

110TH CONGRESS
1ST SESSION

H. R. 2187

To make emergency supplemental appropriations for Katrina recovery for the fiscal year ending September 30, 2007, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2007

Mr. ALEXANDER introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make emergency supplemental appropriations for Katrina recovery for the fiscal year ending September 30, 2007, 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 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2007, and for other pur-
6 poses, namely:

1 DEPARTMENT OF COMMERCE
2 NATIONAL OCEANIC AND ATMOSPHERIC
3 ADMINISTRATION
4 OPERATIONS, RESEARCH, AND FACILITIES

5 For an additional amount for “Operations, Research,
6 and Facilities”, for necessary expenses related to the con-
7 sequences of Hurricanes Katrina and Rita on the shrimp
8 and fishing industries, \$110,000,000, to remain available
9 until September 30, 2008.

10 NATIONAL AERONAUTICS AND SPACE
11 ADMINISTRATION
12 EXPLORATION CAPABILITIES

13 For an additional amount for “Exploration Capabili-
14 ties” for necessary expenses related to the consequences
15 of Hurricane Katrina, \$35,000,000, to remain available
16 until September 30, 2009.

17 GENERAL PROVISION—THIS CHAPTER

18 SEC. 2201. Up to \$48,000,000 of amounts made
19 available to the National Aeronautics and Space Adminis-
20 tration in Public Law 109–148 and Public Law 109–234
21 for emergency hurricane and other natural disaster-re-
22 lated expenses may be used to reimburse hurricane-related
23 costs incurred by NASA in fiscal year 2005.

1 may be used to implement the projects for hurricane storm
2 damage reduction, flood damage reduction, and ecosystem
3 restoration within Hancock, Harrison, and Jackson Coun-
4 ties, Mississippi substantially in accordance with the Re-
5 port of the Chief of Engineers dated December 31, 2006,
6 and entitled “Mississippi, Coastal Improvements Program
7 Interim Report, Hancock, Harrison, and Jackson Coun-
8 ties, Mississippi”: *Provided further*, That projects author-
9 ized for implementation under this Chief’s report shall be
10 carried out at full Federal expense, except that the non-
11 Federal interests shall be responsible for providing for all
12 costs associated with operation and maintenance of the
13 project: *Provided further*, That any project using funds ap-
14 propriated under this heading shall be initiated only after
15 non-Federal interests have entered into binding agree-
16 ments with the Secretary requiring the non-Federal inter-
17 ests to pay 100 percent of the operation, maintenance, re-
18 pair, replacement, and rehabilitation costs of the project
19 and to hold and save the United States free from damages
20 due to the construction or operation and maintenance of
21 the project, except for damages due to the fault or neg-
22 ligence of the United States or its contractors: *Provided*
23 *further*, That the Chief of Engineers, acting through the
24 Assistant Secretary of the Army for Civil Works, shall pro-
25 vide a monthly report to the House and Senate Commit-

1 tees on Appropriations detailing the allocation and obliga-
2 tion of these funds, beginning not later than 60 days after
3 enactment of this Act.

4 GENERAL PROVISIONS—THIS CHAPTER

5 SEC. 2301. The Secretary is authorized and directed
6 to determine the value of eligible reimbursable expenses
7 incurred by local governments in storm-proofing pumping
8 stations, constructing safe houses for operators, and other
9 interim flood control measures in and around the New Or-
10 leans metropolitan area that the Secretary determines to
11 be integral to the overall plan to ensure operability of the
12 stations during hurricanes, storms and high water events
13 and the flood control plan for the area.

14 SEC. 2302. (a) The Secretary of the Army is author-
15 ized and directed to utilize funds remaining available for
16 obligation from the amounts appropriated in chapter 3 of
17 Public Law 109–234 under the heading “Flood Control
18 and Coastal Emergencies” for projects in the greater New
19 Orleans metropolitan area to prosecute these projects in
20 a manner which promotes the goal of continuing work at
21 an optimal pace, while maximizing, to the greatest extent
22 practicable, levels of protection to reduce the risk of storm
23 damage to people and property.

24 (b) The expenditure of funds as provided in sub-
25 section (a) may be made without regard to individual

1 amounts or purposes specified in chapter 3 of Public Law
2 109–234.

3 (c) Any reallocation of funds that are necessary to
4 accomplish the goal established in subsection (a) are au-
5 thorized, subject to the approval of the House and Senate
6 Committees on Appropriation.

7 SEC. 2303. The Chief of Engineers shall investigate
8 the overall technical advantages, disadvantages and oper-
9 ational effectiveness of operating the new pumping sta-
10 tions at the mouths of the 17th Street, Orleans Avenue
11 and London Avenue canals in the New Orleans area di-
12 rected for construction in Public Law 109–234 concur-
13 rently or in series with existing pumping stations serving
14 these canals and the advantages, disadvantages and tech-
15 nical operational effectiveness of removing the existing
16 pumping stations and configuring the new pumping sta-
17 tions and associated canals to handle all needed dis-
18 charges; and the advantages, disadvantages and technical
19 operational effectiveness of replacing or improving the
20 floodwalls and levees adjacent to the three outfall canals:
21 *Provided*, That the analysis should be conducted at Fed-
22 eral expense: *Provided further*, That the analysis shall be
23 completed and furnished to the Congress not later than
24 three months after enactment of this Act.

1 Account”, \$25,000,000 shall be used for loans under sec-
2 tion 7(b)(2) of the Small Business Act for businesses lo-
3 cated in an area for which the President declared a major
4 disaster because of the hurricanes in the Gulf of Mexico
5 in calendar year 2005, of which not to exceed \$8,750,000
6 is for direct administrative expenses and may be trans-
7 ferred to and merged with “Small Business Administra-
8 tion, Salaries and Expenses” to carry out the disaster loan
9 program of the Small Business Administration.

10

CHAPTER 5

11

DEPARTMENT OF HOMELAND SECURITY

12

FEDERAL EMERGENCY MANAGEMENT AGENCY

13

DISASTER RELIEF

14

(INCLUDING TRANSFER OF FUNDS)

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For an additional amount for “Disaster Relief”,

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\$4,610,000,000, to remain available until expended: *Pro-*

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vided, That \$4,000,000 shall be transferred to “Office of

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Inspector General”.

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GENERAL PROVISIONS—THIS CHAPTER

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SEC. 2501. (a) IN GENERAL.—Notwithstanding any

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other provision of law, including any agreement, the Fed-

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eral share of assistance, including direct Federal assist-

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ance, provided for the States of Louisiana, Mississippi,

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Florida, Alabama, and Texas in connection with Hurri-

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canes Katrina, Wilma, Dennis, and Rita under sections

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403, 406, 407, and 408 of the Robert T. Stafford Disaster

1 Relief and Emergency Assistance Act (42 U.S.C. 5170b,
2 5172, 5173, and 5174) shall be 100 percent of the eligible
3 costs under such sections.

4 (b) APPLICABILITY.—The Federal share provided by
5 subsection (a) shall apply to disaster assistance applied
6 for before the date of enactment of this Act.

7 SEC. 2502. (a) COMMUNITY DISASTER LOAN ACT.—

8 (1) IN GENERAL.—Section 2(a) of the Commu-
9 nity Disaster Loan Act of 2005 (Public Law 109–
10 88) is amended by striking “*Provided further*, That
11 notwithstanding section 417(c)(1) of the Stafford
12 Act, such loans may not be canceled.”.

13 (2) EFFECTIVE DATE.—The amendment made
14 by paragraph (1) shall be effective on the date of en-
15 actment of the Community Disaster Loan Act of
16 2005 (Public Law 109–88).

17 (b) EMERGENCY SUPPLEMENTAL APPROPRIATIONS
18 ACT.—

19 (1) IN GENERAL.—Chapter 4 of title II of the
20 Emergency Supplemental Appropriations Act for
21 Defense, the Global War on Terror, and Hurricane
22 Recovery, 2006 (Public Law 109–234) is amended
23 under Federal Emergency Management Agency,
24 “Disaster Assistance Direct Loan Program Ac-
25 count” by striking “*Provided further*, That notwith-

1 standing section 417(c)(1) of such Act, such loans
2 may not be canceled.”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall be effective on the date of en-
5 actment of the Emergency Supplemental Appropria-
6 tions Act for Defense, the Global War on Terror,
7 and Hurricane Recovery, 2006 (Public Law 109–
8 234).

9 SEC. 2503. (a) IN GENERAL.—Section 2401 of the
10 Emergency Supplemental Appropriations Act for Defense,
11 the Global War on Terror, and Hurricane Recovery, 2006
12 (Public Law 109–234) is amended by striking “12
13 months” and inserting “24 months”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall be effective on the date of enactment of
16 the Emergency Supplemental Appropriations Act for De-
17 fense, the Global War on Terror, and Hurricane Recovery,
18 2006 (Public Law 109–234).

19 CHAPTER 6

20 DEPARTMENT OF THE INTERIOR

21 NATIONAL PARK SERVICE

22 HISTORIC PRESERVATION FUND

23 For an additional amount for the “Historic Preserva-
24 tion Fund” for necessary expenses related to the con-
25 sequences of Hurricane Katrina and other hurricanes of

1 the 2005 season, \$10,000,000, to remain available until
2 September 30, 2008: *Provided*, That the funds provided
3 under this heading shall be provided to the State Historic
4 Preservation Officer, after consultation with the National
5 Park Service, for grants for disaster relief in areas of Lou-
6 isiana impacted by Hurricanes Katrina or Rita: *Provided*
7 *further*, That grants shall be for the preservation, sta-
8 bilization, rehabilitation, and repair of historic properties
9 listed in or eligible for the National Register of Historic
10 Places, for planning and technical assistance: *Provided*
11 *further*, That grants shall only be available for areas that
12 the President determines to be a major disaster under sec-
13 tion 102(2) of the Robert T. Stafford Disaster Relief and
14 Emergency Assistance Act (42 U.S.C. 5122(2)) due to
15 Hurricanes Katrina or Rita: *Provided further*, That indi-
16 vidual grants shall not be subject to a non-Federal match-
17 ing requirement: *Provided further*, That no more than 5
18 percent of funds provided under this heading for disaster
19 relief grants may be used for administrative expenses.

20 GENERAL PROVISION—THIS CHAPTER

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 2601. Of the disaster relief funds from Public
23 Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chap-
24 ter 5, “National Park Service—Historic Preservation
25 Fund”, for necessary expenses related to the consequences

1 of Hurricane Katrina and other hurricanes of the 2005
2 season that were allocated to the State of Mississippi by
3 the National Park Service, \$500,000 is hereby transferred
4 to the “National Park Service—National Recreation and
5 Preservation” appropriation: *Provided*, That these funds
6 may be used to reconstruct destroyed properties that at
7 the time of destruction were listed in the National Register
8 of Historic Places and are otherwise qualified to receive
9 these funds: *Provided further*, That the State Historic
10 Preservation Officer certifies that, for the community
11 where that destroyed property was located, the property
12 is iconic to or essential to illustrating that community’s
13 historic identity, that no other property in that community
14 with the same associative historic value has survived, and
15 that sufficient historical documentation exists to ensure
16 an accurate reproduction.

17 CHAPTER 7

18 DEPARTMENT OF EDUCATION

19 HIGHER EDUCATION

20 For an additional amount under part B of title VII
21 of the Higher Education Act of 1965 (“HEA”) for institu-
22 tions of higher education (as defined in section 101 or sec-
23 tion 102(e) of that Act) that are located in an area in
24 which a major disaster was declared in accordance with
25 section 401 of the Robert T. Stafford Disaster Relief and

1 Emergency Assistance Act related to Hurricanes Katrina
2 or Rita, \$30,000,000: *Provided*, That such funds shall be
3 available to the Secretary of Education only for payments
4 to help defray the expenses (which may include lost rev-
5 enue, reimbursement for expenses already incurred, and
6 construction) incurred by such institutions of higher edu-
7 cation that were forced to close, relocate or significantly
8 curtail their activities as a result of damage directly
9 caused by such hurricanes and for payments to enable
10 such institutions to provide grants to students who attend
11 such institutions for academic years beginning on or after
12 July 1, 2006: *Provided further*, That such payments shall
13 be made in accordance with criteria established by the Sec-
14 retary and made publicly available without regard to sec-
15 tion 437 of the General Education Provisions Act, section
16 553 of title 5, United States Code, or part B of title VII
17 of the HEA.

18 HURRICANE EDUCATION RECOVERY

19 For carrying out activities authorized by subpart 1
20 of part D of title V of the Elementary and Secondary Edu-
21 cation Act of 1965, \$30,000,000, to remain available until
22 expended, for use by the States of Louisiana, Mississippi,
23 and Alabama primarily for recruiting, retaining, and com-
24 pensating new and current teachers, school principals, as-
25 sistant principals, principal resident directors, assistant

1 directors, and other educators, who commit to work for
2 at least three years in school-based positions in public ele-
3 mentary and secondary schools located in an area with re-
4 spect to which a major disaster was declared under section
5 401 of the Robert T. Stafford Disaster Relief and Emer-
6 gency Assistance Act (42 U.S.C. 5170) by reason of Hur-
7 ricane Katrina or Hurricane Rita, including through such
8 mechanisms as paying salary premiums, performance bo-
9 nuses, housing subsidies, signing bonuses, and relocation
10 costs and providing loan forgiveness, with priority given
11 to teachers and school-based school principals, assistant
12 principals, principal resident directors, assistant directors,
13 and other educators who previously worked or lived in one
14 of the affected areas, are currently employed (or become
15 employed) in such a school in any of the affected areas
16 after those disasters, and commit to continue that employ-
17 ment for at least 3 years, *Provided*, That funds available
18 under this heading to such States may also be used for
19 1 or more of the following activities: (1) to build the capac-
20 ity, knowledge, and skill of teachers and school-based
21 school principals, assistant principals, principal resident
22 directors, assistant directors, and other educators in such
23 public elementary and secondary schools to provide an ef-
24 fective education, including the design, adaptation, and
25 implementation of high-quality formative assessments; (2)

1 the establishment of partnerships with nonprofit entities
2 with a demonstrated track record in recruiting and retain-
3 ing outstanding teachers and other school-based school
4 principals, assistant principals, principal resident direc-
5 tors, and assistant directors; and (3) paid release time for
6 teachers and principals to identify and replicate successful
7 practices from the fastest-improving and highest-per-
8 forming schools: *Provided further*, That the Secretary of
9 Education shall allocate amounts available under this
10 heading among such States that submit applications; that
11 such allocation shall be based on the number of public ele-
12 mentary and secondary schools in each State that were
13 closed for 19 days or more during the period beginning
14 on August 29, 2005, and ending on December 31, 2005,
15 due to Hurricane Katrina or Hurricane Rita; and that
16 such States shall in turn allocate funds to local edu-
17 cational agencies, with priority given first to such agencies
18 with the highest percentages of public elementary and sec-
19 ondary schools that are closed as a result of such hurri-
20 canes as of the date of enactment of this Act and then
21 to such agencies with the highest percentages of public
22 elementary and secondary schools with a student-teacher
23 ratio of at least 25 to 1, and with any remaining amounts
24 to be distributed to such agencies with demonstrated need,
25 as determined by the State Superintendent of Education:

1 *Provided further*, That, in the case of any State that choos-
2 es to use amounts available under this heading for per-
3 formance bonuses, not later than 60 days after the date
4 of enactment of this Act, and in collaboration with local
5 educational agencies, teachers' unions, local principals' or-
6 ganizations, local parents' organizations, local business or-
7 ganizations, and local charter schools organizations, the
8 State educational agency shall develop a plan for a rating
9 system for performance bonuses, and if no agreement has
10 been reached that is satisfactory to all consulting entities
11 by such deadline, the State educational agency shall imme-
12 diately send a letter notifying Congress and shall, not later
13 than 30 days after such notification, establish and imple-
14 ment a rating system that shall be based on classroom
15 observation and feedback more than once annually, con-
16 ducted by multiple sources (including, but not limited to,
17 principals and master teachers), and evaluated against re-
18 search-based rubrics that use planning, instructional, and
19 learning environment standards to measure teacher per-
20 formance, except that the requirements of this proviso
21 shall not apply to a State that has enacted a State law
22 in 2006 authorizing performance pay for teachers.

23 PROGRAMS TO RESTART SCHOOL OPERATIONS

24 Funds made available under section 102 of the Hur-
25 ricane Education Recovery Act (title IV of division B of
26 Public Law 109–148) may be used by the States of Lou-

1 isiana, Mississippi, Alabama, and Texas, in addition to the
2 uses of funds described in section 102(e), for the following
3 costs: (1) recruiting, retaining, and compensating new and
4 current teachers, school principals, assistant principals,
5 principal resident directors, assistant directors, and other
6 educators for school-based positions in public elementary
7 and secondary schools impacted by Hurricane Katrina or
8 Hurricane Rita, including through such mechanisms as
9 paying salary premiums, performance bonuses, housing
10 subsidies, signing bonuses, and relocation costs and pro-
11 viding loan forgiveness; (2) activities to build the capacity,
12 knowledge, and skills of teachers and school-based school
13 principals, assistant principals, principal resident direc-
14 tors, assistant directors, and other educators in such pub-
15 lic elementary and secondary schools to provide an effec-
16 tive education, including the design, adaptation, and im-
17 plementation of high-quality formative assessments; (3)
18 the establishment of partnerships with nonprofit entities
19 with a demonstrated track record in recruiting and retain-
20 ing outstanding teachers and school-based school prin-
21 cipals, assistant principals, principal resident directors,
22 and assistant directors; and (4) paid release time for
23 teachers and principals to identify and replicate successful
24 practices from the fastest-improving and highest-per-
25 forming schools.

1 GENERAL PROVISIONS—THIS CHAPTER

2 SEC. 2701. Section 105(b) of title IV of division B
3 of Public Law 109–148 is amended by adding at the end
4 the following new sentence: “With respect to the program
5 authorized by section 102 of this Act, the waiver authority
6 in subsection (a) of this section shall be available until
7 the end of fiscal year 2008.”.

8 SEC. 2702. Notwithstanding section 2002(c) of the
9 Social Security Act (42 U.S.C. 1397a(c)), funds made
10 available under the heading “Social Services Block Grant”
11 in division B of Public Law 109–148 shall be available
12 for expenditure by the States through the end of fiscal
13 year 2009.

14 SEC. 2703. (a) In the event that Louisiana, Mis-
15 sissippi, Alabama, or Texas fails to meet its match re-
16 quirement with funds appropriated in fiscal years 2006
17 or 2007, for fiscal years 2008 and 2009, the Secretary
18 of Health and Human Services may waive the application
19 of section 2617(d)(4) of the Public Health Service Act for
20 Louisiana, Mississippi, Alabama, and Texas.

21 (b) The Secretary may not exercise the waiver au-
22 thority available under subsection (a) to allow a grantee
23 to provide less than a 25 percent matching grant.

24 (c) For grant years beginning in 2008, Louisiana,
25 Mississippi, Alabama, and Texas and any eligible metro-

1 politan area in Louisiana, Mississippi, Alabama, and
2 Texas shall comply with each of the applicable require-
3 ments under title XXVI of the Public Health Service Act
4 (42 U.S.C. 300ff–11 et seq.).

5
6 CHAPTER 8
7 DEPARTMENT OF TRANSPORTATION
8 FEDERAL HIGHWAY ADMINISTRATION
9 FEDERAL-AID HIGHWAYS
10 EMERGENCY RELIEF PROGRAM
(INCLUDING RESCISSION OF FUNDS)

11 For an additional amount for the Emergency Relief
12 Program as authorized under section 125 of title 23,
13 United States Code, \$682,942,000, to remain available
14 until expended: *Provided*, That section 125(d)(1) of title
15 23, United States Code, shall not apply to emergency re-
16 lief projects that respond to damage caused by the 2005–
17 2006 winter storms in the State of California: *Provided*
18 *further*, That of the unobligated balances of funds appor-
19 tioned to each State under chapter 1 of title 23, United
20 States Code, \$682,942,000 are rescinded: *Provided fur-*
21 *ther*, That such rescission shall not apply to the funds dis-
22 tributed in accordance with sections 130(f) and 104(b)(5)
23 of title 23, United States Code; sections 133(d)(1) and
24 163 of such title, as in effect on the day before the date
25 of enactment of Public Law 109–59; and the first sentence
26 of section 133(d)(3)(A) of such title.

1 FEDERAL TRANSIT ADMINISTRATION
2 FORMULA GRANTS

3 For an additional amount to be allocated by the Sec-
4 retary to recipients of assistance under chapter 53 of title
5 49, United States Code, directly affected by Hurricanes
6 Katrina and Rita, \$35,000,000, for the operating and cap-
7 ital costs of transit services, to remain available until ex-
8 pended: *Provided*, That the Federal share for any project
9 funded from this amount shall be 100 percent.

10 DEPARTMENT OF HOUSING AND URBAN
11 DEVELOPMENT

12 OFFICE OF INSPECTOR GENERAL

13 For an additional amount for the Office of Inspector
14 General, for the necessary costs related to the con-
15 sequences of Hurricanes Katrina and Rita, \$7,000,000,
16 to remain available until expended.

17 GENERAL PROVISIONS—THIS CHAPTER

18 SEC. 2801. The third proviso under the heading “De-
19 partment of Housing and Urban Development—Public
20 and Indian Housing—Tenant-Based Rental Assistance”
21 in chapter 9 of title I of division B of Public Law 109–
22 148 (119 Stat. 2779) is amended by striking “for up to
23 18 months” and inserting “until December 31, 2007”.

24 SEC. 2802. Section 21033 of the Continuing Appro-
25 priations Resolution, 2007 (division B of Public Law 109–

1 289, as amended by Public Law 110–5) is amended by
2 adding after the third proviso: “: *Provided further*, That
3 notwithstanding the previous proviso, except for applying
4 the 2007 Annual Adjustment Factor and making any
5 other specified adjustments, public housing agencies speci-
6 fied in category 1 below shall receive funding for calendar
7 year 2007 based on the higher of the amounts the agencies
8 would receive under the previous proviso or the amounts
9 the agencies received in calendar year 2006, and public
10 housing agencies specified in categories 2 and 3 below
11 shall receive funding for calendar year 2007 equal to the
12 amounts the agencies received in calendar year 2006, ex-
13 cept that public housing agencies specified in categories
14 1 and 2 below shall receive funding under this proviso only
15 if, and to the extent that, any such public housing agency
16 submits a plan, approved by the Secretary, that dem-
17 onstrates that the agency can effectively use within 12
18 months the funding that the agency would receive under
19 this proviso that is in addition to the funding that the
20 agency would receive under the previous proviso: (1) public
21 housing agencies that are eligible for assistance under sec-
22 tion 901 in Public Law 109–148 (119 Stat. 2781) or are
23 located in the same counties as those eligible under section
24 901 and operate voucher programs under section 8(o) of
25 the U.S. Housing Act of 1937 but do not operate public

1 housing under section 9 of such Act, and any public hous-
2 ing agency that otherwise qualifies under this category
3 must demonstrate that they have experienced a loss of
4 rental housing stock as a result of the 2005 hurricanes;
5 (2) public housing agencies that would receive less funding
6 under the previous proviso than they would receive under
7 this proviso and that have been placed in receivership or
8 the Secretary has declared to be in breach of an Annual
9 Contributions Contract by June 1, 2007; and (3) public
10 housing agencies that spent more in calendar year 2006
11 than the total of the amounts of any such public housing
12 agency's allocation amount for calendar year 2006 and the
13 amount of any such public housing agency's available
14 housing assistance payments undesignated funds balance
15 from calendar year 2005 and the amount of any such pub-
16 lic housing agency's available administrative fees undesign-
17 nated funds balance through calendar year 2006".

18 SEC. 2803. Section 901 of Public Law 109-148 is
19 amended by deleting "calendar year 2006" and inserting
20 "calendar years 2006 and 2007".

