

110TH CONGRESS
2D SESSION

H. R. 6852

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

SEPTEMBER 9, 2008

Mrs. MALONEY of New York (for herself and Mr. SERRANO) 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 Labor, 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 2008”.

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 law, slowed down and complicated Fed-
16 eral 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 “ex-
5 plosion, terrorist attack (including a biological, nuclear,
6 chemical, or small arms attack and a cyber-attack on com-
7 puter systems), dispersion of radioactive or other contami-
8 nants, dispersion of hazardous substances, or other cata-
9 strophic event,”.

10 **SEC. 4. CERTAIN DEFINITIONS OF PUBLIC 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 to read as follows:

14 “(9) PUBLIC FACILITY.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraph (B), the term ‘public facility’
17 means the following facilities owned by a State
18 or local government:

19 “(i) Any flood control, navigation, ir-
20 rigation, reclamation, public power, sewage
21 treatment and collection, water supply and
22 distribution, watershed development, or
23 airport facility.

24 “(ii) Any non-Federal-aid street, road,
25 or highway.

1 “(iii) Any other public building, struc-
2 ture, or system, including those used for
3 educational, recreational, or cultural pur-
4 poses.

5 “(iv) Any park.

6 “(B) HOMELAND SECURITY EVENT.—In
7 the case of a homeland security event as de-
8 scribed in section 425, the term ‘public facility’
9 also includes private for-profit telecommuni-
10 cations and phone services and private for-prof-
11 it utilities (including power, water (including
12 water provided by an irrigation organization or
13 facility), sewer, and wastewater treatment) ex-
14 cept that for-profit utilities shall be covered
15 only for structures and property losses that
16 occur during a homeland security event if such
17 losses are not covered by such utility’s insur-
18 ance policies.”.

19 **SEC. 5. HOMELAND SECURITY EVENTS.**

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

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

24 “(a) IN GENERAL.—At the request of the Governor
25 of the affected State, the President may declare that a

1 major disaster constitutes a homeland security event for
2 the purposes of this section. Such a request shall be based
3 on a finding that Federal assistance is necessary because
4 the event poses a significant risk to the security of the
5 people and property of the Nation and is of such severity
6 and magnitude that effective response is beyond the capa-
7 bility of the affected State and local government.

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

12 “(1) establish a coordinating office and appoint
13 a disaster recovery director—

14 “(A) to work with and coordinate efforts
15 with the Federal coordinating officer appointed
16 under section 302;

17 “(B) to oversee and coordinate the timely
18 distribution of Federal assistance to persons in-
19 jured in such disaster;

20 “(C) to develop methods to expedite claims
21 for relief and assistance by individuals and
22 businesses;

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

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

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

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

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

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

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

22 “(5) authorize reimbursement to a school sys-
23 tem for—

24 “(A) providing additional classroom in-
25 struction time and related activities to students

1 who lost instructional time as a result of the
2 homeland security event;

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

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

13 “(D) clean up and structural inspections
14 and repairs of school facilities;

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

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

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

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

1 “(A) lost equipment or revenue due to a
2 major disaster;

3 “(B) incurred additional costs for security
4 enhancements in anticipation of a homeland se-
5 curity event;

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

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

16 “(7) authorize and direct the Administrator of
17 the Environmental Protection Agency to perform all
18 testing of indoor air quality deemed necessary by the
19 Administrator and to undertake such remedial ac-
20 tions as may be necessary, in the discretion of the
21 Administrator, to protect human health and safety
22 from the contamination of indoor air quality fol-
23 lowing any such event.”.

1 **SEC. 6. CRITICAL SERVICES.**

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

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

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

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

9 **SEC. 7. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
10 **HOUSEHOLDS.**

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

15 **SEC. 8. COMMUNITY DISASTER LOANS.**

16 (a) AMOUNT.—Section 417(b) of the Robert T. Staf-
17 ford Disaster Relief and Emergency Assistance Act (42
18 U.S.C. 5184(b)) is amended by striking “, and shall not
19 exceed \$5,000,000”.

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

23 “(e) INTEREST FORGIVENESS IN CERTAIN CASES.—

24 The President shall not require the payment of any inter-
25 est on a loan made under this section to a local govern-

1 ment which may suffer a substantial loss of tax and other
2 revenues as a result of a homeland security event.”.

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

6 **SEC. 9. STANDARDS AND REPORTING.**

7 The Director of the Office of Management and Budg-
8 et shall—

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

16 (2) collect data from each such agency regard-
17 ing the efforts of such agency for each major dis-
18 aster described in paragraph (1) not less than once
19 each year; and

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

22 **SEC. 10. SPECIAL PRESIDENTIAL COMMISSION TO REVIEW**
23 **AIR QUALITY.**

24 The President shall appoint a special commission to
25 undertake a study of the authorities available to the Envi-

1 Environmental Protection Agency following a major disaster
2 that the President determines constitutes a homeland se-
3 curity event under title IV of the Robert T. Stafford Dis-
4 aster Relief and Emergency Assistance Act (42 U.S.C.
5 5170 and following), particularly a terrorist attack using
6 chemical, biological, or nuclear weapons. The Commission
7 shall examine the agency's authorities to—

- 8 (1) monitor the environment;
- 9 (2) evaluate health risks associated with air pol-
10 lutants that may be released into the environment as
11 result of such a disaster; and
- 12 (3) communicate with affected communities and
13 first responders.

14 The Commission shall submit a report to the President
15 and to the Congress containing the results of such study
16 and including any recommendations of the special commis-
17 sion regarding the clarification and recommendation of
18 Environmental Protection Agency authorities in such situ-
19 ations.

20 **SEC. 11. ACUTELY AND SUB-ACUTELY TOXIC CHEMICAL, BI-**
21 **OLOGICAL, AND RADIOACTIVE EXPOSURE**
22 **GUIDELINES.**

23 The Administrator of the Environmental Protection
24 Agency shall promulgate guidelines regarding the health
25 risks of short-, medium-, or long-term exposure to acutely

1 or sub-actuely toxic chemical, biological, and radioactive
2 materials that may be released into the environment as
3 a consequence of a major disaster that the President de-
4 termines constitutes a homeland security event under title
5 IV of the Robert T. Stafford Disaster Relief and Emer-
6 gency Assistance Act (42 U.S.C. 5170 and following). The
7 Director of the Centers for Disease Control and Preven-
8 tion shall provide the Administrator with such information
9 and analysis as may be necessary for the Administrator
10 to promulgate guidelines under this section in the case of
11 biological materials.

12 **SEC. 12. AUTHORITIES FOR ENVIRONMENTAL MONITORING**
13 **AND ANALYSIS.**

14 In order to provide for standardized and rapid data
15 collection and analysis and communication regarding envi-
16 ronmental risks following any major disaster that the
17 President determines constitutes a homeland security
18 event under title IV of the Robert T. Stafford Disaster
19 Relief and Emergency Assistance Act (42 U.S.C. 5170
20 and following), the President shall designate the Adminis-
21 trator of the Environmental Protection Agency or the Di-
22 rector of the Centers for Disease Control and Prevention
23 (in the case of a release of biological agents) to coordinate
24 all data collection and monitoring and dissemination of
25 analysis regarding the release of pollutants and contami-

1 nants (including biological agents) into the environment
2 by reason of any such disaster.

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

6 Part B of title III of the Public Health Service Act
7 (42 U.S.C. 243 et seq.) is amended by inserting after sec-
8 tion 319M the following section:

9 **“SEC. 319N. DATA COLLECTION DURING PUBLIC HEALTH**
10 **EMERGENCIES; RESEARCH ON ASSISTING**
11 **VICTIMS; ADVANCED PREPARATION.**

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

20 “(b) ADVANCE PREPARATION FOR EMERGENCY
21 EVENTS.—The Secretary shall provide for the approval of
22 applications for awards under subsection (a) in advance
23 of public health emergencies in order that, upon the occur-
24 rence of such an emergency, the Secretary can promptly
25 begin disbursing amounts from the awards and the recipi-

1 ents of the awards can promptly begin carrying out the
2 purpose described in subsection (a).

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—For the
4 purpose of carrying out this section, there are authorized
5 to be appropriated such sums as may be necessary for
6 each of the fiscal years 2009 through 2012, in addition
7 to other authorizations of appropriations that are available
8 for such purpose. Amounts appropriated under the pre-
9 ceding sentence shall remain available until expended.”.

10 **SEC. 14. DISASTER RELIEF GRANTS FOR LOCAL EDU-**
11 **CATIONAL AGENCIES.**

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

18 (b) USE OF FUNDS.—The Secretary may not make
19 a grant under this section unless the applicant involved
20 agrees to use the grant as reimbursement or payment for
21 expenses resulting from a major disaster described in sub-
22 section (a) that occurred after September 10, 2001. Such
23 expenses may include any of the following:

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

4 (2) Mental health and trauma counseling and
5 other appropriate support services to students suf-
6 fering from long-term or short-term trauma-related
7 disorders resulting from the disaster.

8 (3) Guidance and grief counseling and mental
9 health services, including overtime payment for
10 counselors and mental health professionals, for stu-
11 dents and school staff.

12 (4) Textbooks and other school supplies and
13 equipment damaged or destroyed as a result of the
14 disaster, or used to support the relocation of stu-
15 dents from schools in the disaster area.

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

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

20 (7) Renting or leasing alternate temporary fa-
21 cilities or transportation.

22 (c) APPLICATION.—To seek a grant under this sec-
23 tion, a local educational agency shall submit an application
24 to the Secretary at such time, in such manner, and con-

1 taining such information as the Secretary reasonably re-
2 quires.

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

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

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

15 (2) The term “Secretary” means the Secretary
16 of Education.

○