

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3247

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IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2007

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hurricanes Katrina  
3 and Rita Recovery Facilitation Act of 2007”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act, the following definitions apply:

6 (1) COVERED HURRICANE DAMAGES.—The  
7 term “covered hurricane damages” means damages  
8 suffered in the States of Louisiana and Mississippi  
9 as a result of Hurricanes Katrina and Rita.

10 (2) PRESIDENT.—The term “President” means  
11 the President acting through the Administrator of  
12 the Federal Emergency Management Agency.

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

16 **SEC. 3. SPECIAL RULES FOR COVERED HURRICANE DAM-**  
17 **AGES.**

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

24 (b) PARTICIPATION IN PILOT PROJECTS.—The  
25 States of Louisiana and Mississippi and local governments  
26 in such States shall be eligible to participate in the pilot

1 program established by section 689j of the Department  
2 of Homeland Security Appropriations Act, 2007 (6 U.S.C.  
3 777) with respect to covered hurricane damages.

4 (c) ALTERNATIVE DISPUTE RESOLUTION PROCE-  
5 DURES.—

6 (1) IN GENERAL.—Notwithstanding section 423  
7 of the Stafford Act (42 U.S.C. 5189a) or any regu-  
8 lation, the President is authorized and encouraged to  
9 use alternative dispute resolution procedures for ap-  
10 peals of decisions made under sections 403, 406,  
11 and 407 of the Stafford Act (42 U.S.C. 5179b,  
12 5172, and 5173) regarding the award or denial of  
13 assistance, or the amount of assistance, provided to  
14 a State, local government, or owner or operator of  
15 a private facility for covered hurricane damages.

16 (2) DENIALS OF REQUESTS.—

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

1           (B) QUARTERLY REPORTS.—The President  
2           shall submit to the Committee on Transpor-  
3           tation and Infrastructure of the House of Rep-  
4           resentatives and the Committee on Homeland  
5           Security and Governmental Affairs of the Sen-  
6           ate, on at least a quarterly basis, a report con-  
7           taining information on any denial described in  
8           subparagraph (A) made by the President dur-  
9           ing the period covered by the report, including  
10          the reasons for the denial.

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

17          (4) REPORT TO CONGRESS.—Not later than one  
18          year after the date of enactment of this Act, the  
19          President shall submit to the Committee on Trans-  
20          portation and Infrastructure of the House of Rep-  
21          resentatives and the Committee on Homeland Secu-  
22          rity and Governmental Affairs of the Senate a report  
23          containing a description of how alternative dispute  
24          resolution procedures are being used pursuant to  
25          this subsection and recommendations on whether the

1 President should be given the authority to use such  
2 procedures under the Stafford Act on a permanent  
3 basis.

4 (d) **ESSENTIAL ASSISTANCE.**—In providing assist-  
5 ance under section 403 of the Stafford Act for covered  
6 hurricane damages, the President may provide assistance  
7 for the re-interment of human remains at a privately-  
8 owned or private nonprofit cemetery.

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

15 (f) **USE OF TEMPORARY HOUSING UNITS TO PRO-**  
16 **VIDE HOUSING TO VOLUNTEERS.**—

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

1           (2) FEASIBILITY DETERMINATION.—The Presi-  
2           dent may provide temporary housing units for the  
3           purposes described in paragraph (1) only if the  
4           President determines that such assistance is appro-  
5           priate, cost effective, and would not unduly interfere  
6           with the ability of the Federal Emergency Manage-  
7           ment Agency to provide housing for individuals and  
8           households with respect to other major disasters.

9           (g) CONTRIBUTIONS FOR PUBLIC FACILITIES USED  
10          TO HOST PUBLIC EVENTS.—

11           (1) IN GENERAL.—Notwithstanding sections  
12           403 and 406 of the Stafford Act (42 U.S.C. 5170b  
13           and 5172), the President may make contributions to  
14           the State of Louisiana for—

15           (A) costs incurred for the repair or res-  
16           toration of a public facility used to host public  
17           events if the facility was damaged as a result  
18           of use in conducting response activities for Hur-  
19           ricane Katrina or Rita;

20           (B) costs incurred because response activi-  
21           ties for Hurricane Katrina or Rita precluded  
22           the normal use of a public facility used to host  
23           public events;

24           (C) costs incurred for necessary materials  
25           provided to evacuees of Hurricane Katrina or

1 Rita in a public facility used to host public  
2 events; and

3 (D) the reasonable costs of renting or leas-  
4 ing a public facility used to host public events  
5 that was used for conducting response activities  
6 for Hurricane Katrina or Rita.

7 (2) LIMITATIONS.—

8 (A) CONTRIBUTIONS FOR REPAIR AND  
9 RESTORATION COSTS.—Contributions made  
10 under paragraph (1)(A) shall be limited to re-  
11 pair and restoration costs associated with dam-  
12 ages described in paragraph (1)(A) that oc-  
13 curred—

14 (i) in the case of damages related to  
15 Hurricane Katrina, on or before October  
16 27, 2005; and

17 (ii) in the case of damages related to  
18 Hurricane Rita, on or before November 23,  
19 2005.

20 (B) CONTRIBUTIONS FOR COSTS INCURRED  
21 FOR CANCELLED EVENTS.—

22 (i) EVENT REQUIREMENTS.—Con-  
23 tributions made under paragraph (1)(B)  
24 shall be limited to costs that are docu-  
25 mented for an event—

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

4 (II) that was scheduled to be  
5 held on or before December 31, 2005,  
6 at the facility.

7 (ii) LOST REVENUES.—Contributions  
8 under paragraph (1)(B) shall not be made  
9 for any lost revenues.

10 (C) CONTRIBUTIONS FOR REASONABLE  
11 COSTS OF RENTING OR LEASING.—Contribu-  
12 tions made under paragraph (1)(D) shall be  
13 limited to the reasonable costs of renting or  
14 leasing the facility during the period beginning  
15 on August 29, 2005, and ending on January 6,  
16 2006.

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

22 (4) LIMITATION ON STATUTORY CONSTRUC-  
23 TION.—Nothing in this section shall be construed to  
24 affect eligibility for assistance under section 403 or  
25 406 of the Stafford Act (42 U.S.C. 5170b or 5172),

1       except to the extent that such assistance would re-  
2       sult in a duplication of benefits.

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

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

11          (h) STATUS REPORT.—Not later than 180 days after  
12      the date of enactment of this Act, the President shall sub-  
13      mit to the Committee on Transportation and Infrastruc-  
14      ture of the House of Representatives and the Committee  
15      on Homeland Security and Government Affairs of the Sen-  
16      ate a report regarding the status of recovery for the States  
17      of Louisiana and Mississippi from Hurricanes Katrina and  
18      Rita.

19          (i) HAZARD MITIGATION PROJECTS.—

20           (1) IN GENERAL.—A project for covered hurri-  
21      cane damages initiated by the State of Louisiana or  
22      Mississippi in the period beginning on August 29,  
23      2005, and ending on the date of enactment of this  
24      Act may contribute toward the non-Federal share of

1 assistance under section 404 of the Stafford Act (42  
2 U.S.C. 5170c) if the project—

3 (A) complies with all applicable Federal  
4 laws governing assistance under such section,  
5 and

6 (B) otherwise is eligible to contribute to  
7 the non-Federal share of assistance under such  
8 section,  
9 notwithstanding any requirement for approval of the  
10 eligibility and compliance of a project by the Presi-  
11 dent prior to the initiation of the project contrib-  
12 uting toward the non-Federal share.

13 (2) APPLICATIONS.—The States of Louisiana  
14 and Mississippi may submit an application to the  
15 President under section 404 of the Stafford Act with  
16 respect to any project described in paragraph (1).

Passed the House of Representatives October 29,  
2007.

Attest:                      LORRAINE C. MILLER,  
*Clerk.*