

110TH CONGRESS  
1ST SESSION

# H. R. 3247

To improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2007

Ms. NORTON (for herself, Mr. TAYLOR, Mr. PICKERING, Mr. BAKER, Mr. JEFFERSON, Mr. MELANCON, and Mr. JINDAL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To improve the provision of disaster assistance for Hurricanes Katrina and Rita, 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 “Hurricanes Katrina  
5 and Rita Recovery Facilitation Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the following definitions apply:

8 (1) COVERED HURRICANE DAMAGES.—The  
9 term “covered hurricane damages” means damages

1       suffered in the States of Louisiana and Mississippi  
2       as a result of Hurricanes Katrina and Rita.

3           (2) PRESIDENT.—The term “President” means  
4       the President acting through the Administrator of  
5       the Federal Emergency Management Agency.

6           (3) STAFFORD ACT.—The term “Stafford Act”  
7       means the Robert T. Stafford Disaster Relief and  
8       Emergency Assistance Act (42 U.S.C. 5121 et seq.).

9       **SEC. 3. SPECIAL RULES FOR COVERED HURRICANE DAM-**  
10           **AGES.**

11       (a) IN LIEU CONTRIBUTIONS.—In providing con-  
12       tributions under section 406(c) of the Stafford Act (42  
13       U.S.C. 5172(c)) for covered hurricane damages, the Presi-  
14       dent shall substitute 90 percent for the otherwise applica-  
15       ble percentage specified in paragraphs (1)(A) and (2)(A)  
16       of such section.

17       (b) PARTICIPATION IN PILOT PROJECTS.—The  
18       States of Louisiana and Mississippi and local governments  
19       in such States shall be eligible to participate in the pilot  
20       program established by section 689j of the Department  
21       of Homeland Security Appropriations Act, 2007 (6 U.S.C.  
22       777) with respect to covered hurricane damages.

23       (c) ALTERNATE DISPUTE RESOLUTION PROCE-  
24       DURES.—

1           (1) IN GENERAL.—Notwithstanding section 423  
2 of the Stafford Act (42 U.S.C. 5189a) or any regu-  
3 lation, the President is authorized and encouraged to  
4 use alternate dispute resolution procedures for ap-  
5 peals of decisions made under sections 403, 406,  
6 and 407 of the Stafford Act (42 U.S.C. 5179b,  
7 5172, and 5173) regarding the award or denial of  
8 assistance, or the amount of assistance, provided to  
9 a State, local government, or owner or operator of  
10 a private facility for covered hurricane damages.

11           (2) DENIALS OF REQUESTS.—

12           (A) WRITTEN NOTICE.—If a State, local  
13 government, or owner or operator of a private  
14 facility requests the use of alternate dispute  
15 resolution procedures for an appeal pursuant to  
16 paragraph (1) and the President denies the re-  
17 quest, the President shall provide to the State,  
18 local government, or owner or operator written  
19 notice of the denial, including the reasons for  
20 the denial.

21           (B) QUARTERLY REPORTS.—The President  
22 shall submit to the Committee on Transpor-  
23 tation and Infrastructure of the House of Rep-  
24 resentatives and the Committee on Homeland  
25 Security and Governmental Affairs of the Sen-

1           ate, on at least a quarterly basis, a report con-  
2           taining information on any denial described in  
3           subparagraph (A) made by the President dur-  
4           ing the period covered by the report, including  
5           the reasons for the denial.

6           (3) APPLICABILITY.—Paragraph (1) shall apply  
7           to an appeal made by a State, local government, or  
8           owner or operator of a private facility within 60  
9           days after the date on which the State, local govern-  
10          ment, or owner or operator is notified of the decision  
11          that is the subject of the appeal.

12          (4) REPORT TO CONGRESS.—Not later than one  
13          year after the date of enactment of this Act, the  
14          President shall submit to the Committee on Trans-  
15          portation and Infrastructure of the House of Rep-  
16          resentatives and the Committee on Homeland Secu-  
17          rity and Governmental Affairs of the Senate a report  
18          containing a description of how alternate dispute  
19          resolution procedures are being used pursuant to  
20          this subsection and recommendations on whether the  
21          President should be given the authority to use such  
22          procedures under the Stafford Act on a permanent  
23          basis.

24          (d) ESSENTIAL ASSISTANCE.—In providing assist-  
25          ance under section 403 of the Stafford Act for covered

1 hurricane damages, the President may provide assistance  
2 for the re-interment of human remains at a privately-  
3 owned or privately-owned nonprofit cemetery.

4 (e) USE OF SIMPLIFIED PROCEDURES.—For covered  
5 hurricane damages, the President may use, if requested  
6 by a State or local government or the owner or operator  
7 of a private nonprofit facility, section 422 of the Stafford  
8 Act (42 U.S.C. 5189) for a project for which the Federal  
9 estimate of the cost is less than \$100,000.

10 (f) USE OF TEMPORARY HOUSING UNITS TO PRO-  
11 VIDE HOUSING TO VOLUNTEERS.—

12 (1) IN GENERAL.—In providing assistance  
13 under title IV of the Stafford Act (42 U.S.C. 5170  
14 et seq.) for covered hurricane damages, the Presi-  
15 dent may provide temporary housing units pur-  
16 chased under section 408 of the Stafford Act (42  
17 U.S.C. 5174) to State and local governments and  
18 appropriate private nonprofit entities for the purpose  
19 of providing housing to volunteers assisting in the  
20 recovery from such damages.

21 (2) FEASIBILITY DETERMINATION.—The Presi-  
22 dent may provide temporary housing units for the  
23 purposes described in paragraph (1) only if the  
24 President determines that such assistance is appro-  
25 priate, cost effective, and would not unduly interfere

1 with the ability of the Federal Emergency Manage-  
2 ment Agency to provide housing for individuals and  
3 households with respect to other major disasters.

4 (g) CONTRIBUTIONS FOR PUBLIC FACILITIES USED  
5 TO HOST PUBLIC EVENTS.—

6 (1) IN GENERAL.—Notwithstanding sections  
7 403 and 406 of the Stafford Act (42 U.S.C. 5170b  
8 and 5172), the President may make contributions to  
9 the State of Louisiana for—

10 (A) costs incurred for the repair or res-  
11 toration of a public facility used to host public  
12 events if the facility was damaged as a result  
13 of use in conducting response activities for Hur-  
14 ricane Katrina or Rita;

15 (B) costs incurred because response activi-  
16 ties for Hurricane Katrina or Rita precluded  
17 the normal use of the facility for public events;  
18 and

19 (C) costs incurred for necessary materials  
20 provided to evacuees in a public facility used to  
21 host public events.

22 (2) LIMITATIONS.—

23 (A) CONTRIBUTIONS FOR REPAIR AND  
24 RESTORATION COSTS.—Contributions made  
25 under paragraph (1)(A) shall be limited to re-

1 pair and restoration costs associated with dam-  
2 ages described in paragraph (1)(A) that oc-  
3 curred—

4 (i) in the case of damages related to  
5 Hurricane Katrina, on or before October  
6 27, 2005; and

7 (ii) in the case of damages related to  
8 Hurricane Rita, on or before November 23,  
9 2005.

10 (B) CONTRIBUTIONS FOR COSTS INCURRED  
11 FOR CANCELLED EVENTS.—

12 (i) EVENT REQUIREMENTS.—Con-  
13 tributions made under paragraph (1)(B)  
14 shall be limited to costs that are docu-  
15 mented for an event—

16 (I) for which there was a binding  
17 commitment for use of the facility in  
18 effect prior to August 29, 2005; and

19 (II) that was scheduled to be  
20 held on or before December 31, 2005,  
21 at the facility.

22 (ii) LOST REVENUES.—Contributions  
23 under paragraph (1)(B) shall not be made  
24 for any lost revenues.

1           (3) COSTS RECOVERABLE FROM OTHER  
2 SOURCES.—Costs that may be recovered by the  
3 State of Louisiana from any other program or from  
4 insurance or another source shall not be eligible for  
5 assistance under this subsection.

6           (4) LIMITATION ON STATUTORY CONSTRUC-  
7 TION.—Nothing in this section shall be construed to  
8 affect eligibility for assistance under section 403 or  
9 406 of the Stafford Act (42 U.S.C. 5170b or 5172),  
10 except to the extent that such assistance would re-  
11 sult in a duplication of benefits.

12           (5) FEDERAL SHARE.—The Federal share of  
13 assistance under this subsection shall be 100 percent  
14 of the eligible costs.

15           (6) FUNDING.—Amounts appropriated to carry  
16 out sections 403 and 406 of the Stafford Act (42  
17 U.S.C. 5170b and 5172) shall be available to carry  
18 out this section, including amounts appropriated be-  
19 fore the date of enactment of this Act.

20           (h) STATUS REPORT.—Not later than 180 days after  
21 the date of enactment of this Act, the President shall sub-  
22 mit to the Committee on Transportation and Infrastruc-  
23 ture of the House of Representatives and the Committee  
24 on Homeland Security and Government Affairs of the Sen-  
25 ate a report regarding the status of recovery for the States

- 1 of Louisiana and Mississippi from Hurricanes Katrina and
- 2 Rita.

