

109TH CONGRESS
1ST SESSION

S. 2133

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include foreseeable catastrophic events as major disasters, to permit States affected by an event occurring elsewhere to receive assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2005

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

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include foreseeable catastrophic events as major disasters, to permit States affected by an event occurring elsewhere to receive assistance, 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 “Disaster Relief Act
5 of 2005”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) the current definition of a major disaster in
2 section 102 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5122) is
4 insufficient to enable the President to respond quick-
5 ly and efficiently to foreseeable catastrophic events,
6 including many types of potential terrorists attacks,
7 accidents, and health emergencies;

8 (2) more than 1/2 of the disaster planning sce-
9 narios used by the Department of Homeland Secu-
10 rity to evaluate preparedness would not be covered
11 by that present definition;

12 (3) States affected by a event occurring else-
13 where, such as through mass evacuations, the propa-
14 gation of radioactive or toxic substances, or the
15 transmission of infectious agents, may not be eligible
16 for the declaration of a major disaster or for certain
17 types of assistance;

18 (4) emergency declarations, widely used to pro-
19 vide assistance to evacuees following Hurricane
20 Katrina, may not adequate;

21 (5) some types of assistance found to be nec-
22 essary following the evacuations associated with
23 Hurricane Katrina, notably assistance for providing
24 public services such as education, healthcare, long-
25 term housing, and resettlement, are not authorized

1 to be provided under the Robert T. Stafford Dis-
2 aster Relief and Emergency Assistance Act (42
3 U.S.C. 5121 et seq.);

4 (6) the process for appropriating funds for dis-
5 aster assistance is inefficient and often requires sup-
6 plemental appropriations and certain assistance pro-
7 grams have been delayed by insufficient funds;

8 (7) authorization for the Predisaster Hazard
9 Mitigation program, under title II of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance
11 Act (42 U.S.C. 5131 et seq.) will expire on Decem-
12 ber 31, 2005;

13 (8) while the Federal Government is authorized
14 to recover the cost of providing assistance in the
15 event of major disasters or emergencies caused by
16 deliberate actions, costs resulting from negligent ac-
17 tions cannot be recovered;

18 (9) limits on assistance provided to individuals
19 for repair or replacement of housing and total assist-
20 ance, though indexed for inflation, do not adequately
21 reflect increases in the costs of housing that have oc-
22 curred in recent years; and

23 (10) the duration of assistance by the Depart-
24 ment of Defense authorized under section 403(c) of
25 the Robert T. Stafford Disaster Relief and Emer-

1 agency Assistance Act (42 U.S.C. 5170b(c)) for ac-
2 tivities “essential for the preservation of life and
3 property” may be insufficient to meet needs fol-
4 lowing major disasters that are particularly severe or
5 for which the period of recovery is lengthy.

6 (b) PURPOSES.—

7 (1) IN GENERAL.—The purpose of this Act is to
8 expand and enhance the authority and capacity of
9 the President of the United States to alleviate suf-
10 fering and loss resulting from large catastrophic
11 events by appropriately amending the Robert T.
12 Stafford Disaster Relief and Emergency Assistance
13 Act (42 U.S.C. 5121 et seq.).

14 (2) MAJOR DISASTERS.—In amending the defi-
15 nition of the term major disaster in section 102(2)
16 of the Robert T. Stafford Disaster Relief and Emer-
17 gency Assistance Act (42 U.S.C. 5122(2)), Congress
18 intends to expand the types of events that constitute
19 a major disaster and does not intend to exclude any
20 type of event that would have constituted a major
21 disaster prior to the date of the enactment of this
22 Act.

23 **SEC. 3. DEFINITIONS.**

24 (a) MAJOR DISASTER.—Section 102 of the Robert T.
25 Stafford Disaster Relief and Emergency Assistance Act

1 (42 U.S.C. 5122) is amended by striking paragraph (2)
2 and inserting the following:

3 “(2) MAJOR DISASTER.—The term ‘major dis-
4 aster’ means a catastrophic event that—

5 “(A) involves or results in—

6 “(i) a large number of human deaths,
7 injuries, or illnesses;

8 “(ii) substantial property damage or
9 loss; or

10 “(iii) extensive disruption of public
11 services; and

12 “(B) in the determination of the President,
13 is of such severity and magnitude that effective
14 response is beyond the capabilities of the af-
15 fected State or local government.”.

16 (b) UNITED STATES.—Section 102(3) of the Robert
17 T. Stafford Disaster Relief and Emergency Assistance Act
18 (42 U.S.C. 5122(3)) is amended—

19 (1) by striking “‘United States’” and inserting
20 the following:

21 “(3) UNITED STATES.—The term ‘United
22 States’”;

23 (2) by striking “and” after “Samoa,”; and

24 (3) by striking the period at the end and insert-
25 ing the following: “, and the exclusive economic zone

1 and continental shelf (as those terms are defined in
2 the United Nations Convention on the Law of the
3 Sea, done at Montego Bay December 10, 1982) sur-
4 rounding those areas.”.

5 (c) AFFECTED STATE.—Section 102 of the Robert T.
6 Stafford Disaster Relief and Emergency Assistance Act
7 (42 U.S.C. 5122) is amended by adding at the end the
8 following:

9 “(10) AFFECTED STATE.—The term ‘affected
10 State’ means any State—

11 “(A) that suffers damage, loss, or hardship
12 as a result of an occasion or instance satisfying
13 the criteria of paragraph (1) or a catastrophic
14 event satisfying the criteria of paragraph (2);

15 “(B) regardless of location, that suffers in-
16 direct consequences due to an emergency or
17 major disaster declared in another part of the
18 United States, to the extent that, in the deter-
19 mination of the President, assistance provided
20 for under this Act is required; or

21 “(C) that is included in a Presidential dec-
22 laration of an Incident of National Significance
23 under the National Response Plan (developed
24 under Homeland Security Presidential Directive
25 5).”.

1 **SEC. 4. EXTENSION OF PREDISASTER HAZARD MITIGATION**
2 **PROGRAM.**

3 Section 203(m) of the Robert T. Stafford Disaster
4 Relief and Emergency Assistance Act (42 U.S.C.
5 5133(m)) is amended by striking “December 31, 2005”
6 and inserting “December 31, 2010”.

7 **SEC. 5. COORDINATING OFFICERS.**

8 Section 302(a) of the Robert T. Stafford Disaster Re-
9 lief and Emergency Assistance Act (42 U.S.C. 5143(a))
10 is amended—

11 (1) by inserting “(1)” before “Immediately”;

12 and

13 (2) by adding at the end the following:

14 “(2) In the event the President declares an emer-
15 gency or major disaster in more than 1 State as a result
16 of an occasion, instance, or catastrophic event, the Presi-
17 dent may, as appropriate and efficient, appoint 1 or more
18 regional coordinating officers, without regard to State bor-
19 ders. A regional coordinating officer shall report to the
20 Federal coordinating officer appointed under paragraph
21 (1) and the Principal Federal Official for the emergency
22 or major disaster designated under the National Response
23 Plan (developed under Homeland Security Presidential
24 Directive 5).”.

1 **SEC. 6. RECOVERY OF ASSISTANCE.**

2 Section 317 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5160) is
4 amended by inserting “, or through gross negligence,”
5 after “Any person who intentionally”.

6 **SEC. 7. UTILIZATION OF DOD RESOURCES.**

7 Section 403(c)(1) of the Robert T. Stafford Disaster
8 Relief and Emergency Assistance Act (42 U.S.C.
9 5170b(c)(1)) is amended—

10 (1) in the first sentence—

11 (A) by striking “an incident which may ul-
12 timately qualify for assistance under this title
13 or title V of this Act” and inserting the fol-
14 lowing: “a catastrophic event that the President
15 has declared a major disaster”; and

16 (B) by striking “the State in which such
17 incident occurred” and inserting the following:
18 “any State in the area for which the President
19 has declared a major disaster”; and

20 (2) in the third sentence, by striking “10 days”
21 and inserting “30 days”.

22 **SEC. 8. HAZARD MITIGATION.**

23 Section 404(a) of the Robert T. Stafford Disaster Re-
24 lief and Emergency Assistance Act (42 U.S.C. 5170c(a))
25 is amended in the first sentence, by striking “any area

1 affected by a major disaster” and inserting “any area in
2 which the President has declared a major disaster”.

3 **SEC. 9. CONGRESSIONAL NOTIFICATION.**

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

7 (1) in subparagraph (A), by striking “Com-
8 mittee on Environment and Public Works” and in-
9 serting “Committee on Homeland Security and Gov-
10 ernmental Affairs”; and

11 (2) in subparagraph (B), by inserting “and the
12 Committee on Homeland Security” after “Infra-
13 structure”.

14 **SEC. 10. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
15 **HOUSEHOLDS.**

16 Section 408 of the Robert T. Stafford Disaster Relief
17 and Emergency Assistance Act (42 U.S.C. 5173) is
18 amended—

19 (1) in subsection (a)(1), by striking “in the
20 State who, as a direct result of a major disaster,”
21 and inserting the following: “in an area in which the
22 President has declared a major disaster who”;

23 (2) in subsection (c)—

24 (A) in paragraph (2)(C), by striking
25 “\$5,000” and inserting “\$10,000”; and

1 (B) in paragraph (3)(B), by striking
2 “\$10,000” and inserting “\$20,000”; and
3 (3) in subsection (h)(1), by striking “\$25,000”
4 and inserting “\$50,000”.

5 **SEC. 11. EMERGENCY PUBLIC TRANSPORTATION.**

6 Section 419 of the Robert T. Stafford Disaster Relief
7 and Emergency Assistance Act (42 U.S.C. 5186) is
8 amended by striking “an area affected by a major disaster
9 to meet emergency needs” and inserting the following: “an
10 area in which the President has declared a major disaster
11 to meet emergency needs, including evacuation.”.

12 **SEC. 12. EVACUEES.**

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

16 **“SEC. 425. ASSISTANCE IN AREAS RECEIVING EVACUEES.**

17 “If the President determines that other statutory au-
18 thorities are insufficient, the President may award grants
19 or other assistance to an affected State or local govern-
20 ment to be used to meet the temporary health, education,
21 food, and housing needs of evacuees.”.

22 **SEC. 13. DISASTER RELIEF FUND.**

23 (a) IN GENERAL.—Title III of the Robert T. Stafford
24 Disaster Relief and Emergency Assistance Act (42 U.S.C.

1 5141 et seq.) is amended by adding at the end the fol-
2 lowing:

3 **“SEC. 326. DISASTER RELIEF FUND.**

4 “(a) ESTABLISHMENT.—There is established in the
5 Treasury of the United States, under the Office of the
6 Secretary of the Treasury, a Disaster Relief Fund (re-
7 ferred to in this section as the ‘Fund’). The Fund shall
8 be available to provide financial resources to respond to
9 domestic disasters and emergencies described in sub-
10 section (c).

11 “(b) APPROPRIATIONS.—

12 “(1) IN GENERAL.—The Fund shall consist of
13 such sums as are appropriated in accordance with
14 this subsection and such sums as are transferred
15 from the Department of Homeland Security Disaster
16 Relief Fund.

17 “(2) DEFINITION.—For purposes of this sub-
18 section, the term ‘operating expenditures’ means an
19 amount equal to the average amount expended from
20 the Fund, or any predecessor of the Fund, for the
21 preceding 5 years, excluding the years during that 5-
22 year period in which the greatest amount and least
23 amount were expended from the Fund.

24 “(3) DEPOSITS INTO FUND.—On October 1 of
25 each fiscal year, the Secretary of the Treasury shall

1 make a cash deposit into the Fund of an amount
2 sufficient to bring the Fund balance up the amount
3 of operating expenditures as of that date.

4 “(4) REPLENISHMENT.—There shall be appro-
5 priated, for each fiscal year, sufficient amounts to
6 restore the Fund to balance required under para-
7 graph (3).

8 “(c) USE OF FUNDS.—Amounts in the Fund shall
9 only be available to meet the emergency funding require-
10 ments for—

11 “(1) particular domestic disasters and security
12 emergencies designated by a Joint Resolution of
13 Congress; or

14 “(2) an emergency or major disaster declared
15 by the President under this Act.

16 “(d) REPORTING.—Not later than November 30,
17 2006, and annually thereafter, the Director of the Office
18 of Management and Budget shall submit to Congress a
19 report that lists the amounts expended from the Fund for
20 the prior fiscal year for each disaster or emergency under
21 subsection (c).”.

22 (b) ABOLITION OF EXISTING FUND.—

23 (1) TRANSFER OF FUNDS.—The Secretary of
24 Homeland Security shall transfer any funds in De-
25 partment of Homeland Security Disaster Relief

1 Fund to the Disaster Relief Fund established in the
2 Treasury of the United States by section 326 of the
3 Robert T. Stafford Disaster Relief and Emergency
4 Assistance Act (as added by this Act).

5 (2) ABOLITION.—After all funds are trans-
6 ferred to the Disaster Relief Fund in the Treasury
7 of the United States under paragraph (1), the De-
8 partment of Homeland Security Disaster Relief
9 Fund is abolished.

10 (c) CONFORMING AMENDMENTS.—

11 (1) PERMANENT APPROPRIATION.—Section
12 1305 of title 31, United States Code, is amended by
13 adding at the end the following:

14 “(11) EMERGENCY RESERVE FUND.—To make
15 payments into the Disaster Relief Fund established
16 by section 326 of the Robert T. Stafford Disaster
17 Relief and Emergency Assistance Act.”.

18 (d) CONGRESSIONAL BUDGET PROCESS.—Section
19 301(a) of the Congressional Budget Act of 1974 (2 U.S.C.
20 632(a)) is amended—

21 (1) by redesignating paragraphs (6) and (7) as
22 paragraphs (7) and (8) respectively; and

23 (2) by inserting after paragraph (5) the fol-
24 lowing:

1 “(6) total new budget authority and total budg-
2 et outlays for emergency funding requirements for
3 domestic disasters and emergencies, which shall be
4 transferred to the Disaster Relief Fund established
5 by section 326 of the Robert T. Stafford Disaster
6 Relief and Emergency Assistance Act.”.

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