



FEMA

OCT 15 2008

MEMORANDUM FOR: James W. Stark
Assistant Administrator
Gulf Coast Recovery

FROM: Carlos J. Castillo
Assistant Administrator
Disaster Assistance

SUBJECT: Consolidated Security, Disaster Assistance, and Continuing
Appropriations Act, 2009, Sections 546 and 548

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), contains two provisions that affect implementation of the Public Assistance Program following Hurricanes Katrina and Rita. This memo provides the following guidance on each section listed below. Please take appropriate action consistent with our interpretation to implement the provisions.

SEC. 546. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the President shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: Provided, That the President shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)) for such facilities: Provided further, That nothing in the previous proviso may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172): Provided further, That the President shall not reduce the amount of assistance provided to a local government under section 406(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(d)) more than once for each such type of facility for which that local government is receiving assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005.

This provision is similar to one related to schools that was contained in previous legislation. The intent of the single payment section is not clear, since we have written project worksheets for most police stations, fire stations, and criminal justice facilities.

We will evaluate an applicant's request pursuant to this section upon receipt. We interpret the section relating to section 406(c)(1) to mean that FEMA will fund applicants' requests for alternate projects for police stations, fire stations, and criminal justice facilities at 100% of the estimated eligible costs. We interpret the section related to section 406(d) to mean that FEMA will reduce assistance for only one facility of each type. For example, if an applicant has four uninsured fire stations located in the special flood hazard area that were damaged, FEMA will reduce assistance on only one of the fire stations. We will fund the other three stations at 100% of eligible cost. If there are multiple buildings at a criminal justice complex, we will reduce assistance on only one of the buildings.

SEC. 548. Notwithstanding any other provision of law, the Federal Emergency Management Agency shall reimburse Jones County and Harrison County in the State of Mississippi under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for unreimbursed costs relating to the removal of debris that were incurred by such counties as a result of Hurricane Katrina in 2005.

This provision directs FEMA to reimburse Jones and Harrison Counties for debris removal and monitoring costs that FEMA previously denied under first and second appeals.

If you have any questions, please contact James Walke, Director of the Public Assistance Division, at (202) 646-2751.