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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

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Protection and Response Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

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

(2) The effect of the terrorist attack on September 11, 2001, on New York City, New York, was declared a major disaster as defined by the Act.

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

(4) These new challenges and lack of comprehensive authority to deal with them, as defined by current statute, slowed down and complicated Federal disaster relief for the New York and Washington Metropolitan Areas, and exposed weaknesses in the authorities Federal agencies have to respond to a homeland security event.

(5) Officials throughout the Administration and intelligence community assert that another attack is inevitable so it is imperative to establish new authority to address the inadequacies in the existing system of response.

SEC. 3. DEFINITION OF MAJOR DISASTER.

Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended by striking ‘‘, or explosion’’ and inserting ‘‘, explosion, terrorist attack (including a biological, nuclear, chemical, or small arms attack and a cyber-attack on computer systems), dispersion of radioactive or other contaminants, dispersion of hazardous substances, or other catastrophic event’’;

SEC. 4. DEFINITION OF PRIVATE NONPROFIT FACILITY.

Section 102(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(9)) is amended by adding at the end the following: ‘‘In the case of a homeland security event, such term also includes private for-profit telecommunications and phone services and private for-profit utilities (including power, water (including water provided by an irrigation organization or facility), sewer, and wastewater treatment) except that for-profit utilities shall be covered only for structures and property losses that occur during a homeland security event if such losses are not covered by such utility’s insurance policies.

SEC. 5. HOMELAND SECURITY EVENTS.

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

"SEC. 425. HOMELAND SECURITY EVENTS.

"(a) IN GENERAL.—At the request of the Governor of the affected State, the President may declare that a major disaster constitutes a homeland security event for the purposes of this section. Such a request shall be based on a finding that Federal assistance is necessary because the event poses a significant risk to the security of the people and property of the Nation and is of such severity and magnitude that effective response is beyond the capability of the affected State and local government.

"(b) FEDERAL ASSISTANCE.—In any homeland security event, in addition to providing other assistance made available under this title in a major disaster, the President may—

"(1) establish a coordinating office and appoint a disaster recovery director—

"(A) to work with and coordinate efforts with the Federal coordinating officer appointed under section 302;

"(B) to oversee and coordinate the timely distribution of Federal compensation to persons injured in such disaster;

"(C) to develop methods to expedite claims for relief and assistance by individuals and businesses;

"(D) coordinate long-term recovery efforts with State and local authorities; and

"(E) work with Federal agencies to develop more effective methods to assist affected parties;

"(2) require that if an office described in paragraph (1) is established, the disaster recovery director—

"(A) shall consult with local officials in developing a recovery plan; and

"(B) may appoint an independent claims manager to assist in providing assistance;

"(3) in any case in which a Federal official issues a high security alert after a homeland security event, provide technical assistance and reimbursement to State and local governments in the disaster area for expenses incurred related to such alert, including overtime for law enforcement officers for a period of time that the President determines is necessary;

"(4) provide grants to a local government which may suffer a substantial loss of tax and other revenues;

"(5) authorize reimbursement to a school system for—

"(A) providing additional classroom instruction time and related activities to students who lost instructional time as a result of the homeland security event;

"(B) providing mental health and trauma counseling and other appropriate support services to students suffering from trauma-related disorders resulting from the homeland security event;

"(C) providing guidance and grief counseling and mental health services, including overtime payment for counselors and mental health professionals, for students and school staff;

"(D) clean up and structural inspections and repairs of school facilities;

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

"(F) the cost of relocating students, including transportation of students to temporary school facilities; and

"(G) loss of perishable food stock and revenue lost from food services; and

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

"(A) lost equipment or revenue due to a major disaster;

"(B) incurred additional costs for security enhancements in anticipation of a homeland security event;

"(C) purchased emergency supplies, medicine, or equipment, or contracted with medical specialists, in order to respond to casualties expected to be treated as a result of a major disaster; or

"(D) complied with Federal and state requirements concerning maintenance of health service treatment procedures (such as dialysis facilities) that may not be used as a result of a major disaster; and

"(7) authorize and direct the Administrator of the Environmental Protection Agency to perform all testing of indoor air quality deemed necessary by the Administrator and to undertake such remedial actions as may be necessary, in the discretion of the Administrator, to protect human health and safety

from the contamination of indoor air quality following any such event.''.

SEC. 6. CRITICAL SERVICES.

Section 406(a)(3)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(3)(B)) is amended—

(1) by striking ''and'' before ''emergency''; and

(2) by inserting before the period the following: '', education systems, providers of counseling assistance, and providers of assistance to the homeless''.

SEC. 7. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

Section 408(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(a)(1)) is amended by striking ''direct'' each place it appears.

SEC. 8. COMMUNITY DISASTER LOANS.

(a) AMOUNT.—Section 417(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184(b)) is amended—

(1) by striking '', shall not exceed'' and inserting ''and shall not exceed''; and

(2) by striking '', and shall not exceed $5,000,000''.

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

"(e) INTEREST FORGIVENESS IN CERTAIN CASES.—The President shall not require the payment of any interest on a loan made under this section to a local government which may suffer a substantial loss of tax and other revenues as a result of a homeland security event.".

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any major disaster occurring on or after October 30, 2000.

SEC. 9. STANDARDS AND REPORTING.

The Director of the Office of Management and Budget shall—

(1) establish standards for reporting information regarding disaster efforts made by each agency that assists in providing relief in a disaster that the President has determined constitutes a homeland security event under section 425 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) collect data from each such agency regarding the efforts of such agency for each major disaster described in paragraph (1) not less than once each year; and

(3) report such data to the appropriate committees of Congress annually.

SEC. 10. SPECIAL PRESIDENTIAL COMMISSION TO REVIEW AIR QUALITY.

The President shall appoint a special commission to undertake a study of the authorities available to the Environmental Protection Agency following a major disaster that the President determines constitutes a homeland security event under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and following), particularly a terrorist attack using chemical, biological, or nuclear weapons. The Commission shall examine the agency's authorities to—

(1) monitor the environment;

(2) evaluate health risks associated with air pollutants that may be released into the environment as result of such a disaster; and

(3) communicate with affected communities and first responders.

The Commission shall submit a report to the President and to the Congress containing the results of such study and including any recommendations of the special commission regarding the clarification and recommendation of Environmental Protection Agency authorities in such situations.

SEC. 11. ACUTELY AND SUB-ACUTELY TOXIC CHEMICAL, BIOLOGICAL, AND RADIOACTIVE EXPOSURE GUIDELINES.

The Administrator of the Environmental Protection Agency shall promulgate guidelines regarding the health risks of short-, medium-, or long-term exposure to acutely or sub-actuely toxic chemical, biological, and radioactive materials that may be released into the environment as a consequence of a major disaster that the President determines constitutes a homeland security event under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and following). The Director of the Centers for Disease Control and Prevention shall provide the Administrator with such information and analysis as may be necessary for the Administrator to promulgate guidelines under this section in the case of biological materials.

SEC. 12. EPA AUTHORITIES FOR ENVIRONMENTAL MONITORING AND ANALYSIS.

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

trator of the Environmental Protection Agency or the Director of the Centers for Disease Control and Prevention (in the case of a release of biological agents) to coordinate all data collection and monitoring and dissemination of analysis regarding the release of pollutants and contaminants (including biological agents) into the environment by reason of any such disaster.

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

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

"SEC. 319L. DATA COLLECTION DURING PUBLIC HEALTH EMERGENCIES; RESEARCH ON ASSISTING VICTIMS; ADVANCED PREPARATION.

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

"(b) ADVANCE PREPARATION FOR EMERGENCY EVENTS.—The Secretary shall provide for the approval of applications for awards under subsection (a) in advance of public health emergencies in order that, upon the occurrence of such an emergency, the Secretary can promptly begin disbursing amounts from the awards and the recipients of the awards can promptly begin carrying out the purpose described in subsection (a).

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2007, in addition to other authorizations of appropriations that are available for such purpose. Amounts appropriated under the preceding sentence are available until expended.".

SEC. 14. DISASTER RELIEF GRANTS FOR LOCAL EDUCATIONAL AGENCIES.

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

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

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

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

(2) Mental health and trauma counseling and other appropriate support services to students suffering from long-term or short-term trauma-related disorders resulting from the disaster.

(3) Guidance and grief counseling and mental health services, including overtime payment for counselors and mental health professionals, for students and school staff.

(4) Textbooks and other school supplies and equipment damaged or destroyed as a result of the disaster, or used to support the relocation of students from schools in the disaster area.

(5) Relocating students, including transportation of students to temporary school facilities.

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

(7) Renting or leasing alternate temporary facilities or transportation.

(c) APPLICATION.—To seek a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary reasonably requires.

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

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

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

(2) The term ''Secretary'' means the Secretary of Education.

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