

In the House of Representatives, U. S.,

September 29, 2008.

Resolved, That the bill from the Senate (S. 2382) entitled “An Act to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. STORAGE, SALE, TRANSFER, AND DISPOSAL OF***
2 ***HOUSING UNITS.***

3 *(a) DEFINITIONS.—In this section, the following defi-*
4 *initions apply:*

5 *(1) ADMINISTRATOR.—The term “Adminis-*
6 *trator” means the Administrator of FEMA.*

7 *(2) EMERGENCY; MAJOR DISASTER.—The terms*
8 *“emergency” and “major disaster” have the meanings*
9 *given such terms in section 102 of the Stafford Act*
10 *(42 U.S.C. 5122).*

11 *(3) FEMA.—The term “FEMA” means the Fed-*
12 *eral Emergency Management Agency.*

1 (4) *HAZARD*.—The term “hazard” has the mean-
 2 ing given such term in section 602 of the Stafford Act
 3 (42 U.S.C. 5195a).

4 (5) *USABLE CONDITION*.—The term “usable con-
 5 dition” means, with respect to a temporary housing
 6 unit, a temporary housing unit that provides a safe
 7 and sanitary living condition.

8 (6) *STAFFORD ACT*.—The term “Stafford Act”
 9 means the Robert T. Stafford Disaster Relief and
 10 Emergency Assistance Act (42 U.S.C. 5121 et seq.).

11 (b) *NEEDS ASSESSMENT; ESTABLISHMENT OF CRI-*
 12 *TERIA*.—Not later than 3 months after the date of enact-
 13 ment of this Act, the Administrator shall—

14 (1) complete an assessment to determine the
 15 number of temporary housing units purchased by
 16 FEMA that FEMA needs to maintain in stock to re-
 17 spond appropriately to emergencies or major disasters
 18 occurring after the date of enactment of this Act; and

19 (2) establish criteria for determining whether the
 20 individual temporary housing units stored by FEMA
 21 are in usable condition.

22 (c) *PLAN*.—

23 (1) *IN GENERAL*.—Not later than 6 months after
 24 the date of enactment of this Act, the Administrator
 25 shall establish a plan for—

1 (A) storing the number of temporary hous-
2 ing units that the Administrator has determined
3 under subsection (b)(1) that FEMA needs to
4 maintain in stock;

5 (B) selling, transferring, donating, or other-
6 wise disposing of the temporary housing units in
7 the inventory of FEMA, as of the date of enact-
8 ment of this Act, that—

9 (i) are in excess of the number of tem-
10 porary housing units that the Adminis-
11 trator has determined under subsection
12 (b)(1) that FEMA needs to maintain in
13 stock; and

14 (ii) are in usable condition, based on
15 the criteria established under subsection
16 (b)(2); and

17 (C) disposing of the temporary housing
18 units in the inventory of FEMA that the Admin-
19 istrator determines are not in usable condition,
20 based on the criteria established under subsection
21 (b)(2).

22 (2) IMPLEMENTATION.—Not later than 9 months
23 after the date of enactment of this Act, the Adminis-
24 trator shall implement the plan established under
25 paragraph (1).

1 (d) *APPLICABILITY OF DISPOSAL REQUIREMENTS.*—

2 (1) *IN GENERAL.*—Any sale, transfer, donation,
3 or disposal of a temporary housing unit under the
4 plan established under subsection (c)(1) shall be sub-
5 ject to the requirements of section 408(d)(2) of the
6 Stafford Act (42 U.S.C. 5174(d)(2)) and other appli-
7 cable provisions of law.

8 (2) *EXCEPTION.*—Notwithstanding paragraph
9 (1), the Administrator may sell, transfer, donate, or
10 otherwise make available temporary housing units in
11 usable condition in the inventory of FEMA, as of the
12 date of enactment of this Act, to States, other govern-
13 mental entities, and voluntary organizations for the
14 purpose of providing temporary housing to victims of
15 incidents caused by hazards that do not result in a
16 declaration of a major disaster or emergency by the
17 President, if the Governor of the affected State cer-
18 tifies that there is an urgent need for the temporary
19 housing units and that the State is unable to provide
20 the temporary housing units in a timely manner.

21 (3) *LIMITATION ON STATUTORY CONSTRUC-*
22 *TION.*—Nothing in this section shall be construed to
23 affect section 689k of the Post-Katrina Emergency
24 Management Reform Act of 2006 (120 Stat. 1456).
25 For purposes of that section, a disposal of a tem-

1 porary housing unit under subsection (d)(2) shall be
 2 treated as a disposal to house individuals or house-
 3 holds under section 408 of the Stafford Act (42 U.S.C.
 4 5174).

5 (e) *REPORT*.—Not later than one year after the date
 6 of enactment of this Act, the Administrator shall submit
 7 to the Committee on Transportation and Infrastructure of
 8 the House of Representatives and the Committee on Home-
 9 land Security and Government Affairs of the Senate a re-
 10 port on the status of the distribution, sale, transfer, dona-
 11 tion, or other disposal of the unused temporary housing
 12 units purchased by FEMA.

13 **SEC. 2. SPECIAL RULES FOR COVERED HURRICANE DAM-**
 14 **AGES.**

15 (a) *DEFINITIONS*.—In this section, the following defi-
 16 nitions apply:

17 (1) *COVERED HURRICANE DAMAGES*.—The term
 18 “covered hurricane damages” means damages suffered
 19 in the States of Louisiana and Mississippi as a result
 20 of Hurricanes Katrina and Rita.

21 (2) *PRESIDENT*.—The term “President” means
 22 the President acting through the Administrator of the
 23 Federal Emergency Management Agency.

1 (3) *STAFFORD ACT.*—*The term “Stafford Act”*
 2 *means the Robert T. Stafford Disaster Relief and*
 3 *Emergency Assistance Act (42 U.S.C. 5121 et seq.).*

4 (b) *IN LIEU CONTRIBUTIONS.*—*In providing contribu-*
 5 *tions under section 406(c) of the Stafford Act (42 U.S.C.*
 6 *5172(c)) for covered hurricane damages, the President shall*
 7 *substitute 90 percent for the otherwise applicable percentage*
 8 *specified in paragraphs (1)(A) and (2)(A) of such section.*

9 (c) *ALTERNATIVE DISPUTE RESOLUTION PROCE-*
 10 *DURES.*—

11 (1) *IN GENERAL.*—*Notwithstanding section 423*
 12 *of the Stafford Act (42 U.S.C. 5189a) or any regula-*
 13 *tion, the President is authorized and encouraged to*
 14 *use alternative dispute resolution procedures for ap-*
 15 *peals of decisions made under sections 403, 406, and*
 16 *407 of the Stafford Act (42 U.S.C. 5179b, 5172, and*
 17 *5173) regarding the award or denial of assistance, or*
 18 *the amount of assistance, provided to a State, local*
 19 *government, or owner or operator of a private facility*
 20 *for covered hurricane damages.*

21 (2) *DENIALS OF REQUESTS.*—

22 (A) *WRITTEN NOTICE.*—*If a State, local*
 23 *government, or owner or operator of a private*
 24 *facility requests the use of alternative dispute*
 25 *resolution procedures for an appeal pursuant to*

1 paragraph (1) and the President denies the re-
2 quest, the President shall provide to the State,
3 local government, or owner or operator written
4 notice of the denial, including the reasons for the
5 denial.

6 (B) QUARTERLY REPORTS.—The President
7 shall submit to the Committee on Transportation
8 and Infrastructure of the House of Representa-
9 tives and the Committee on Homeland Security
10 and Governmental Affairs of the Senate, on at
11 least a quarterly basis, a report containing in-
12 formation on any denial described in subpara-
13 graph (A) made by the President during the pe-
14 riod covered by the report, including the reasons
15 for the denial.

16 (3) APPLICABILITY.—Paragraph (1) shall apply
17 to an appeal made by a State, local government, or
18 owner or operator of a private facility within 60 days
19 after the date on which the State, local government,
20 or owner or operator is notified of the decision that
21 is the subject of the appeal.

22 (4) REPORT TO CONGRESS.—Not later than one
23 year after the date of enactment of this Act, the Presi-
24 dent shall submit to the Committee on Transportation
25 and Infrastructure of the House of Representatives

1 *and the Committee on Homeland Security and Gov-*
 2 *ernmental Affairs of the Senate a report containing*
 3 *a description of how alternative dispute resolution*
 4 *procedures are being used pursuant to this subsection*
 5 *and recommendations on whether the President should*
 6 *be given the authority to use such procedures under*
 7 *the Stafford Act on a permanent basis.*

8 *(d) 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 *(e) STATUS REPORT.—Not later than 180 days after*
 15 *the date of enactment of this Act, the President shall submit*
 16 *to the Committee on Transportation and Infrastructure of*
 17 *the House of Representatives and the Committee on Home-*
 18 *land Security and Government Affairs of the Senate a re-*
 19 *port regarding the status of recovery for the States of Lou-*
 20 *isiana and Mississippi from Hurricanes Katrina and Rita.*

21 **SEC. 3. CASE MANAGEMENT.**

22 *The President may provide services or assistance under*
 23 *section 426 of the Robert T. Stafford Disaster Relief and*
 24 *Emergency Assistance Act (42 U.S.C. 5189d) for victims*

1 *of any major disaster relating to Hurricane Katrina or*
 2 *Hurricane Rita.*

3 **SEC. 4. INDIVIDUAL ASSISTANCE FACTORS.**

4 *In order to provide more objective criteria for evalu-*
 5 *ating the need for assistance to individuals and to speed*
 6 *a declaration of a major disaster or emergency under the*
 7 *Robert T. Stafford Disaster Relief and Emergency Assist-*
 8 *ance Act (42 U.S.C. 5121 et seq.), not later than one year*
 9 *after the date of enactment of this Act, the Administrator*
 10 *of the Federal Emergency Management Agency, in coopera-*
 11 *tion with representatives of State and local emergency man-*
 12 *agement agencies, shall review, update, and revise through*
 13 *rulemaking the factors considered under section 206.48 of*
 14 *title 44, Code of Federal Regulations, to measure the sever-*
 15 *ity, magnitude, and impact of a disaster.*

Attest:

Clerk.

110TH CONGRESS
2D Session

S. 2382

AMENDMENT