

Union Calendar No. 195

109TH CONGRESS
1ST SESSION

H. R. 4438

[Report No. 109-364]

To establish special rules with respect to certain disaster assistance provided for Hurricane Katrina and Hurricane Rita.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2005

Mr. SHUSTER (for himself, Ms. NORTON, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. JINDAL, Mr. MENENDEZ, Mr. FORTUÑO, Mr. CUMMINGS, Mr. BAKER, Mr. PASCRELL, Mr. BOUSTANY, Ms. CORRINE BROWN of Florida, Mr. BACHUS, Ms. MILLENDER-McDONALD, Mr. DENT, Mr. MELANCON, Mr. PICKERING, Mr. HONDA, Mr. POE, Mr. HOLDEN, and Ms. EDDIE BERNICE JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

DECEMBER 22, 2005

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To establish special rules with respect to certain disaster assistance provided for Hurricane Katrina and Hurricane Rita.

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 “Gulf Coast Recovery
3 Act of 2005”.

4 **SEC. 2. PUBLIC ASSISTANCE ALLOWABLE COSTS.**

5 (a) IN GENERAL.—Subject to the requirements of
6 this section, and notwithstanding any other provision of
7 law, the President may provide assistance under sections
8 402 and 403 of the Robert T. Stafford Disaster Relief
9 and Emergency Assistance Act (42 U.S.C. 5170a; 5170b)
10 to an eligible State or local government to provide reim-
11 bursement for expenses incurred by the State or local gov-
12 ernment, in the period beginning January 1, 2006, and
13 ending June 30, 2006, for the base pay and overtime ex-
14 penses of employees (including employees provided by con-
15 tract or mutual aid agreements) who provide essential gov-
16 ernmental services for response and recovery operations
17 with respect to disaster declarations made for Hurricane
18 Katrina and Hurricane Rita on or after August 29, 2005.

19 (b) ELIGIBILITY.—A State or local government shall
20 be eligible for assistance under subsection (a) if the State
21 or local government demonstrates to the satisfaction of the
22 President that—

23 (1) the State or local government has suffered,
24 with respect to the disaster declarations referred to
25 in subsection (a), a loss in the operating revenues of
26 the State or local government; and

1 (2) the amount of that loss equals or exceeds
2 25 percent of the annual operating revenue of the
3 State or local government in its most recent fiscal
4 year ending before the date of the disaster declara-
5 tion.

6 (c) ESSENTIAL GOVERNMENTAL SERVICES DE-
7 FINED.—In this section, the term “essential governmental
8 services” means fire, law enforcement, emergency medical,
9 public works, emergency management, planning, and
10 building codes services.

11 (d) BUILDING CODE SERVICES.—For purposes of
12 subsections (a) and (c), employees assisting in the permit-
13 ting and inspection process relating to implementation and
14 enforcement of a building code shall be considered to pro-
15 vide building code services.

16 (e) AMOUNT OF REIMBURSEMENT.—The amount of
17 reimbursement to be provided to a State or local govern-
18 ment under this section shall be 75 percent of the expenses
19 incurred by the State or local government that are eligible
20 for reimbursement under subsection (a).

21 (f) ELIGIBILITY DETERMINATIONS.—The President
22 shall complete all eligibility determinations under sub-
23 section (b) on or before June 30, 2006.

1 **SEC. 3. DISASTER LOAN PROGRAM.**

2 Section 2(a) of the Community Disaster Loan Act of
3 2005 (Public Law 109–88) is amended by inserting before
4 the period at the end the following: “: *Provided further,*
5 *That notwithstanding section 417(b) of the Stafford Act*
6 *such a loan may not exceed 50 percent of the operating*
7 *budget of the local government to which the loan is made*
8 *for the fiscal year in which the disaster occurs*”.

9 **SEC. 4. FEDERAL SHARE FOR DEBRIS REMOVAL.**

10 (a) FINDINGS.—Congress finds that—

11 (1) there is ambiguity concerning the Federal
12 share of the cost of debris removal activities carried
13 out under the Robert T. Stafford Disaster Relief
14 and Emergency Assistance Act in connection with
15 Hurricane Katrina and Hurricane Rita; and

16 (2) this ambiguity creates disincentives for local
17 governments to utilize pre-existing, cost-effective
18 contracts to carry out such debris removal activities.

19 (b) FEDERAL SHARE.—Notwithstanding any other
20 provision of law, the Federal share of assistance provided
21 for debris removal under sections 403 and 407 of the Rob-
22 ert T. Stafford Disaster Relief and Emergency Assistance
23 Act (42 U.S.C. 5106b; 5173) with respect to disaster dec-
24 larations made for Hurricane Katrina and Hurricane Rita
25 on or after August 29, 2005, shall be 100 percent.

1 **SEC. 5. HAZARD MITIGATION GRANT PROGRAM.**

2 (a) FEDERAL SHARE.—Notwithstanding any other
3 provision of law, the President shall contribute not less
4 than 75 percent of the cost of hazard mitigation measures
5 that are approved in the 1-year period beginning on the
6 date of enactment of this Act under section 404(a) of the
7 Robert T. Stafford Disaster Relief and Emergency Assist-
8 ance Act (42 U.S.C. 5170c(a)) with respect to disaster
9 declarations made for Hurricane Katrina and Hurricane
10 Rita on or after August 29, 2005. To the greatest extent
11 practicable, the President shall assist State and local gov-
12 ernments in expediting the planning for, identification and
13 development of, application for, and approval of such
14 projects.

15 (b) TOTAL CONTRIBUTIONS.—

16 (1) PERCENTAGE.—The last sentence of section
17 404(a) of the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act (42 U.S.C. 5170c(a)) is
19 amended by striking “7.5” and inserting “15”.

20 (2) APPLICABILITY.—The amendment made by
21 paragraph (1) shall apply with respect to major dis-
22 aster declarations made on or after August 29,
23 2005.

24 **SEC. 6. EXTENSION OF UNEMPLOYMENT ASSISTANCE.**

25 Notwithstanding any other provision of law, in the
26 case of an individual eligible to receive unemployment as-

1 sistance under section 410(a) of the Robert T. Stafford
2 Disaster Relief and Emergency Assistance Act (42 U.S.C.
3 5177(a)) as a result of a disaster declaration made for
4 Hurricane Katrina or Hurricane Rita on or after August
5 29, 2005—

6 (1) the President shall make such assistance
7 available for 52 weeks after the date of the disaster
8 declaration; and

9 (2) beginning on the date of enactment of this
10 Act, the amount of such assistance for a week of un-
11 employment shall be not less than 50 percent of the
12 national average weekly unemployment benefit pro-
13 vided to an individual as of the date of the disaster
14 declaration.

15 **SEC. 7. EMERGENCY EQUIPMENT ASSISTANCE.**

16 Subtitle B of title VI of the Robert T. Stafford Dis-
17 aster Relief and Emergency Assistance Act (42 U.S.C.
18 5197–5197h) is amended by adding at the end the fol-
19 lowing:

20 **“SEC. 630. EMERGENCY EQUIPMENT ASSISTANCE.**

21 “(a) GRANTS.—The Director shall carry out a pro-
22 gram to make grants to States and local governments—

23 “(1) to purchase or improve commercially avail-
24 able interoperable communications equipment that—

1 “(A) complies with, where applicable, na-
2 tional voluntary consensus standards;

3 “(B) facilitates interoperability, coordina-
4 tion, and integration between and among emer-
5 gency communications systems (including sat-
6 ellite phone and satellite communications equip-
7 ment); and

8 “(C) ensures that first responders, govern-
9 ment officials, and emergency personnel are
10 able to adequately and effectively communicate
11 with each other in the event of a major disaster
12 or other emergency;

13 “(2) to purchase mobile equipment to generate
14 emergency power; and

15 “(3) to train first responders and emergency
16 personnel on how best to use effectively such equip-
17 ment.

18 “(b) PURPOSE.—The purpose of the program shall
19 be to improve the response capabilities of States and local
20 governments in the event of a major disaster or other
21 emergency.

22 “(c) APPLICATIONS.—A State or local government
23 seeking a grant under this section shall submit an applica-
24 tion to the Director at such time, in such manner, and

1 accompanied by such information as the Director may re-
2 quire.

3 “(d) TECHNICAL ASSISTANCE.—The Director shall
4 provide to States and local governments technical assist-
5 ance with respect to the procurement, installation, and use
6 of equipment under subsection (a)(1).

7 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 \$200,000,000 for each of fiscal years 2006, 2007, and
10 2008.”.

Union Calendar No. 195

109TH CONGRESS
1ST Session

H. R. 4438

[Report No. 109-364]

A BILL

To establish special rules with respect to certain
disaster assistance provided for Hurricane
Katrina and Hurricane Rita.

DECEMBER 22, 2005

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed