

109TH CONGRESS
1ST SESSION

S. 939

AN ACT

To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, 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,*

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)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

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

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

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

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

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

“(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.”.

SEC. 5. COST SHARE.

For a period of not less than 180 days after the date 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.

Passed the Senate October 27, 2005.

Attest:

Secretary.

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