To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under such Act.

IN THE HOUSE OF REPRESENTATIVES
APRIL 27, 2005
Mr. Foley (for himself, Mr. Miller of Florida, Mr. Putnam, Mr. Mack, Ms. Harris, Mr. Feeney, Mr. Fitzpatrick of Pennsylvania, Mr. Bishop of Georgia, Mr. Paul, Mr. Jindal, and Mrs. Kelly) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL
To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under such Act.

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 “Disaster Recovery Act
5 of 2005”.

H. R. 1870
SEC. 2. EXPEDITED PAYMENTS OF FEDERAL ASSISTANCE FOR DEBRIS REMOVAL AND EMERGENCY PROTECTIVE MEASURES.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or any regulation issued pursuant to such Act, the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 403(b), 407(d), or 503 of such Act (42 U.S.C. 5170b(b), 5173(d), 5193).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which such applicant files an eligible claim for assistance.

(c) DEFINITIONS.—For purposes of this section:

(1) ELIGIBLE APPLICANT.—The term “eligible applicant” means the following:

(A) A State government.

(B) A local government.

(C) A private non-profit organization or institution that owns or operates any private non-profit educational, utility, emergency, medical, or custodial care facility, including a facility for
the aged or disabled, or any other facility providing essential governmental services to the general public, and such facilities on Indian reservations.

(D) An Indian tribe or authorized tribal organization, or an Alaska Native village or organization, but not Alaska Native Corporations, the ownership of which is vested in a private individual.

(2) Eligible claim for assistance.—The term “eligible claim for assistance” means the following:

(A) Debris removal.—A claim for the clearance, removal, or disposal of debris such as trees, sand, gravel, building components, wreckage, vehicles, and personal property, if such debris is the result of an emergency or major disaster and such clearance, removal, or disposal is necessary for any of the following:

(i) To eliminate an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety.
(ii) To eliminate an immediate threat, as determined by the Secretary, of significant damage to public or private property.

(iii) To ensure the economic recovery of the community affected by the emergency or major disaster to the benefit of such community and any other community, as determined by the Secretary.

(iv) To ensure the provision of temporary public transportation service in the community affected by the emergency or major disaster pursuant to section 419 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5186).

(B) Emergency Protective Measures.—An action taken by an applicant before, during, or after an emergency or major disaster that is necessary for any of the following:

(i) To eliminate or reduce an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety.

(ii) To eliminate or reduce an immediate hazard, as determined by the Sec-
retary, that threatens significant damage
to public or private property.

(C) OTHER CLAIMS.—Any other claim that
the Secretary of Homeland Security determines
to be appropriate.

(3) EMERGENCY.—The term “emergency” has
the meaning provided by section 102(1) of the Rob-
ert T. Stafford Disaster and Emergency Assistance
Act (42 U.S.C. 5122(1)).

(4) MAJOR DISASTER.—The term “major dis-
aster” has the meaning provided by section 102(2)
of the Robert T. Stafford Disaster and Emergency
Assistance Act (42 U.S.C. 5122(2)).

SEC. 3. REQUIREMENT TO ENSURE DEBRIS CLEARANCE,
REMOVAL, AND DISPOSAL FROM EMERGENCY
ACCESS ROADS.

(a) REQUIREMENT.—Any reimbursement authorized
under section 407 of the Robert T. Stafford Disaster Re-
lief and Emergency Assistance Act (42 U.S.C. 5173) for
clearing and removing debris shall include reimbursement
for clearing, removing, and disposing of debris from any
emergency access road.

(b) EMERGENCY ACCESS ROAD DEFINED.—For pur-
poses of subsection (a), the term “emergency access road”
means a road that requires access by emergency per-
1 personnel, including firefighters, police, emergency medical
2 personnel, or any other entity identified by the Secretary
3 of Homeland Security that provides an emergency service
4 after a declaration of an emergency or major disaster (as
5 defined in section 102 of the Robert T. Stafford Disaster
6 Relief and Emergency Assistance Act (42 U.S.C. 5122)).

SEC. 4. INCLUSION OF DEBRIS REMOVAL FROM PRIVATE
1 LAND AS ELIGIBLE CLAIM FOR FEDERAL AS-
2 SISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Dis-
aster Relief and Emergency Assistance Act (42 U.S.C.
5174(c)(2)(A)) is amended—

(1) at the end of clause (i), by striking “and”;

(2) at the end of clause (ii), by striking the pe-

period and inserting “; and”;

(3) by inserting after clause (ii) the following
new clause:

“(iii) the removal, clearance, and dis-
posal of debris from private property that
is the result of an emergency or major dis-
aster.”.