

109TH CONGRESS  
1ST SESSION

# H. R. 4438

To establish special rules with respect to certain disaster assistance provided for Hurricane Katrina and Hurricane Rita.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2005

Mr. SHUSTER (for himself, Ms. NORTON, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. JINDAL, Mr. MENENDEZ, Mr. FORTUÑO, Mr. CUMMINGS, Mr. BAKER, Mr. PASCRELL, Mr. BOUSTANY, Ms. CORRINE BROWN of Florida, Mr. BACHUS, Ms. MILLENDER-MCDONALD, Mr. DENT, Mr. MELANCON, Mr. PICKERING, Mr. HONDA, Mr. POE, Mr. HOLDEN, and Ms. EDDIE BERNICE JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To establish special rules with respect to certain disaster assistance provided for Hurricane Katrina and Hurricane Rita.

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 “Gulf Coast Recovery  
5 Act of 2005”.

1 **SEC. 2. PUBLIC ASSISTANCE ALLOWABLE COSTS.**

2 (a) IN GENERAL.—Subject to the requirements of  
3 this section, and notwithstanding any other provision of  
4 law, the President may provide assistance under sections  
5 402 and 403 of the Robert T. Stafford Disaster Relief  
6 and Emergency Assistance Act (42 U.S.C. 5170a; 5170b)  
7 to an eligible State or local government to provide reim-  
8 bursement for expenses incurred by the State or local gov-  
9 ernment, in the period beginning January 1, 2006, and  
10 ending June 30, 2006, for the base pay and overtime ex-  
11 penses of employees (including employees provided by con-  
12 tract or mutual aid agreements) who provide essential gov-  
13 ernmental services for response and recovery operations  
14 with respect to disaster declarations made for Hurricane  
15 Katrina and Hurricane Rita on or after August 29, 2005.

16 (b) ELIGIBILITY.—A State or local government shall  
17 be eligible for assistance under subsection (a) if the State  
18 or local government demonstrates to the satisfaction of the  
19 President that—

20 (1) the State or local government has suffered,  
21 with respect to the disaster declarations referred to  
22 in subsection (a), a loss in the operating revenues of  
23 the State or local government; and

24 (2) the amount of that loss equals or exceeds  
25 25 percent of the annual operating revenue of the  
26 State or local government in its most recent fiscal

1 year ending before the date of the disaster declara-  
2 tion.

3 (c) ESSENTIAL GOVERNMENTAL SERVICES DE-  
4 FINED.—In this section, the term “essential governmental  
5 services” means fire, law enforcement, emergency medical,  
6 public works, emergency management, planning, and  
7 building codes services.

8 (d) BUILDING CODE SERVICES.—For purposes of  
9 subsections (a) and (c), employees assisting in the permit-  
10 ting and inspection process relating to implementation and  
11 enforcement of a building code shall be considered to pro-  
12 vide building code services.

13 (e) AMOUNT OF REIMBURSEMENT.—The amount of  
14 reimbursement to be provided to a State or local govern-  
15 ment under this section shall be 75 percent of the expenses  
16 incurred by the State or local government that are eligible  
17 for reimbursement under subsection (a).

18 (f) ELIGIBILITY DETERMINATIONS.—The President  
19 shall complete all eligibility determinations under sub-  
20 section (b) on or before June 30, 2006.

21 **SEC. 3. DISASTER LOAN PROGRAM.**

22 Section 2(a) of the Community Disaster Loan Act of  
23 2005 (Public Law 109–88) is amended by inserting before  
24 the period at the end the following: “: *Provided further,*  
25 That notwithstanding section 417(b) of the Stafford Act

1 such a loan may not exceed 50 percent of the operating  
2 budget of the local government to which the loan is made  
3 for the fiscal year in which the disaster occurs”.

4 **SEC. 4. FEDERAL SHARE FOR DEBRIS REMOVAL.**

5 (a) FINDINGS.—Congress finds that—

6 (1) there is ambiguity concerning the Federal  
7 share of the cost of debris removal activities carried  
8 out under the Robert T. Stafford Disaster Relief  
9 and Emergency Assistance Act in connection with  
10 Hurricane Katrina and Hurricane Rita; and

11 (2) this ambiguity creates disincentives for local  
12 governments to utilize pre-existing, cost-effective  
13 contracts to carry out such debris removal activities.

14 (b) FEDERAL SHARE.—Notwithstanding any other  
15 provision of law, the Federal share of assistance provided  
16 for debris removal under sections 403 and 407 of the Rob-  
17 ert T. Stafford Disaster Relief and Emergency Assistance  
18 Act (42 U.S.C. 5106b; 5173) with respect to disaster dec-  
19 larations made for Hurricane Katrina and Hurricane Rita  
20 on or after August 29, 2005, shall be 100 percent.

21 **SEC. 5. HAZARD MITIGATION GRANT PROGRAM.**

22 (a) FEDERAL SHARE.—Notwithstanding any other  
23 provision of law, the President shall contribute not less  
24 than 75 percent of the cost of hazard mitigation measures  
25 that are approved in the 1-year period beginning on the

1 date of enactment of this Act under section 404(a) of the  
2 Robert T. Stafford Disaster Relief and Emergency Assist-  
3 ance Act (42 U.S.C. 5170c(a)) with respect to disaster  
4 declarations made for Hurricane Katrina and Hurricane  
5 Rita on or after August 29, 2005. To the greatest extent  
6 practicable, the President shall assist State and local gov-  
7 ernments in expediting the planning for, identification and  
8 development of, application for, and approval of such  
9 projects.

10 (b) TOTAL CONTRIBUTIONS.—

11 (1) PERCENTAGE.—The last sentence of section  
12 404(a) of the Robert T. Stafford Disaster Relief and  
13 Emergency Assistance Act (42 U.S.C. 5170c(a)) is  
14 amended by striking “7.5” and inserting “15”.

15 (2) APPLICABILITY.—The amendment made by  
16 paragraph (1) shall apply with respect to major dis-  
17 aster declarations made on or after August 29,  
18 2005.

19 **SEC. 6. EXTENSION OF UNEMPLOYMENT ASSISTANCE.**

20 Notwithstanding any other provision of law, in the  
21 case of an individual eligible to receive unemployment as-  
22 sistance under section 410(a) of the Robert T. Stafford  
23 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
24 5177(a)) as a result of a disaster declaration made for

1 Hurricane Katrina or Hurricane Rita on or after August  
2 29, 2005—

3 (1) the President shall make such assistance  
4 available for 52 weeks after the date of the disaster  
5 declaration; and

6 (2) beginning on the date of enactment of this  
7 Act, the amount of such assistance for a week of un-  
8 employment shall be not less than 50 percent of the  
9 national average weekly unemployment benefit pro-  
10 vided to an individual as of the date of the disaster  
11 declaration.

12 **SEC. 7. EMERGENCY EQUIPMENT ASSISTANCE.**

13 Subtitle B of title VI of the Robert T. Stafford Dis-  
14 aster Relief and Emergency Assistance Act (42 U.S.C.  
15 5197–5197h) is amended by adding at the end the fol-  
16 lowing:

17 **“SEC. 630. EMERGENCY EQUIPMENT ASSISTANCE.**

18 “(a) GRANTS.—The Director shall carry out a pro-  
19 gram to make grants to States and local governments—

20 “(1) to purchase or improve commercially avail-  
21 able interoperable communications equipment that—

22 “(A) complies with, where applicable, na-  
23 tional voluntary consensus standards;

24 “(B) facilitates interoperability, coordina-  
25 tion, and integration between and among emer-

1 agency communications systems (including sat-  
2 ellite phone and satellite communications equip-  
3 ment); and

4 “(C) ensures that first responders, govern-  
5 ment officials, and emergency personnel are  
6 able to adequately and effectively communicate  
7 with each other in the event of a major disaster  
8 or other emergency;

9 “(2) to purchase mobile equipment to generate  
10 emergency power; and

11 “(3) to train first responders and emergency  
12 personnel on how best to use effectively such equip-  
13 ment.

14 “(b) PURPOSE.—The purpose of the program shall  
15 be to improve the response capabilities of States and local  
16 governments in the event of a major disaster or other  
17 emergency.

18 “(c) APPLICATIONS.—A State or local government  
19 seeking a grant under this section shall submit an applica-  
20 tion to the Director at such time, in such manner, and  
21 accompanied by such information as the Director may re-  
22 quire.

23 “(d) TECHNICAL ASSISTANCE.—The Director shall  
24 provide to States and local governments technical assist-

1 ance with respect to the procurement, installation, and use  
2 of equipment under subsection (a)(1).

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
4 is authorized to be appropriated to carry out this section  
5 \$200,000,000 for each of fiscal years 2006, 2007, and  
6 2008.”.

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