

109TH CONGRESS  
1ST SESSION

# H. R. 4163

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 that Act.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 2005

Mr. JINDAL (for himself, Mr. McCRERY, and Mr. MELANCON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## 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 that 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 “Debris Removal Act  
5       of 2005”.

1 **SEC. 2. EXPEDITED PAYMENTS.**

2 (a) EXPEDITED PAYMENTS AUTHORIZED.—Notwith-  
3 standing the Robert T. Stafford Disaster Relief and  
4 Emergency Assistance Act (42 U.S.C. 5121 et seq.) (in-  
5 cluding any regulation promulgated pursuant to that Act),  
6 the Secretary of Homeland Security, acting through the  
7 Director of the Federal Emergency Management Agency,  
8 shall pay to an eligible applicant, in accordance with sub-  
9 section (b), 50 percent of the Federal share of assistance  
10 that the applicant is eligible to receive under section 407  
11 of that Act (42 U.S.C. 5173).

12 (b) DATE OF PAYMENT.—A claim described in sub-  
13 section (a) shall be paid not later than 60 days after the  
14 date on which the applicant files an eligible claim for as-  
15 sistance.

16 **SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL**  
17 **FROM EMERGENCY ACCESS ROADS.**

18 (a) DEFINITION OF EMERGENCY ACCESS ROAD.—In  
19 this section, the term “emergency access road” means a  
20 road that requires access by emergency personnel, includ-  
21 ing firefighters, police, emergency medical personnel, or  
22 any other entity identified by the Secretary of Homeland  
23 Security that provides an emergency service after a dec-  
24 laration of an emergency or major disaster (as defined in  
25 section 102 of the Robert T. Stafford Disaster Relief and  
26 Emergency Assistance Act (42 U.S.C. 5122)).

1 (b) REIMBURSEMENT AUTHORIZED.—Any reim-  
 2 bursement authorized under section 407 of the Robert T.  
 3 Stafford Disaster Relief and Emergency Assistance Act  
 4 (42 U.S.C. 5173) for clearing and removing debris may  
 5 include reimbursement for clearing, removing, and dis-  
 6 posing of debris from any emergency access road.

7 **SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE**  
 8 **CLAIM FOR FEDERAL ASSISTANCE.**

9 Section 408(c)(2)(A) of the Robert T. Stafford Dis-  
 10 aster Relief and Emergency Assistance Act (42 U.S.C.  
 11 5174(c)(2)(A)) is amended—

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

13 (2) in clause (ii), by striking the period at the  
 14 end and inserting “; and”; and

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

16 “(iii) the removal of debris and wreck-  
 17 age resulting from a major disaster from  
 18 owner occupied private residential prop-  
 19 erty, utilities, and residential infrastruc-  
 20 ture (such as a private access route) as  
 21 necessary for a safe and sanitary living or  
 22 functioning condition.”.

23 **SEC. 5. COST SHARE.**

24 For a period of not less than 180 days after the date  
 25 of declaration of an emergency or major disaster (as de-

1    fined in section 102 of the Robert T. Stafford Disaster  
2    Relief and Emergency Assistance Act (42 U.S.C. 5122))  
3    during the period beginning on August 25, 2005 through  
4    December 31, 2005, the Federal share of assistance pro-  
5    vided to eligible applicants for debris removal under sec-  
6    tion 407 of that Act (42 U.S.C. 5173) shall be 100 per-  
7    cent.

8    **SEC. 6. GUIDELINES FOR REIMBURSEMENT.**

9           In light of concerns regarding inconsistent policy  
10    memoranda and guidelines issued to counties and commu-  
11    nities affected by the 2004 hurricane season, the Secretary  
12    of Homeland Security, acting through the Under Sec-  
13    retary for Emergency Preparedness and Response, shall  
14    provide clear, concise, and uniform guidelines for the reim-  
15    bursement to any county or government entity affected by  
16    a hurricane of the costs of hurricane debris removal.

17   **SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.**

18           This Act and the authority provided by this Act (in-  
19    cluding by any amendment made by this Act) shall—

20           (1) apply to each major disaster declared in ac-  
21    cordance with section 401 of the Robert T. Stafford  
22    Disaster Relief and Emergency Assistance Act (42  
23    U.S.C. 5170) during calendar year 2005; and

- 1           (2) terminate on the date that is 1 year after
- 2           the date of enactment of this Act.

