



U.S. House of Representatives
Committee on Transportation and Infrastructure

Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heysfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

June 18, 2008

James W. Coon II, Republican Chief of Staff

SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Economic Development, Public Buildings, and Emergency Management

FROM: Subcommittee on Economic Development, Public Buildings, and Emergency Management Staff

SUBJECT: Hearing on "Moving Mississippi Forward: Ongoing Progress and Remaining Problems"

PURPOSE OF THE HEARING

On Thursday, June 19, 2008, at 10:00 a.m., in room 2167 of the Rayburn House Office Building, the Subcommittee on Economic Development, Public Buildings, and Emergency Management will hold a hearing on the status of the recovery from Hurricane Katrina in the State of Mississippi. The hearing will focus on disaster recovery programs being provided by the Federal Emergency Management Agency ("FEMA") and will focus on overall housing policy, rebuilding public infrastructure, and the case management services being provided through FEMA.

BACKGROUND

Hurricane Katrina made landfall on August 29, 2005, and proved to be the costliest natural disaster in American history. The storm had a massive physical impact on the land, affecting 90,000 square miles, which is an area the size of Great Britain. Under the authority granted to the President in the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"), the President declared a Major Disaster in the State of Mississippi on the date the storm made landfall.

The state of Mississippi is still recovering from Hurricane Katrina. As of May 27, 2008, FEMA reports that there are 6,384 temporary housing units. In addition to providing housing for disaster victims, Mississippi is still actively working with FEMA to replace and repair public infrastructure and address mitigation issues for any new construction along the Gulf Coast. According to the U.S. Census, when Hurricane Katrina made landfall in 2005, Mississippi had the

highest rate of poverty in the U.S., which has only increased the necessity for and importance of recovery services.

FEMA's major programs for disaster recovery are the Public Assistance Program and the Individual Assistance Program, also known as the Individual and Households Program. The Public Assistance Program is authorized primarily by sections 403, 406 and 407 of the Stafford Act¹. This program reimburses state and local emergency response costs and provides grants to state and local governments as well as certain private non-profits to rebuild facilities. The Individual Assistance program is primarily authorized by section 408 of the Stafford Act². The program provides assistance to families and individuals impacted by disasters. The assistance available includes housing which includes money for repair, rental assistance or "direct assistance". Direct assistance includes the provision of trailers and mobile homes. This section also authorizes the "other needs program" which provides grants to mostly low-income families for loss of personal property, as well as disaster-related dental, medical, and funeral costs to individuals regardless of income. Other Individual Assistance programs authorized by the Stafford Act include: unemployment assistance (authorized by section 410)³, disaster food stamps (authorized by section 412)⁴, disaster legal services (authorized by section 415),⁵ and crisis counseling (authorized by section 416)⁶. In the wake of Hurricane Katrina, FEMA also administratively created a case management program relying on existing authority including section 701(b) of the Stafford Act⁷.

Section 404 of the Stafford Act⁸ authorizes the Hazard Mitigation Grant Program ("HMGP"). HMGP is an important part of the recovery effort. HMGP provides for grants to state and local governments for measures which are cost effective and reduce the risk of future damage, hardship and loss from all hazards. HMGP is being used in Mississippi to help communities rebuild better and smarter.

It is important to note that major changes were made to the Stafford Act in light of the many lessons learned from Hurricane Katrina. Those changes were enacted by Congress in the Post Katrina Emergency Management Reform Act (Title VI of P.L. 109-295). However, those changes were not retroactive to Hurricane Katrina and as a result do not provide for additional assistance for the recovery from Hurricane Katrina in Mississippi.

In order to address the outstanding needs identified in the recovery from Hurricane Katrina, the Committee reported H.R. 3247, the Hurricanes Katrina and Rita Recovery Facilitation Act of 2007, which passed the House on October 29, 2007. This bill is pending in the Senate. H.R. 3247 was crafted based on testimony at a Subcommittee hearing on May 11, 2007 by Members of the Mississippi and Louisiana delegations and is designed to provide additional Federal relief targeted to those states and, if enacted, would be applicable to the relief efforts in Mississippi. Specifically, this bill: increases the Federal in-lieu contribution for alternate projects from the current level of 75 percent to 90 percent; authorizes the FEMA Administrator to include Gulf Coast recovery efforts under a public assistance pilot project authorized by the Post-Katrina Emergency

¹ 42 U.S.C. 5170b, 5172 and 5173

² 42 U.S.C. 5174

³ 42 U.S.C. 5177

⁴ 42 U.S.C. 5179

⁵ 42 U.S.C. 5182

⁶ 42 U.S.C. 5183

⁷ 42 U.S.C. 5201(b)

⁸ 42 U.S.C. 5170c

Management Reform Act (P.L. 109-295); permits the use of third parties to review and expedite public assistance appeals through the use of alternative dispute resolution procedures; allows the use of temporary housing for volunteers assisting in the recovery and reconstruction efforts in the Gulf Coast; allows FEMA to use a simplified procedure, under which small projects are permitted to proceed based on estimates, for projects up to \$100,000, an increase from the current level of \$55,000; authorizes re-interment of remains in private cemeteries; and waives the requirement that certain certifications in the hazard mitigation grant program occur prior to commencing projects.

PRIOR LEGISLATIVE AND OVERSIGHT ACTIVITY

The Committee and Subcommittee have held numerous hearings dealing with Hurricane Katrina recovery issues:

- “Recovering after Katrina: Ensuring that FEMA is up to the Task” (October 2005)
- “A Vision and Strategy for Rebuilding New Orleans” (October 2005)
- “Legislative Proposals in Response to Hurricane Katrina” (November 2005)
- “Disasters and the Department of Homeland Security: Where Do We Go From Here?” (February 2006)
- “Post-Katrina Temporary Housing: Dilemmas and Solutions” (March 2007)
- “FEMA’s Emergency Food Supply System” (April 2007)
- “FEMA’s Preparedness and Response to ALL Hazards” (April 2007)
- “National Levee Safety and Dam Safety Programs” (May 2007)
- “Legislative Fixes for Lingering Problems that Hinder Katrina Recovery” (May 2007)

In the 110th Congress, the Committee reported H.R. 1144, the Hurricanes Katrina and Rita Federal Match Relief Act of 2007, to provide significant relief for communities devastated by Hurricanes Katrina, Rita, and Wilma. In addition, the bill focused on unaddressed concerns since the occurrence of these disasters. An amended form of the legislation was included in the Emergency Supplemental Appropriations bill that was signed by the President on May 25, 2007 (Public Law 110-28). The Committee has also reported H.R. 3247, the Katrina and Rita Recovery Facilitation Act of 2007, which passed the House on October 29, 2007 and is awaiting action in the Senate. The Subcommittee also collaborated with the Committee on Financial Services on H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act of 2007, to ensure Louisiana’s ability to use its Hazard Mitigation Grant Program funds for its Road Home program. This bill passed the House on March 21, 2007.

During the 109th Congresses, the Committee enacted the following related bills:

- Community Disaster Loan Act of 2005 (P.L. 109-88)
- Pre-disaster Mitigation Program Reauthorization Act of 2005 (P.L. 109-139)
- Katrina Emergency Assistance Act of 2006 (P.L. 109-176)
- Local Community Recovery Act of 2006 (P.L. 109- 218)
- Post-Katrina Emergency Management Reform Act of 2006 (P.L. 109-295)
- Rural Disaster Assistance Fairness Act of 2005 (P.L. 109-295)
- Disaster Relief Equity Act of 2005 (P.L. 109-295)

WITNESSES

The Honorable Gene Taylor
Member of Congress
4th District of Mississippi

The Honorable Bennie G. Thompson
Member of Congress
2nd District of Mississippi

The Honorable Travis W. Childers (invited)
Member of Congress
1st District of Mississippi

The Honorable Charles W. "Chip" Pickering
Member of Congress
3rd District of Mississippi

Mr. Michael Womack
Director, Mississippi State Emergency Management Agency

Mr. Sidney Melton
Director
Mississippi Transitional Recovery Office
Federal Emergency Management Agency

The Honorable Tommy Longo
Mayor
City of Waveland

Ms. Marsha Meeks Kelly
Executive Director
Mississippi Commission for Volunteer Service

Ms. Sherry-Lea Bloodworth
Director of Long-Term Recovery
Hancock County, Mississippi

Mr. Michael Huseh
Executive Director
Lutheran Episcopal Services