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.

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 “Disaster Relief Act of 2005”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—
(1) the current definition of a major disaster in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is insufficient to enable the President to respond quickly and efficiently to foreseeable catastrophic events, including many types of potential terrorists attacks, accidents, and health emergencies;

(2) more than ½ of the disaster planning scenarios used by the Department of Homeland Security to evaluate preparedness would not be covered by that present definition;

(3) States affected by an event occurring elsewhere, such as through mass evacuations, the propagation of radioactive or toxic substances, or the transmission of infectious agents, may not be eligible for the declaration of a major disaster or for certain types of assistance;

(4) emergency declarations, widely used to provide assistance to evacuees following Hurricane Katrina, may not be adequate;

(5) some types of assistance found to be necessary following the evacuations associated with Hurricane Katrina, notably assistance for providing public services such as education, healthcare, long-term housing, and resettlement, are not authorized
to be provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(6) the process for appropriating funds for disaster assistance is inefficient and often requires supplemental appropriations and certain assistance programs have been delayed by insufficient funds;

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

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

(9) limits on assistance provided to individuals for repair or replacement of housing and total assistance, though indexed for inflation, do not adequately reflect increases in the costs of housing that have occurred in recent years; and

(10) the duration of assistance by the Department of Defense authorized under section 403(c) of the Robert T. Stafford Disaster Relief and Emer-
gency Assistance Act (42 U.S.C. 5170b(c)) for ac-
tivities “essential for the preservation of life and
property” may be insufficient to meet needs fol-
lowing major disasters that are particularly severe or
for which the period of recovery is lengthy.

(b) PURPOSES.—

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

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

SEC. 3. DEFINITIONS.

(a) MAJOR DISASTER.—Section 102 of the Robert T.
Stafford Disaster Relief and Emergency Assistance Act
(42 U.S.C. 5122) is amended by striking paragraph (2) and inserting the following:

“(2) MAJOR DISASTER.—The term ‘major disaster’ means a catastrophic event that—

“(A) involves or results in—

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

“(ii) substantial property damage or loss; or

“(iii) extensive disruption of public services; and

“(B) in the determination of the President, is of such severity and magnitude that effective response is beyond the capabilities of the affected State or local government.”.

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

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

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

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

(3) by striking the period at the end and inserting the following: “, and the exclusive economic zone
and continental shelf (as those terms are defined in
the United Nations Convention on the Law of the
Sea, done at Montego Bay December 10, 1982) sur-
rounding those areas.’’.

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

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

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

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

“(C) that is included in a Presidential dec-
laration of an Incident of National Significance
under the National Response Plan (developed
under Homeland Security Presidential Directive
5).’’.
SEC. 4. EXTENSION OF PREDISASTER HAZARD MITIGATION PROGRAM.

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

SEC. 5. COORDINATING OFFICERS.

Section 302(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(a)) is amended—

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

(2) by adding at the end the following:

“(2) In the event the President declares an emergency or major disaster in more than 1 State as a result of an occasion, instance, or catastrophic event, the President may, as appropriate and efficient, appoint 1 or more regional coordinating officers, without regard to State borders. A regional coordinating officer shall report to the Federal coordinating officer appointed under paragraph (1) and the Principal Federal Official for the emergency or major disaster designated under the National Response Plan (developed under Homeland Security Presidential Directive 5).”.
SEC. 6. RECOVERY OF ASSISTANCE.

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

SEC. 7. UTILIZATION OF DOD RESOURCES.

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

(1) in the first sentence—

(A) by striking “an incident which may ultimately qualify for assistance under this title or title V of this Act” and inserting the following: “a catastrophic event that the President has declared a major disaster”; and

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

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

SEC. 8. HAZARD MITIGATION.

Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the first sentence, by striking “any area
affected by a major disaster” and inserting “any area in
which the President has declared a major disaster”.

SEC. 9. CONGRESSIONAL NOTIFICATION.

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

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

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

SEC. 10. FEDERAL ASSISTANCE TO INDIVIDUALS AND
HOUSEHOLDS.

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

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

(2) in subsection (c)—

(A) in paragraph (2)(C), by striking
“$5,000” and inserting “$10,000”; and
(B) in paragraph (3)(B), by striking “$10,000” and inserting “$20,000”; and

(3) in subsection (h)(1), by striking “$25,000” and inserting “$50,000”.

SEC. 11. EMERGENCY PUBLIC TRANSPORTATION.

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

SEC. 12. EVACUEES.

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. ASSISTANCE IN AREAS RECEIVING EVACUEES.

“If the President determines that other statutory authorities are insufficient, the President may award grants or other assistance to an affected State or local government to be used to meet the temporary health, education, food, and housing needs of evacuees.”.

SEC. 13. DISASTER RELIEF FUND.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.
5141 et seq.) is amended by adding at the end the fol-
lowing:

"SEC. 326. DISASTER RELIEF FUND.

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

"(b) APPROPRIATIONS.—

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

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

"(3) DEPOSITS INTO FUND.—On October 1 of
each fiscal year, the Secretary of the Treasury shall
make a cash deposit into the Fund of an amount sufficient to bring the Fund balance up the amount of operating expenditures as of that date.

“(4) REPLENISHMENT.—There shall be appropriated, for each fiscal year, sufficient amounts to restore the Fund to balance required under paragraph (3).

“(c) USE OF FUNDS.—Amounts in the Fund shall only be available to meet the emergency funding requirements for—

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

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

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

(b) ABOLITION OF EXISTING FUND.—

(1) TRANSFER OF FUNDS.—The Secretary of Homeland Security shall transfer any funds in Department of Homeland Security Disaster Relief
Fund to the Disaster Relief Fund established in the Treasury of the United States by section 326 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by this Act).

(2) ABOLITION.—After all funds are transferred to the Disaster Relief Fund in the Treasury of the United States under paragraph (1), the Department of Homeland Security Disaster Relief Fund is abolished.

(c) CONFORMING AMENDMENTS.—

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

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

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

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

(2) by inserting after paragraph (5) the following:
“(6) total new budget authority and total budget outlays for emergency funding requirements for domestic disasters and emergencies, which shall be transferred to the Disaster Relief Fund established by section 326 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.”