to providing DRM assistance in  
13 accordance with this section shall be disregarded for pur-  
14 poses of section 1903(u) of the Social Security Act (42  
15 U.S.C. 1396b(u)).

16 (j) PROVIDER PAYMENT RATES.—In the case of any  
17 DRM assistance provided in accordance with this section  
18 to a DRM-eligible Katrina Survivor that is covered under  
19 the State medicaid plan (as applied without regard to this  
20 section) the State shall pay a provider of such assistance  
21 the same payment rate as the State would otherwise pay  
22 for the assistance if the assistance were provided under  
23 the State medicaid plan (or, if no such payment rate ap-  
24 plies under the State medicaid plan, the usual and cus-

1 tomary prevailing rate for the item or service for the com-  
 2 munity in which it is provided).

3 (k) APPLICATION TO INDIVIDUALS ELIGIBLE FOR  
 4 MEDICAL ASSISTANCE.—Nothing in this section shall be  
 5 construed as affecting any rights accorded to an individual  
 6 who is a recipient of medical assistance under a State  
 7 medicaid plan who is determined to be a DRM-eligible  
 8 Katrina Survivor but the provision of DRM assistance to  
 9 such individual shall be limited to the provision of such  
 10 assistance in accordance with this section.

11 **SEC. 103. TARGETED MEDICAID RELIEF FOR DIRECT IM-**  
 12 **PACT PARISHES AND COUNTIES.**

13 (a) 90 PERCENT FEDERAL MATCHING PAYMENTS  
 14 FOR MEDICAL ASSISTANCE PROVIDED IN DIRECT IMPACT  
 15 PARISH OR COUNTY.—

16 (1) IN GENERAL.—Notwithstanding section  
 17 1905(b) of the Social Security Act (42 U.S.C.  
 18 1396d(b)), for items and services furnished during  
 19 the period that begins on August 28, 2005, and ends  
 20 on December 31, 2006, the Federal medical assist-  
 21 ance percentage for providing medical assistance  
 22 under a State medicaid plan under title XIX of the  
 23 Social Security Act to any individual, including a  
 24 Katrina Survivor, residing in a parish of the State  
 25 of Louisiana described in subsection (b), or a county

1 of the State of Mississippi or Alabama described in  
2 that subsection, shall be 90 percent.

3 (2) APPLICATION TO ENHANCED FMAP.—The  
4 90 percent Federal medical assistance percentage  
5 applicable under subsection (a) shall also apply for  
6 purposes of determining the enhanced FMAP (as de-  
7 fined in section 2105(b) of the Social Security Act  
8 (42 U.S.C. 1397ee(b)) for child health assistance  
9 provided under a State child health plan under title  
10 XXI of such Act in such a parish or county during  
11 the period described in such subsection.

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



1 **SEC. 104. AUTHORITY TO WAIVE REQUIREMENTS DURING**  
2 **NATIONAL EMERGENCIES WITH RESPECT TO**  
3 **EVACUEES FROM AN EMERGENCY AREA.**

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

7 “Any geographical area in which the Secretary de-  
8 termines there are a significant number of evacuees  
9 from an area that is considered to be an emergency  
10 area under the preceding sentence shall be consid-  
11 ered to be an ‘emergency area’ for purposes of this  
12 section.”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall take effect as if enacted on August  
15 28, 2005.

16 **SEC. 105. EMERGENCY ASSISTANCE TO MEDICARE BENE-**  
17 **FICIARIES.**

18 (a) EXCLUSION OF DRM COVERAGE PERIOD IN  
19 COMPUTING MEDICARE PART B LATE ENROLLMENT PE-  
20 RIOD.—In applying the first sentence of section 1839(b)  
21 of the Social Security Act (42 U.S.C. 1395r(b)) in the case  
22 of an individual who, on any day during the week pre-  
23 ceding August 28, 2005, had a residence in a direct im-  
24 pact parish or county, there shall not be taken into ac-  
25 count any month any part of which is within the DRM  
26 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. 106. 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) a hospital located in a direct impact parish or county; and
- (2) any other hospital, but only to the extent that the bad debt is related to items and services furnished to an individual who, on any day during

1 the week preceding August 28, 2005, had a resi-  
 2 dence in a direct impact parish or county.

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

9 **SEC. 107. DISASTER RELIEF FUND.**

10 (a) ESTABLISHMENT.—There is established on the  
 11 books of the Treasury the Disaster Relief Fund (in this  
 12 subsection referred to as the “Fund”) which—

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

16 (2) shall consist of amounts made available  
 17 under subsection (f).

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

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

24 (2) PAYMENTS FOR PRIVATE HEALTH INSUR-  
 25 ANCE COVERAGE.—The Secretary shall make pay-

1       ments to State insurance commissioners for the pur-  
2       pose of making payments to health insurance  
3       issuers—

4               (A) on behalf of individuals that would  
5       otherwise qualify for DRM assistance from the  
6       State under section 102 for such individual's  
7       share of their health insurance premium; and

8               (B) on behalf of qualified employers for  
9       the employer share of their employee's health  
10      insurance premiums, but only with respect to  
11      the days on which the employer meets the defi-  
12      nition under subsection (d).

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

16              (1) any provider under title XIX of the Social  
17      Security Act) that, during a period after August 28,  
18      2005, as determined by the Secretary—

19              (A) that has a significant increase (as de-  
20      termined by the Secretary of Health and  
21      Human Services) in the percentage of patients  
22      who are eligible for medical assistance under a  
23      State plan approved under title XIX of the So-  
24      cial Security Act or provided with uncompen-  
25      sated care; or

1 (B) that experiences a significant drop in  
2 patient caseload (as determined by the Sec-  
3 retary); and

4 (2) any other provider determined appropriate  
5 by the Secretary.

6 (d) QUALIFIED EMPLOYER DEFINED.—For purposes  
7 of subsection (b)(2), the term “qualified employer” means  
8 any employer—

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

12 (2)(A) with respect to whom the trade or busi-  
13 ness described in subparagraph (A) is inoperable on  
14 any day during the DRM coverage period as a result  
15 of damage sustained in connection with Hurricane  
16 Katrina; or

17 (B) with respect to whom the trade or business  
18 described in subparagraph (A) is not paying salary  
19 or benefits to employees on any day during the  
20 DRM coverage period as a result of damage sus-  
21 tained in connection with Hurricane Katrina.

22 (e) EXPEDITING IMPLEMENTATION.—The Secretary  
23 shall promulgate regulations to carry out this section  
24 which may be effective and final immediately on an in-  
25 terim basis as of the date of publication of the interim

1 final regulation. If the Secretary provides for an interim  
2 final regulation, the Secretary shall provide for a period  
3 of public comments on such regulation after the date of  
4 publication. The Secretary may change or revise such reg-  
5 ulation after completion of the period of public comment.

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

10 **SEC. 108. EMERGENCY DESIGNATION.**

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

14 **SEC. 109. TEMPORARY WAIVER OF MEDICAID IMD RESTRIC-**  
15 **TION FOR KATRINA SURVIVORS.**

16 The provisions of subdivision (B) following paragraph  
17 (28) of section 1905(a) of the Social Security Act (42  
18 U.S.C. 1396d(a)) shall not apply during the period begin-  
19 ning on August 28, 2005, and ending on December 31,  
20 2006, to a Katrina survivor who requires services in an  
21 institution for mental disease and whose mental health  
22 needs were affected as a result of Hurricane Katrina.

1 **TITLE II—TEMPORARY EX-**  
2 **TENDED UNEMPLOYMENT**  
3 **COMPENSATION**

4 **SEC. 201. FEDERAL-STATE AGREEMENTS.**

5 (a) IN GENERAL.—Any qualifying State which de-  
6 sires to do so may enter into and participate in an agree-  
7 ment under this title with the Secretary of Labor (in this  
8 title referred to as the “Secretary”). Any qualifying State  
9 which is a party to an agreement under this title may,  
10 upon providing 30 days’ written notice to the Secretary,  
11 terminate such agreement.

12 (b) PROVISIONS OF AGREEMENT.—Any agreement  
13 under subsection (a) shall provide that the State agency  
14 of the qualifying State will make payments of temporary  
15 extended unemployment compensation to individuals  
16 who—

17 (1) exhausted all rights to regular compensation  
18 under the State law or under Federal law after Au-  
19 gust 27, 2005;

20 (2) have no rights to regular compensation or  
21 extended compensation with respect to a week under  
22 such law or any other State unemployment com-  
23 pensation law or to compensation under any other  
24 Federal law; and

1           (3) are not receiving compensation with respect  
2           to such week under the unemployment compensation  
3           law of Canada.

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

8           (1) no payments of regular compensation can  
9           be made under such law because such individual has  
10          received all regular compensation available to such  
11          individual based on employment or wages during  
12          such individual's base period; or

13          (2) such individual's rights to such compensa-  
14          tion have been terminated by reason of the expira-  
15          tion of the benefit year with respect to which such  
16          rights existed.

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

19          (1) the amount of temporary extended unem-  
20          ployment compensation which shall be payable to  
21          any individual for any week of total unemployment  
22          shall be equal to the amount of the regular com-  
23          pensation (including dependents' allowances) payable  
24          to such individual during such individual's benefit



1 year under the State law for a week of total unem-  
2 ployment;

3 (2) the terms and conditions of the State law  
4 which apply to claims for regular compensation and  
5 to the payment thereof shall apply to claims for tem-  
6 porary extended unemployment compensation and  
7 the payment thereof, except—

8 (A) that an individual shall not be eligible  
9 for temporary extended unemployment com-  
10 pensation under this title unless, in the base pe-  
11 riod with respect to which the individual ex-  
12 hausted all rights to regular compensation  
13 under the State law, the individual had 20  
14 weeks of full-time insured employment or the  
15 equivalent in insured wages, as determined  
16 under the provisions of the State law imple-  
17 menting section 202(a)(5) of the Federal-State  
18 Extended Unemployment Compensation Act of  
19 1970 (26 U.S.C. 3304 note); and

20 (B) where otherwise inconsistent with the  
21 provisions of this title or with the regulations or  
22 operating instructions of the Secretary promul-  
23 gated to carry out this title; and

24 (3) the maximum amount of temporary ex-  
25 tended unemployment compensation payable to any

1 individual for whom a temporary extended unem-  
2 ployment compensation account is established under  
3 section 202 shall not exceed the amount established  
4 in such account for such individual.

5 (e) ELECTION BY STATES.—Notwithstanding any  
6 other provision of Federal law (and if State law permits),  
7 the Governor of a qualifying State that is in an extended  
8 benefit period may provide for the payment of temporary  
9 extended unemployment compensation in lieu of extended  
10 compensation to individuals who otherwise meet the re-  
11 quirements of this section. Such an election shall not re-  
12 quire a State to trigger off an extended benefit period.

13 **SEC. 202. TEMPORARY EXTENDED UNEMPLOYMENT COM-**  
14 **PENSATION ACCOUNT.**

15 (a) IN GENERAL.—Any agreement under this title  
16 shall provide that the qualifying State will establish, for  
17 each eligible individual who files an application for tem-  
18 porary extended unemployment compensation, a tem-  
19 porary extended unemployment compensation account  
20 with respect to such individual's benefit year.

21 (b) AMOUNT IN ACCOUNT.—

22 (1) IN GENERAL.—The amount established in  
23 an account under subsection (a) shall be equal to the  
24 lesser of—

1 (A) 100 percent of the total amount of  
 2 regular compensation (including dependents' al-  
 3 lowances) payable to the individual during the  
 4 individual's benefit year under such law, or

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

7 (2) WEEKLY BENEFIT AMOUNT.—For purposes  
 8 of this subsection, an individual's weekly benefit  
 9 amount for any week is the amount of regular com-  
 10 pensation (including dependents' allowances) under  
 11 the State law payable to such individual for such  
 12 week for total unemployment.

13 **SEC. 203. PAYMENTS TO STATES HAVING AGREEMENTS FOR**  
 14 **THE PAYMENT OF TEMPORARY EXTENDED**  
 15 **UNEMPLOYMENT COMPENSATION.**

16 (a) GENERAL RULE.—There shall be paid to each  
 17 qualifying State that has entered into an agreement under  
 18 this title an amount equal to 100 percent of the temporary  
 19 extended unemployment compensation paid to individuals  
 20 by the State pursuant to such agreement.

21 (b) TREATMENT OF REIMBURSABLE COMPENSA-  
 22 TION.—No payment shall be made to any qualifying State  
 23 under this section in respect of any compensation to the  
 24 extent the qualifying State is entitled to reimbursement  
 25 in respect of such compensation under the provisions of

1 any Federal law other than this title or chapter 85 of title  
2 5, United States Code. A qualifying State shall not be en-  
3 titled to any reimbursement under such chapter 85 in re-  
4 spect of any compensation to the extent the State is enti-  
5 tled to reimbursement under this title in respect of such  
6 compensation.

7 (c) DETERMINATION OF AMOUNT.—Sums payable to  
8 any qualifying State by reason of such State having an  
9 agreement under this title shall be payable, either in ad-  
10 vance or by way of reimbursement (as may be determined  
11 by the Secretary), in such amounts as the Secretary esti-  
12 mates the qualifying State will be entitled to receive under  
13 this title for each calendar month, reduced or increased,  
14 as the case may be, by any amount by which the Secretary  
15 finds that the Secretary's estimates for any prior calendar  
16 month were greater or less than the amounts which should  
17 have been paid to the State. Such estimates may be made  
18 on the basis of such statistical, sampling, or other method  
19 as may be agreed upon by the Secretary and the State  
20 agency of the State involved.

21 **SEC. 204. FINANCING PROVISIONS.**

22 (a) IN GENERAL.—Funds in the extended unemploy-  
23 ment compensation account (as established by section  
24 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of  
25 the Unemployment Trust Fund (as established by section

1 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for  
2 the making of payments to qualifying States having agree-  
3 ments entered into under this title.

4 (b) CERTIFICATION.—The Secretary shall from time  
5 to time certify to the Secretary of the Treasury for pay-  
6 ment to each qualifying State the sums payable to such  
7 State under this title. The Secretary of the Treasury, prior  
8 to audit or settlement by the General Accounting Office,  
9 shall make payments to the State in accordance with such  
10 certification, by transfers from the extended unemploy-  
11 ment compensation account (as so established) to the ac-  
12 count of such State in the Unemployment Trust Fund (as  
13 so established).

14 (c) ASSISTANCE TO STATES.—There are appro-  
15 priated out of the employment security administration ac-  
16 count (as established by section 901(a) of the Social Secu-  
17 rity Act (42 U.S.C. 1101(a)) of the Unemployment Trust  
18 Fund, without fiscal year limitation, such funds as may  
19 be necessary for purposes of assisting qualifying States  
20 (as provided in title III of the Social Security Act (42  
21 U.S.C. 501 et seq.)) in meeting the costs of administration  
22 of agreements under this title.

23 (d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—  
24 There are appropriated from the general fund of the  
25 Treasury, without fiscal year limitation, to the extended

1 unemployment compensation account (as so established)  
2 of the Unemployment Trust Fund (as so established) such  
3 sums as the Secretary estimates to be necessary to make  
4 the payments under this section in respect of—

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

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

10 Amounts appropriated pursuant to the preceding sentence  
11 shall not be required to be repaid.

12 **SEC. 205. FRAUD AND OVERPAYMENTS.**

13 (a) IN GENERAL.—If an individual knowingly has  
14 made, or caused to be made by another, a false statement  
15 or representation of a material fact, or knowingly has  
16 failed, or caused another to fail, to disclose a material fact,  
17 and as a result of such false statement or representation  
18 or of such nondisclosure such individual has received an  
19 amount of temporary extended unemployment compensa-  
20 tion under this title to which he was not entitled, such  
21 individual—

22 (1) shall be ineligible for further temporary ex-  
23 tended unemployment compensation under this title  
24 in accordance with the provisions of the applicable  
25 State unemployment compensation law relating to

1 fraud in connection with a claim for unemployment  
2 compensation; and

3 (2) shall be subject to prosecution under section  
4 1001 of title 18, United States Code.

5 (b) REPAYMENT.—In the case of individuals who  
6 have received amounts of temporary extended unemploy-  
7 ment compensation under this title to which they were not  
8 entitled, the qualifying State shall require such individuals  
9 to repay the amounts of such temporary extended unem-  
10 ployment compensation to the State agency, except that  
11 the State agency may waive such repayment if it deter-  
12 mines that—

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

16 (2) such repayment would be contrary to equity  
17 and good conscience.

18 (c) RECOVERY BY STATE AGENCY.—

19 (1) IN GENERAL.—The State agency may re-  
20 cover the amount to be repaid, or any part thereof,  
21 by deductions from any temporary extended unem-  
22 ployment compensation payable to such individual  
23 under this title or from any unemployment com-  
24 pensation payable to such individual under any Fed-  
25 eral unemployment compensation law administered

1 by the State agency or under any other Federal law  
2 administered by the State agency which provides for  
3 the payment of any assistance or allowance with re-  
4 spect to any week of unemployment, during the 3-  
5 year period after the date such individuals received  
6 the payment of the temporary extended unemploy-  
7 ment compensation to which they were not entitled,  
8 except that no single deduction may exceed 50 per-  
9 cent of the weekly benefit amount from which such  
10 deduction is made.

11 (2) OPPORTUNITY FOR HEARING.—No repay-  
12 ment shall be required, and no deduction shall be  
13 made, until a determination has been made, notice  
14 thereof and an opportunity for a fair hearing has  
15 been given to the individual, and the determination  
16 has become final.

17 (d) REVIEW.—Any determination by a State agency  
18 under this section shall be subject to review in the same  
19 manner and to the same extent as determinations under  
20 the State unemployment compensation law, and only in  
21 that manner and to that extent.

22 **SEC. 206. DEFINITIONS.**

23 (a) IN GENERAL.—In this title, except as provided  
24 in this section, the terms “compensation”, “regular com-  
25 pensation”, “extended compensation”, “additional com-



1   pensation”, “benefit year”, “base period”, “State”, “State  
2   agency”, “State law”, and “week” have the respective  
3   meanings given such terms under section 205 of the Fed-  
4   eral-State Extended Unemployment Compensation Act of  
5   1970 (26 U.S.C. 3304 note).

6       (b) QUALIFYING STATE.—In this title, the term  
7   “qualifying State” means Louisiana, Mississippi, and Ala-  
8   bama.

9   **SEC. 207. APPLICABILITY.**

10       An agreement entered into under this title shall apply  
11   to weeks of unemployment—

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

13               (2) ending before August 27, 2006.

14       **TITLE III—MISCELLANEOUS**  
15       **PROVISIONS**

16   **SEC. 301. DISCLOSURE BASED ON VALID AUTHORIZATION.**

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

20       “(C) Notwithstanding any other provision of law, if  
21   the Commissioner of Social Security provides to a custo-  
22   dian of records a copy, facsimile, or electronic version of  
23   an authorization obtained from the individual to disclose  
24   records to the Commissioner, then such custodian shall  
25   not be held liable under any applicable Federal or State

1 law for disclosing any record or other information in re-  
2 sponse to such request, on the basis that the authorization  
3 relied upon was a copy, facsimile, or electronic version of  
4 the authorization.”.

5 (b) EFFECTIVE DATE.—The amendment made by  
6 this section shall apply with respect to disclosures of  
7 records or other information made on or after the date  
8 of enactment of this Act.

9 **SEC. 302. ADDITIONAL OVERSIGHT FUNDING FOR THE IN-**  
10 **SPECTOR GENERAL OF THE DEPARTMENT OF**  
11 **HEALTH AND HUMAN SERVICES.**

12 (a) APPROPRIATION.—Out of any funds in the Treas-  
13 ury not otherwise appropriated, there are appropriated  
14 \$5,000,000 to the Office of the Inspector General of the  
15 Department of Health and Human Services to carry out  
16 accounting, oversight, and audit and investigation activi-  
17 ties with respect to funds expended under the Temporary  
18 Assistance for Needy Families, Medicare, Medicaid, and  
19 State Children’s Health Insurance Programs under titles  
20 IV–A, XVIII, XIX, and XXI of the Social Security Act  
21 (42 U.S.C. 601 et seq., 1395 et seq., 1396 et seq., 1397aa  
22 et seq.) to provide assistance to individuals who reside or  
23 resided in a direct impact parish or county (as defined  
24 in section 101(1)).

1 (b) REPORT.—The Inspector General of the Depart-  
2 ment of Health and Human Services shall submit a report  
3 to the Committee on Finance of the Senate and the Com-  
4 mittees on Ways and Means and Energy and Commerce  
5 of the House of Representatives regarding the accounting,  
6 oversight, and audit and investigation activities conducted  
7 with funds made available under subsection (a).

8 **SEC. 303. EMERGENCY PROCUREMENT AUTHORITY IN SUP-**  
9 **PORT OF HURRICANE KATRINA RESCUE AND**  
10 **RELIEF EFFORTS.**

11 (a) AVAILABILITY OF SPECIAL EMERGENCY PRO-  
12 CUREMENT AUTHORITY.—The authority provided in sub-  
13 section 32A of the Office of Federal Procurement Policy  
14 Act (41 U.S.C. 428a) may be used with respect to any  
15 procurement for property or services determined by the  
16 head of an executive agency to be necessary for support  
17 of Hurricane Katrina rescue and relief operations.

18 (b) MICRO-PURCHASES.—

19 (1) MODIFIED THRESHOLD.—Notwithstanding  
20 section 101(2) of the Second Emergency Supple-  
21 mental Appropriations Act to Meet Immediate Needs  
22 Arising From the Consequences of Hurricane  
23 Katrina, 2005 (Public Law 109–62), the amount  
24 specified in subsections (c), (d), and (f) of the sec-  
25 tion 32 of the Office of Federal Procurement Policy

1 Act (41 U.S.C. 428) for purchases necessary for  
2 support of Hurricane Katrina rescue and relief oper-  
3 ations shall be \$50,000, or such an amount in excess  
4 of \$50,000, but not in excess of \$250,000, as may  
5 be approved by the head of the executive agency con-  
6 cerned (or any delegate of the head of such executive  
7 agency, who shall be an officer or employee of such  
8 executive agency who is a warranted contracting of-  
9 ficer for making Federal acquisitions).

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

12 (A) GUIDANCE REQUIRED.—Not later than  
13 14 calendar days after the date of the enact-  
14 ment of this Act, the Director of the Office of  
15 Management and Budget shall issue clear and  
16 concise guidance regarding the use of govern-  
17 ment credit cards by Federal agencies to make  
18 micro-purchases under subsections (c), (d), and  
19 (f) of section 32 of Office of Federal Procure-  
20 ment Policy Act as modified by paragraph (1).

21 (B) ELEMENTS.—The guidance under  
22 paragraph (1) shall include—

23 (i) a list of government officials with  
24 the authority to approve purchases under  
25 paragraph (1) in amounts in excess of

1           \$50,000, designated by agency, title, and  
2           pay grade;

3           (ii) the number of credit cards, by  
4           agency, that may be utilized for purchases  
5           under paragraph (1) in amounts in excess  
6           of \$50,000;

7           (iii) procedures for the immediate re-  
8           view of any purchase under paragraph (1)  
9           in an amount in excess of \$50,000 that  
10          was not approved by an official specified in  
11          that paragraph as required by that para-  
12          graph; and

13          (iv) procedures for the audit of all  
14          purchases made on government credit  
15          cards after expiration of paragraph (1)  
16          under subsection (c).

17          (3) REPORTS ON PURCHASES.—Not later than  
18          180 days after the date of the enactment of this Act,  
19          the head of each executive agency making any pur-  
20          chase under paragraph (1) in an amount in excess  
21          of \$50,000 shall submit to the appropriate Congres-  
22          sional committees a report on each such purchase  
23          made by such agency, including—

24                (A) a description of the property or serv-  
25                ices so purchased;

1 (B) a statement of the purpose of such  
2 purchase;

3 (C) a statement of the amount of such  
4 purchase; and

5 (D) a statement of the name, title, and pay  
6 grade of the officer or employee of such agency  
7 making such purchase.

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

11 (A) the Committees on Appropriations, Fi-  
12 nance, and Homeland Security and Govern-  
13 mental Affairs of the Senate; and

14 (B) the Committees on Appropriations and  
15 Government Reform of the House of Represent-  
16 atives.

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

20 (d) REPEAL OF SUPERSEDED AUTHORITY.—Section  
21 101 of the Second Emergency Supplemental Appropria-  
22 tions Act to Meet Immediate Needs Arising From the  
23 Consequences of Hurricane Katrina, 2005 is repealed.

1 **SEC. 304. ALLOWING FEMA ASSISTANCE FOR INVESTOR-**  
2 **OWNED HOSPITALS.**

3 (a) IN GENERAL.—Section 102(9) of the Robert T.  
4 Stafford Disaster Relief and Emergency Assistance Act  
5 (42 U.S.C. 5122(9)) is amended by inserting before the  
6 period at the end the following: “and includes a for-profit  
7 hospital”.

8 (b) EFFECTIVE DATE.—The amendment made by  
9 subsection (a) shall be effective as of August 28, 2005.

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