

111TH CONGRESS  
1ST SESSION

# S. 1088

To authorize certain construction in coastal high hazard areas using assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

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IN THE SENATE OF THE UNITED STATES

MAY 20, 2009

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To authorize certain construction in coastal high hazard areas using assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. COASTAL HIGH HAZARD AREAS.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “coastal high hazard area” has the  
6 meaning given that term in section 9.4 of title 44,  
7 Code of Federal Regulations, or any successor there-  
8 to; and

1           (2) the term “major disaster” has the meaning  
2           given that term in section 102 of the Robert T.  
3           Stafford Disaster Relief and Emergency Assistance  
4           Act (42 U.S.C. 5122).

5           (b) AUTHORIZATION.—For an activity in a coastal  
6           high hazard area that is otherwise an eligible use of assist-  
7           ance under section 404, section 406, or section 408 of the  
8           Robert T. Stafford Disaster Relief and Emergency Assist-  
9           ance Act (42 U.S.C. 5170c, 5172, and 5174) as a result  
10          of damage caused by Hurricane Katrina, Rita, Gustav, or  
11          Ike, notwithstanding 9.11(d)(1) of title 44, Code of Fed-  
12          eral Regulations, and subject to all other requirements  
13          under part 9 of title 44, Code of Federal Regulations—

14                 (1) the activity shall be an eligible use of assist-  
15                 ance under such section; and

16                 (2) any new construction or substantial im-  
17                 provements to structures under such an activity in-  
18                 volving critical actions shall not be required to ele-  
19                 vate to the 500-year floodplain, if it would be im-  
20                 practicable.

21           (c) ADMINISTRATIVE PROCEDURES.—Notwith-  
22          standing chapter 5 of title 5, United States Code (com-  
23          monly known as the “Administrative Procedure Act”), the  
24          Administrator of the Federal Emergency Management

1 Agency shall not be required to promulgate, modify, or  
2 amend any regulation to carry out subsection (b).

3 (d) APPLICABILITY.—This section shall apply to any  
4 assistance under the Robert T. Stafford Disaster Relief  
5 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)  
6 relating to a major disaster—

7 (1) declared on or after August 28, 2005; and

8 (2) relating to Hurricane Katrina, Rita, Gus-  
9 tav, or Ike.

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