

108TH CONGRESS
1ST SESSION

H. R. 2878

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve Federal response efforts after a terrorist strike or other major disaster affecting homeland security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

Mrs. MALONEY (for herself, Mr. SERRANO, Mr. TOWNS, and Mr. McNULTY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce and Education and the Workforce, 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 amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve Federal response efforts after a terrorist strike or other major disaster affecting homeland security, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Protection
5 and Response Act of 2003”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Robert T. Stafford Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5170 et seq.) was
5 established to provide aid and coordinate Federal
6 disaster relief in response to a major disaster.

7 (2) The effect of the terrorist attack on Sep-
8 tember 11, 2001, on New York City, New York, was
9 declared a major disaster as defined by the Act.

10 (3) The terrorist attacks on September 11,
11 2001, brought forth new challenges never dealt with
12 before in a major disaster.

13 (4) These new challenges and lack of com-
14 prehensive authority to deal with them, as defined
15 by current statute, slowed down and complicated
16 Federal disaster relief for the New York and Wash-
17 ington Metropolitan Areas, and exposed weaknesses
18 in the authorities Federal agencies have to respond
19 to a homeland security event.

20 (5) Officials throughout the Administration and
21 intelligence community assert that another attack is
22 inevitable so it is imperative to establish new author-
23 ity to address the inadequacies in the existing sys-
24 tem of response.

1 **SEC. 3. DEFINITION OF MAJOR DISASTER.**

2 Section 102(2) of the Robert T. Stafford Disaster
3 Relief and Emergency Assistance Act (42 U.S.C. 5122(2))
4 is amended by striking “, or explosion” and inserting
5 “, explosion, terrorist attack (including a biological, nu-
6 clear, chemical, or small arms attack and a cyber-attack
7 on computer systems), dispersion of radioactive or other
8 contaminants, dispersion of hazardous substances, or
9 other catastrophic event”;

10 **SEC. 4. DEFINITION OF PRIVATE NONPROFIT FACILITY.**

11 Section 102(9) of the Robert T. Stafford Disaster
12 Relief and Emergency Assistance Act (42 U.S.C. 5122(9))
13 is amended by adding at the end the following: “In the
14 case of a homeland security event, such term also includes
15 private for-profit telecommunications and phone services
16 and private for-profit utilities (including power, water (in-
17 cluding water provided by an irrigation organization or fa-
18 cility), sewer, and wastewater treatment) except that for-
19 profit utilities shall be covered only for structures and
20 property losses that occur during a homeland security
21 event if such losses are not covered by such utility’s insur-
22 ance policies.

23 **SEC. 5. HOMELAND SECURITY EVENTS.**

24 Title IV of the Robert T. Stafford Disaster Relief and
25 Emergency Assistance Act (42 U.S.C. 5170 et seq.) is
26 amended by adding at the end the following:

1 **“SEC. 425. HOMELAND SECURITY EVENTS.**

2 “(a) IN GENERAL.—At the request of the Governor
3 of the affected State, the President may declare that a
4 major disaster constitutes a homeland security event for
5 the purposes of this section. Such a request shall be based
6 on a finding that Federal assistance is necessary because
7 the event poses a significant risk to the security of the
8 people and property of the Nation and is of such severity
9 and magnitude that effective response is beyond the capa-
10 bility of the affected State and local government.

11 “(b) FEDERAL ASSISTANCE.—In any homeland secu-
12 rity event, in addition to providing other assistance made
13 available under this title in a major disaster, the President
14 may—

15 “(1) establish a coordinating office and appoint
16 a disaster recovery director—

17 “(A) to work with and coordinate efforts
18 with the Federal coordinating officer appointed
19 under section 302;

20 “(B) to oversee and coordinate the timely
21 distribution of Federal compensation to persons
22 injured in such disaster;

23 “(C) to develop methods to expedite claims
24 for relief and assistance by individuals and
25 businesses;

1 “(D) coordinate long-term recovery efforts
2 with State and local authorities; and

3 “(E) work with Federal agencies to de-
4 velop more effective methods to assist affected
5 parties;

6 “(2) require that if an office described in para-
7 graph (1) is established, the disaster recovery direc-
8 tor—

9 “(A) shall consult with local officials in de-
10 veloping a recovery plan; and

11 “(B) may appoint an independent claims
12 manager to assist in providing assistance;

13 “(3) in any case in which a Federal official
14 issues a high security alert after a homeland security
15 event, provide technical assistance and reimburse-
16 ment to State and local governments in the disaster
17 area for expenses incurred related to such alert, in-
18 cluding overtime for law enforcement officers for a
19 period of time that the President determines is nec-
20 essary;

21 “(4) provide grants to a local government which
22 may suffer a substantial loss of tax and other reve-
23 nues;

24 “(5) authorize reimbursement to a school sys-
25 tem for—

1 “(A) providing additional classroom in-
2 struction time and related activities to students
3 who lost instructional time as a result of the
4 homeland security event;

5 “(B) providing mental health and trauma
6 counseling and other appropriate support serv-
7 ices to students suffering from trauma-related
8 disorders resulting from the homeland security
9 event;

10 “(C) providing guidance and grief coun-
11 seling and mental health services, including
12 overtime payment for counselors and mental
13 health professionals, for students and school
14 staff;

15 “(D) clean up and structural inspections
16 and repairs of school facilities;

17 “(E) textbooks and other school supplies
18 and equipment used to support the relocation of
19 students from schools in the disaster area;

20 “(F) the cost of relocating students, in-
21 cluding transportation of students to temporary
22 school facilities; and

23 “(G) loss of perishable food stock and rev-
24 enue lost from food services; and

1 “(6) provide grants, equipment, supplies, and
2 personnel, to any non-profit medical facility that
3 has—

4 “(A) lost equipment or revenue due to a
5 major disaster;

6 “(B) incurred additional costs for security
7 enhancements in anticipation of a homeland se-
8 curity event;

9 “(C) purchased emergency supplies, medi-
10 cine, or equipment, or contracted with medical
11 specialists, in order to respond to casualties ex-
12 pected to be treated as a result of a major dis-
13 aster; or

14 “(D) complied with Federal and state re-
15 quirements concerning maintenance of health
16 service treatment procedures (such as dialysis
17 facilities) that may not be used as a result of
18 a major disaster; and

19 “(7) authorize and direct the Administrator of
20 the Environmental Protection Agency to perform all
21 testing of indoor air quality deemed necessary by the
22 Administrator and to undertake such remedial ac-
23 tions as may be necessary, in the discretion of the
24 Administrator, to protect human health and safety

1 from the contamination of indoor air quality fol-
2 lowing any such event.”.

3 **SEC. 6. CRITICAL SERVICES.**

4 Section 406(a)(3)(B) of the Robert T. Stafford Dis-
5 aster Relief and Emergency Assistance Act (42 U.S.C.
6 5172(a)(3)(B)) is amended—

7 (1) by striking “and” before “emergency”; and

8 (2) by inserting before the period the following:

9 “, education systems, providers of counseling assist-
10 ance, and providers of assistance to the homeless”.

11 **SEC. 7. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
12 **HOUSEHOLDS.**

13 Section 408(a)(1) of the Robert T. Stafford Disaster
14 Relief and Emergency Assistance Act (42 U.S.C.
15 5174(a)(1)) is amended by striking “direct” each place
16 it appears.

17 **SEC. 8. COMMUNITY DISASTER LOANS.**

18 (a) AMOUNT.—Section 417(b) of the Robert T. Staf-
19 ford Disaster Relief and Emergency Assistance Act (42
20 U.S.C. 5184(b)) is amended—

21 (1) by striking “, shall not exceed” and insert-
22 ing “and shall not exceed”; and

23 (2) by striking “, and shall not exceed
24 \$5,000,000”.

1 (b) MAJOR DISASTERS CAUSED BY TERRORIST AT-
2 TACKS.—Section 417 of such Act (42 U.S.C. 5184) is
3 amended by adding at the end the following:

4 “(e) INTEREST FORGIVENESS IN CERTAIN CASES.—
5 The President shall not require the payment of any inter-
6 est on a loan made under this section to a local govern-
7 ment which may suffer a substantial loss of tax and other
8 revenues as a result of a homeland security event.”.

9 (c) APPLICABILITY.—The amendments made by this
10 section shall apply with respect to any major disaster oc-
11 ccurring on or after October 30, 2000.

12 **SEC. 9. STANDARDS AND REPORTING.**

13 The Director of the Office of Management and Budg-
14 et shall—

15 (1) establish standards for reporting informa-
16 tion regarding disaster efforts made by each agency
17 that assists in providing relief in a disaster that the
18 President has determined constitutes a homeland se-
19 curity event under section 425 of the Robert T.
20 Stafford Disaster Relief and Emergency Assistance
21 Act (42 U.S.C. 5121 et seq.);

22 (2) collect data from each such agency regard-
23 ing the efforts of such agency for each major dis-
24 aster described in paragraph (1) not less than once
25 each year; and

1 (3) report such data to the appropriate commit-
2 tees of Congress annually.

3 **SEC. 10. SPECIAL PRESIDENTIAL COMMISSION TO REVIEW**
4 **AIR QUALITY.**

5 The President shall appoint a special commission to
6 undertake a study of the authorities available to the Envi-
7 ronmental Protection Agency following a major disaster
8 that the President determines constitutes a homeland se-
9 curity event under title IV of the Robert T. Stafford Dis-
10 aster Relief and Emergency Assistance Act (42 U.S.C.
11 5170 and following), particularly a terrorist attack using
12 chemical, biological, or nuclear weapons. The Commission
13 shall examine the agency's authorities to—

14 (1) monitor the environment;

15 (2) evaluate health risks associated with air pol-
16 lutants that may be released into the environment as
17 result of such a disaster; and

18 (3) communicate with affected communities and
19 first responders.

20 The Commission shall submit a report to the President
21 and to the Congress containing the results of such study
22 and including any recommendations of the special commis-
23 sion regarding the clarification and recommendation of
24 Environmental Protection Agency authorities in such situ-
25 ations.

1 **SEC. 11. ACUTELY AND SUB-ACUTELY TOXIC CHEMICAL, BI-**
2 **OLOGICAL, AND RADIOACTIVE EXPOSURE**
3 **GUIDELINES.**

4 The Administrator of the Environmental Protection
5 Agency shall promulgate guidelines regarding the health
6 risks of short-, medium-, or long-term exposure to acutely
7 or sub-actuely toxic chemical, biological, and radioactive
8 materials that may be released into the environment as
9 a consequence of a major disaster that the President de-
10 termines constitutes a homeland security event under title
11 IV of the Robert T. Stafford Disaster Relief and Emer-
12 gency Assistance Act (42 U.S.C. 5170 and following). The
13 Director of the Centers for Disease Control and Preven-
14 tion shall provide the Administrator with such information
15 and analysis as may be necessary for the Administrator
16 to promulgate guidelines under this section in the case of
17 biological materials.

18 **SEC. 12. EPA AUTHORITIES FOR ENVIRONMENTAL MONI-**
19 **TORING AND ANALYSIS.**

20 In order to provide for standardized and rapid data
21 collection and analysis and communication regarding envi-
22 ronmental risks following any major disaster that the
23 President determines constitutes a homeland security
24 event under title IV of the Robert T. Stafford Disaster
25 Relief and Emergency Assistance Act (42 U.S.C. 5170
26 and following), the President shall designate the Adminis-

1 trator of the Environmental Protection Agency or the Di-
2 rector of the Centers for Disease Control and Prevention
3 (in the case of a release of biological agents) to coordinate
4 all data collection and monitoring and dissemination of
5 analysis regarding the release of pollutants and contami-
6 nants (including biological agents) into the environment
7 by reason of any such disaster.

8 **SEC. 13. DATA COLLECTION DURING PUBLIC HEALTH**
9 **EMERGENCIES; RESEARCH ON ASSISTING**
10 **VICTIMS; ADVANCED PREPARATION.**

11 Part B of title III of the Public Health Service Act
12 (42 U.S.C. 243 et seq.) is amended by inserting after sec-
13 tion 319K the following section:

14 **“SEC. 319L. DATA COLLECTION DURING PUBLIC HEALTH**
15 **EMERGENCIES; RESEARCH ON ASSISTING**
16 **VICTIMS; ADVANCED PREPARATION.**

17 “(a) IN GENERAL.—The Secretary may make awards
18 of grants, contracts, and cooperative agreements to public
19 and nonprofit private entities for the purpose of collecting
20 public health data during and in the aftermath of public
21 health emergencies, and conducting research with respect
22 to such data, in order to develop medical therapies and
23 other public health strategies for assisting victims of such
24 emergencies in recovering from the emergencies.

1 “(b) ADVANCE PREPARATION FOR EMERGENCY
2 EVENTS.—The Secretary shall provide for the approval of
3 applications for awards under subsection (a) in advance
4 of public health emergencies in order that, upon the occur-
5 rence of such an emergency, the Secretary can promptly
6 begin disbursing amounts from the awards and the recipi-
7 ents of the awards can promptly begin carrying out the
8 purpose described in subsection (a).

9 “(c) AUTHORIZATION OF APPROPRIATIONS.—For the
10 purpose of carrying out this section, there are authorized
11 to be appropriated such sums as may be necessary for
12 each of the fiscal years 2004 through 2007, in addition
13 to other authorizations of appropriations that are available
14 for such purpose. Amounts appropriated under the pre-
15 ceding sentence are available until expended.”.

16 **SEC. 14. DISASTER RELIEF GRANTS FOR LOCAL EDU-**
17 **CATIONAL AGENCIES.**

18 (a) ESTABLISHMENT.—The Secretary of Education
19 may make grants for disaster relief to local educational
20 agencies located in any area for which the President has
21 declared a major disaster pursuant to the Robert T. Staf-
22 ford Disaster Relief and Emergency Assistance Act (42
23 U.S.C. 5121 et seq.).

24 (b) USE OF FUNDS.—The Secretary may not make
25 a grant under this section unless the applicant involved

1 agrees to use the grant as reimbursement or payment for
2 expenses resulting from a major disaster described in sub-
3 section (a) that occurred after September 10, 2001. Such
4 expenses may include any of the following:

5 (1) Additional classroom instruction time and
6 related activities for students who lost instructional
7 time as a result of the disaster.

8 (2) Mental health and trauma counseling and
9 other appropriate support services to students suf-
10 fering from long-term or short-term trauma-related
11 disorders resulting from the disaster.

12 (3) Guidance and grief counseling and mental
13 health services, including overtime payment for
14 counselors and mental health professionals, for stu-
15 dents and school staff.

16 (4) Textbooks and other school supplies and
17 equipment damaged or destroyed as a result of the
18 disaster, or used to support the relocation of stu-
19 dents from schools in the disaster area.

20 (5) Relocating students, including transpor-
21 tation of students to temporary school facilities.

22 (6) Loss of perishable food stock and revenue
23 lost from food services.

24 (7) Renting or leasing alternate temporary fa-
25 cilities or transportation.

1 (c) APPLICATION.—To seek a grant under this sec-
2 tion, a local educational agency shall submit an application
3 to the Secretary at such time, in such manner, and con-
4 taining such information as the Secretary reasonably re-
5 quires.

6 (d) RULE OF CONSTRUCTION.—Nothing in this Act
7 shall be construed as prohibiting or exempting the Federal
8 Emergency Management Agency from its obligation to
9 provide assistance to local educational agencies in connec-
10 tion with a major disaster, including debris removal and
11 cleanup, and restoration of facilities to their predisaster
12 condition.

13 (e) DEFINITIONS.—For purposes of this section:

14 (1) The term “local educational agency” has
15 the meaning given to that term in section 9101 of
16 the Elementary and Secondary Education Act of
17 1965 (20 U.S.C. 7801).

18 (2) The term “Secretary” means the Secretary
19 of Education.

○