

Union Calendar No. 241

110TH CONGRESS
1ST SESSION

H. R. 3247

[Report No. 110-387]

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

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

OCTOBER 18, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 31, 2007]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 *In this Act, the following definitions apply:*

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

10 (2) *PRESIDENT.*—*The term “President” means*
11 *the President acting through the Administrator of the*
12 *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 contribu-*
19 *tions under section 406(c) of the Stafford Act (42 U.S.C.*
20 *5172(c)) for covered hurricane damages, the President shall*
21 *substitute 90 percent for the otherwise applicable percentage*
22 *specified in paragraphs (1)(A) and (2)(A) of such section.*

23 (b) *PARTICIPATION IN PILOT PROJECTS.*—*The States*
24 *of Louisiana and Mississippi and local governments in such*
25 *States shall be eligible to participate in the pilot program*
26 *established by section 689j of the Department of Homeland*

1 *Security Appropriations Act, 2007 (6 U.S.C. 777) with re-*
2 *spect to covered hurricane damages.*

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

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

15 (2) *DENIALS OF REQUESTS.—*

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

1 (B) *QUARTERLY REPORTS.*—*The President*
2 *shall submit to the Committee on Transportation*
3 *and Infrastructure of the House of Representa-*
4 *tives and the Committee on Homeland Security*
5 *and Governmental Affairs of the Senate, on at*
6 *least a quarterly basis, a report containing in-*
7 *formation on any denial described in subpara-*
8 *graph (A) made by the President during the pe-*
9 *riod covered by the report, including the reasons*
10 *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 days*
14 *after the date on which the State, local government,*
15 *or owner or operator is notified of the decision that*
16 *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 Presi-*
19 *dent shall submit to the Committee on Transportation*
20 *and Infrastructure of the House of Representatives*
21 *and the Committee on Homeland Security and Gov-*
22 *ernmental Affairs of the Senate a report containing*
23 *a description of how alternative dispute resolution*
24 *procedures are being used pursuant to this subsection*
25 *and recommendations on whether the President should*

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

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

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

14 *(f) USE OF TEMPORARY HOUSING UNITS TO PROVIDE*
15 *HOUSING TO VOLUNTEERS.—*

16 *(1) IN GENERAL.—In providing assistance under*
17 *title IV of the Stafford Act (42 U.S.C. 5170 et seq.)*
18 *for covered hurricane damages, the President may*
19 *provide temporary housing units purchased under*
20 *section 408 of the Stafford Act (42 U.S.C. 5174) to*
21 *State and local governments and appropriate private*
22 *nonprofit entities for the purpose of providing hous-*
23 *ing to volunteers assisting in the recovery from such*
24 *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 Presi-*
4 *dent determines that such assistance is appropriate,*
5 *cost effective, and would not unduly interfere with the*
6 *ability of the Federal Emergency Management Agency*
7 *to provide housing for individuals and households*
8 *with respect to other major disasters.*

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

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

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

20 (B) *costs incurred because response activi-*
21 *ties for Hurricane Katrina or Rita precluded the*
22 *normal use of the facility for public events; and*

23 (C) *costs incurred for necessary materials*
24 *provided to evacuees in a public facility used to*
25 *host public events.*

1 (2) *LIMITATIONS.*—

2 (A) *CONTRIBUTIONS FOR REPAIR AND RES-*
3 *TORATION COSTS.*—*Contributions made under*
4 *paragraph (1)(A) shall be limited to repair and*
5 *restoration costs associated with damages de-*
6 *scribed in paragraph (1)(A) that occurred—*

7 (i) *in the case of damages related to*
8 *Hurricane Katrina, on or before October 27,*
9 *2005; and*

10 (ii) *in the case of damages related to*
11 *Hurricane Rita, on or before November 23,*
12 *2005.*

13 (B) *CONTRIBUTIONS FOR COSTS INCURRED*
14 *FOR CANCELLED EVENTS.*—

15 (i) *EVENT REQUIREMENTS.*—*Contribu-*
16 *tions made under paragraph (1)(B) shall be*
17 *limited to costs that are documented for an*
18 *event—*

19 (I) *for which there was a binding*
20 *commitment for use of the facility in*
21 *effect prior to August 29, 2005; and*

22 (II) *that was scheduled to be held*
23 *on or before December 31, 2005, at the*
24 *facility.*

1 (ii) *LOST REVENUES.*—Contributions
2 under paragraph (1)(B) shall not be made
3 for any lost revenues.

4 (3) *COSTS RECOVERABLE FROM OTHER*
5 *SOURCES.*—Costs that may be recovered by the State
6 of Louisiana from any other program or from insur-
7 ance or another source shall not be eligible for assist-
8 ance under this subsection.

9 (4) *LIMITATION ON STATUTORY CONSTRUC-*
10 *TION.*—Nothing in this section shall be construed to
11 affect eligibility for assistance under section 403 or
12 406 of the Stafford Act (42 U.S.C. 5170b or 5172),
13 except to the extent that such assistance would result
14 in a duplication of benefits.

15 (5) *FEDERAL SHARE.*—The Federal share of as-
16 sistance under this subsection shall be 100 percent of
17 the eligible costs.

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

23 (h) *STATUS REPORT.*—Not later than 180 days after
24 the date of enactment of this Act, the President shall submit
25 to the Committee on Transportation and Infrastructure of

1 *the House of Representatives and the Committee on Home-*
2 *land Security and Government Affairs of the Senate a re-*
3 *port regarding the status of recovery for the States of Lou-*
4 *isiana and Mississippi from Hurricanes Katrina and Rita.*

5 *(i) HAZARD MITIGATION PROJECTS.—*

6 *(1) IN GENERAL.—A project for covered hurri-*
7 *cane damages initiated by the State of Louisiana or*
8 *Mississippi in the period beginning on August 29,*
9 *2005, and ending on the date of enactment of this Act*
10 *may contribute toward the non-Federal share of as-*
11 *sistance under section 404 of the Stafford Act (42*
12 *U.S.C. 5170c) if the project—*

13 *(A) complies with all applicable Federal*
14 *laws governing assistance under such section,*
15 *and*

16 *(B) otherwise is eligible to contribute to the*
17 *non-Federal share of assistance under such sec-*
18 *tion,*

19 *notwithstanding any requirement for approval of the*
20 *eligibility and compliance of a project by the Presi-*
21 *dent prior to the initiation of the project contributing*
22 *toward the non-Federal share.*

23 *(2) APPLICATIONS.—The States of Louisiana*
24 *and Mississippi may submit an application to the*

- 1 *President under section 404 of the Stafford Act with*
- 2 *respect to any project described in paragraph (1).*

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