


FEB 19 2008



FEMA

MEMORANDUM FOR: James W. Stark  
Acting Associate Deputy Administrator  
Gulf Coast Recovery Office

FROM: Carlos J. Castillo   
Assistant Administrator  
Disaster Assistance Directorate

SUBJECT: Consolidated Appropriations Act – 2008  
Public Law 110-161

This memorandum is to provide instructions to you for the implementation of certain provisions of the subject appropriations act. Two provisions in Section 552 address Alternate Projects and the reduction of assistance for facilities in a special flood hazard area. Another provision in Section 561 addresses assistance for the Peebles School in Iberia Parish.

Section 552 (in part) *“Provided further, That the Federal Emergency Management Agency shall not reduce assistance in accordance with section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for local educational agencies impacted by Hurricanes Katrina or Rita: Provided further, That nothing in the previous proviso shall be construed to alter the appeals or review process.”*

This provision specifically cites Section 406(c)(1) of the Stafford Act and, therefore, only applies to public educational agencies. Furthermore, for the purposes of Section 552, “local educational agency” applies to public educational agencies with administrative control or direction over schools providing kindergarten through 12<sup>th</sup> (K through 12) grade education. The provision directs FEMA to make no reduction for alternate projects when that option is chosen by an applicant that is a local educational agency.

For the five disaster declarations in the four states, Alabama (1605-DR), Mississippi (1604-DR), Louisiana (1603-DR and 1607-DR), and Texas (1606-DR) applicants will receive 100% of the estimate of costs for the approved project or 100% of the actual costs of the alternate project, whichever is less. Private nonprofit schools, on the other hand, will receive 75% of the estimate of costs for the approved project or 75% of actual costs of the alternate project, whichever is less. This provision shall apply to all alternate projects for the subject declared disasters whether approved before or after the effective date of the legislation.

The appeals process of Section 423 of the Stafford Act is not altered.

Section 552 (in part) "*Provided further*, That section 406(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act shall not apply to more than one facility on a school site impacted by Hurricanes Katrina or Rita."

This directs FEMA to make only one reduction of eligible costs in accordance with Section 406(d) of the Stafford Act per school site where there is more than one facility on the site. This applies to the five disaster declarations in the four states listed above. We interpret this provision to apply to publicly owned school sites for grades K thru 12 only.

On school sites with more than one facility, the single reduction to be taken shall be the smallest combined reduction (building and its contents together) of the multiple reductions for the site. The other reductions previously taken for additional facilities on the same site will be considered eligible and will be obligated. This provision shall apply to publicly owned school sites for grades K thru 12 for the subject disasters whether approved before or after the effective date of the legislation.

Section 561 "Notwithstanding any other provision of law, the Secretary of Homeland Security shall provide, under the Federal Emergency Management Agency Public Assistance Program, the relocation costs as estimated by the Federal Emergency Management Agency on May 5, 2006, for the Peebles School in Iberia Parish, Louisiana, which was damaged by Hurricane Rita in 2005."

This section directs FEMA to pay relocation costs for the Peebles School in Iberia Parish, LA as a result of damages incurred in FEMA-1607-DR-LA. FEMA will provide for the full scope of work as described in PW 4312.

Please provide us with copies of your communications to the applicants. Further instructions concerning the "single a payment for local educational agencies to the Louisiana Department of Education" will be issued when we learn the results of discussions with the Department of Education. If you have any questions, please contact James A. Walke, Director, Public Assistance Division, at 202-646-2751.