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Emergency Hurricane Relief Legislation – Far Too Long Delayed

People who have lost homes, jobs, or worse in Hurricanes Katrina and Rita need more help than they are now getting to rebuild their lives. They need streamlined access to Medicaid coverage, unemployment insurance, housing, and food. They need jobs. The survivors are victims not only of the forces of nature but of three avoidable failures – failure to prevent at least some of the grievous loss, failure to mobilize adequately when disaster struck, and now failure to manage the relief and recovery effectively.

Now, four months after Katrina struck, roughly 50,000 people are still in hotels, facing the end of FEMA payments as of December 15 (10 states with large numbers of evacuees may extend the deadline to January 7). Outrageously, states and localities that stepped in to secure rental leases for Katrina survivors have been told by FEMA that it will end all reimbursements to them on March 1, 2006, even if leases extend beyond that date. FEMA is signing three-month leases for rental assistance provided directly to households through its transitional housing plan, although the disruption in families' lives clearly means a longer period of help will be needed. Some of the hundreds of thousands of people from Louisiana claiming unemployment benefits because of Katrina will be able to qualify for an additional 13 weeks, but ironically, if they've relocated out of state they will be limited to only two weeks of extended benefits. In October, all evacuees identified by the Bureau of Labor Statistics had an unemployment rate of 24.5 percent; even more stunning, the unemployment rate for black and Hispanic evacuees was **42 percent**.

The resources of the federal government are essential in the recovery – there seems to be no serious disagreement about that. Americans are willing to pay what is necessary. In return, we have a right to expect an efficient, effective, and caring response to need. Such a response should be centered on the needs of individuals and families. Aid should be available to them wherever they settle. In order to conserve resources, to the greatest extent possible aid should be distributed through existing federal programs such as Medicaid, Section 8 housing vouchers, unemployment compensation, and Food Stamps, modified as needed to ensure speedy receipt. These programs are well-designed to follow people to the communities in which they relocate, or to serve them in their home communities. Although in some cases it will be necessary to construct temporary housing, oversight is needed to reassure Americans that funds are not being misused in no-bid contracts that throw up units doomed to become the slums of tomorrow. The aim of assistance should be to integrate survivors into healthy communities, wherever they settle, and not to confine them in isolated enclaves. Housing and other services must be accessible to the tens of thousands of people with disabilities in the Gulf coast states, who are among the poorest of the poor. Civil rights and other protections for people with disabilities and others must be maintained. Further, assistance to the survivors of the hurricanes should come from adding funding to the appropriate programs. Instances have been reported of putting Katrina survivors to the top of already long waiting lists for housing vouchers, with no increase in the total vouchers available. That is simply unacceptable.

Proposals have been introduced in Congress that would offer genuine help. These proposals should already have been enacted. Shamefully, many appear to be abandoned. The Coalition on Human Needs has compiled a list of legislation that would address urgent and basic needs - enactment of these or similar proposals is long overdue.

- **Emergency Health Care Relief:** The Grassley-Baucus Emergency Health Care Relief Act of 2005 (S. 1716) includes immediate access to Medicaid for displaced individuals. The legislation streamlines the application procedures to be responsive to people who have lost the usual documents required for verification. It creates Disaster Relief Medicaid, available to Katrina survivors with below-poverty incomes (or twice that level for pregnant women and children) for 5 months, with a possible 5-month extension. The Grassley-Baucus bill provides full federal funding of Medicaid and the State Children's Health Insurance Program (SCHIP) costs in the three affected states through the end of 2006. In addition, the bill provides compensation to health care providers serving evacuees and provides support to individuals to allow them to continue private insurance formerly received through their employers. The legislation also suspends the late enrollment penalty for Medicare Part B and requires a plan to help Katrina survivors to make the transition to the new Medicare prescription drug benefit program. This legislation has not been taken up on the Senate floor because of the objections of a number of senators.
- **Sarbanes Housing Vouchers Amendment to Commerce-Justice-Science Appropriations bill (H.R. 2862):** This amendment was successfully added to the Senate's Commerce-Justice-Science Appropriations bill, but was not included in the final appropriations legislation as enacted. The amendment would have added \$3.5 billion for streamlined rental assistance through vouchers for Katrina evacuees through the existing Section 8 program. All housing costs, including utilities, relocation costs and security deposits, would have been covered. The help would have reached 350,000 households for six months.

Instead of backing the addition of more Section 8 vouchers, on Sept 23 FEMA and HUD announced two new programs to assist those displaced by the hurricane. Homeowners and renters who were not in HUD-assisted housing prior to the hurricane get a flat amount for at least three and up to 18 months to help cover rental costs. This program is run by FEMA.

Evacuees who held a Section 8 voucher prior to the hurricane can choose between retaining their current voucher or moving into the KDHAP program. People who were in HUD-assisted housing in the affected areas or who were homeless prior to the hurricane can get rental assistance through the KDHAP program by public housing authorities. The amount of rental assistance will vary depending on local fair market rents and family size. These HUD-funded special vouchers will be available for up to 18 months. They are not as flexible as regular Section 8 vouchers; they cannot be used in other cities or states if the family moves and not all housing authorities are participating in the program.

But even before the hurricanes, there was a national shortage of 4.6 million affordable housing units. The National Low Income Housing Coalition recommends Congress add \$3.5 billion in additional funds to the HOME program to construct affordable housing units for the lowest income households.

Despite this compelling need, Congress is now considering an across-the-board cut of 1 – 2 percent that would hit rental voucher and other housing programs. Even at the 1 percent level, thousands fewer vouchers would be available, including 340 terminated in Louisiana, 973 in Texas, 1,737 in California, and 140 in Mississippi. These states, housing large numbers of hurricane survivors, need more Section 8 vouchers – instead, appropriators in Congress are preparing reductions.

- **Disaster Relief Unemployment Insurance:** Worker advocates have been urging Congress to provide up to 52 weeks of unemployment benefits, increase the minimum unemployment benefit for victims of Katrina, and remove overly restrictive eligibility requirements in the Disaster Unemployment Assistance (DUA) program which helps individuals who do not qualify for the regular unemployment insurance program. The National Employment Law Project recommends that federally-funded DUA should cover the costs of unemployed Katrina survivors, rather than requiring most unemployed Katrina victims to seek regular state unemployment insurance benefits, to reduce the burden in the devastated states. Legislation moving through the Senate partially addresses these goals. S. 1716 would provide 13 weeks of federal extended unemployment benefits for a total of 39 weeks under the regular unemployment insurance program. The Senate Homeland Security and Governmental Affairs Committee has approved changes to the DUA program that increase the minimum benefit paid and also provide 39 weeks of benefits. In the House, discussions in the House Ways and Means Committee have centered on the same issues, but no official action has yet occurred.
- **Low Income Home Energy Assistance Program (LIHEAP):** The rising cost of energy, made worse by the hurricane, is worsening the already shrinking buying power for Americans nationwide. The U.S. Department of Energy's Short Term Energy Outlook now projects average home energy costs rising this winter by 30 percent to 48 percent. Despite efforts by a number of Senators, including Jack Reed, Susan Collins, John Kerry, Edward Kennedy and Olympia Snowe, the Senate has so far rejected attempts to add LIHEAP funds beyond the current \$2.2 billion. The House budget-cutting "reconciliation" bill (H.R. 4241) included an additional \$1 billion for LIHEAP, but it is not clear whether or how this bill will be negotiated between House and Senate leadership. Earlier, 81 House members called for doubling the LIHEAP funding in the House Labor-H-Ed appropriations bill (from \$2 billion to \$4 billion). There is still a possibility that up to about \$2 billion might be added to one or another of the end of year budget or appropriations bills, if a dispute can be resolved about whether the increase must be paid for by cuts elsewhere. In FY 2002, only 13.5 percent of eligible families received LIHEAP help because of inadequate funding.
- **Temporary Assistance for Needy Families (TANF):** A provision of the Grassley-Baucus Emergency Health Care Relief Act (S. 1716) would ensure that families who require TANF benefits and services as a result of the disaster do not lose access to future assistance. These families will qualify for a Hurricane Katrina Emergency Benefit that will not trigger the time limit or other TANF requirements. Grassley-Baucus also improves upon the funding made available to Alabama, Louisiana and Mississippi and states housing evacuees under the recently enacted TANF Emergency Response and Recovery Act of 2005 (H.R. 3672).
- **Nutrition:** Senators Tom Harkin (D-IA) and Pat Leahy (D-VT) have reintroduced the Hurricane Katrina Food Assistance Relief Act of 2005 (S. 1643), granting USDA greater authority to provide Hurricane Katrina victims with nutrition program assistance. As revised, S. 1643 would give USDA one-year emergency authority to help child nutrition programs (National School Lunch Program, School Breakfast Program, Summer Food Service Program, Child and Adult Care Food Program, and the Special Supplemental Nutrition Program for Women, Infants, and Children) better meet needs of Hurricane Katrina victims. The emergency authority is modeled after permanent disaster authority in the Food Stamp Program. S. 1643 also would temporarily lift Food Stamp Program eligibility restrictions on legal immigrants who are victims of Hurricane Katrina. S. 1643 would expand relief for Hurricane Katrina victims through WIC, The Emergency Food Assistance Program (TEFAP) and the Food Stamp Program, including by extending easing of food stamp work and resource rules, adjusting the gross income eligibility test, increasing food stamp allotments, funding nutrition program outreach,

and providing a nominal 100 percent (rather than nominal 50/50) reimbursement to states for processing Hurricane Katrina cases. For the bill and summary, go to <http://thomas.loc.gov>.

- **Head Start and Child Care:** A bill introduced by Senators Michael Enzi and Edward Kennedy (S. 1715) contains emergency provisions for the Child Care and Development Block Grant (CCDBG) and Head Start. The bill would waive certain provisions, including work, income, application and parent co-pay requirements of CCDBG in order to meet the child care needs of families affected by the hurricane. The bill also provides a waiver of the income eligibility and documentation requirements needed for Head Start. The bill requires the Department of Health and Human Services to provide training, technical assistance and resources to Head Start and Early Head Start programs in the affected areas. The bill provides \$112 million for child care and \$45 million for Head Start.
- **K-12 Education:** With so many schools destroyed or needing massive repair, Congress should ensure that rebuilding aid reaches the affected communities. That necessary response is beyond the scope of this list. To provide more immediate help to the 300,000 children affected by the storm, Congress should provide aid to the schools now taking them in, as well as aid to re-start operations in directly impacted school districts. Aid can be quickly and equitably distributed both to public and private schools by using “equitable participation” provisions in current law. These provisions allow federal funds to pay for services and equipment to either public or private schools serving displaced children. Under current law, the amount per pupil is below \$2,000. For schools serving Katrina survivors, the amount could be raised to \$8,305, the national average per pupil expenditure. Current protections against discrimination should be maintained.
- **Needs of Immigrants:** Most of the legislation cited above lack provisions to help immigrants who are survivors of the disaster – a serious shortcoming. Congress must eliminate barriers that hinder immigrants affected by the hurricanes from receiving aid. Any disaster relief bill should ensure that arbitrary legal bars created by the Personal Responsibility Work Opportunity Reconciliation Act (P.L. 104-193) do not impede immigrants from seeking relief services. Furthermore, each federal agency should implement a disaster relief plan that is culturally competent, including the translation of vital documents and provision of interpreter services for communities that have high rates of limited-English proficiency.

Given that many victims have lost documentation indicating their eligibility for services, federal agencies should base documentation and verification procedures for services on a presumptive eligibility model during the relief effort. Current procedures have hindered Latinos and others from coming forward for relief services, due to confusion about documentation requirements. The magnitude of adversity caused by Hurricane Katrina and Hurricane Rita require that normal eligibility procedures be streamlined for at least one year in order to meet the needs of the victims.

The survivors of the hurricanes face a long, difficult recovery. They need our help. Whether they receive effective assistance in rebuilding their lives is a true test of this nation’s commitment to ensure the security of all Americans. It is also a test of our leaders. Survivors – and all of us who understand government’s essential role in protecting us from events beyond our control – have a right to expect well-administered, streamlined services. Now dispersed all over the country, the survivors must not fade from our national attention. So far, the Administration and Congress have not provided the leadership required. Their action is urgently needed.

