

POST-DISASTER MENTAL HEALTH RESPONSE ACT

SEPTEMBER 28, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DEFAZIO, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 5703]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5703) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide professional counseling services to victims of emergencies declared under such Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE OF LEGISLATION

The purpose of H.R. 5703 is to authorize the President to provide professional counseling services to victims of declared emergencies.

BACKGROUND AND NEED FOR LEGISLATION

The Disaster Relief Act Amendments of 1974 (P.L. 93–288) authorized Crisis Counseling Assistance and Training under Section 413. Later, the *Disaster Relief and Emergency Assistance Amendments of 1988* (P.L. 100–707) renamed the *Disaster Relief Act of 1974* the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* and redesignated Crisis Counseling as Section 416. H.R. 5703 amends the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (*Stafford Act*, P.L. 93–288, as amended) to provide the President authorization to grant the Federal Emergency Management Agency’s (FEMA) Crisis Counseling Assistance and Training Program (CCP) assistance to the victims of Emergency Declarations (ED).

Currently, the *Stafford Act* only authorizes the President to provide CCP assistance following a Major Disaster Declaration.¹ However, there have been ED events where crisis counseling may have been helpful. For example, survivors of the Boston Marathon bombing, which received an ED in 2013, and survivors of the Surfside building collapse, which received an ED in 2021, were ineligible for CCP assistance.

Given this, H.R. 5703 authorizes the President, where appropriate, to provide such assistance for events that receive an ED.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 117th Congress, the following hearings were used to develop or consider H.R. 5703:

On February 16, 2022, the Subcommittee held a hearing titled “FEMA Priorities for 2022: Stakeholder Perspectives.” The Subcommittee received testimony from Mr. Chris Currie, Director, Homeland Security and Justice, U.S. Government Accountability Office; Ms. Erica Bornemann, Director, Vermont Emergency Management, *on behalf of the National Emergency Management Association*; and, Ms. Carolyn Harshman, President, International Association of Emergency Managers. This hearing allowed Members to receive testimony from witnesses who are emergency management experts and represent key external FEMA stakeholders to gauge their perspective regarding what efforts the agency should prioritize in this year.

On April 5, 2022, the Subcommittee held a hearing titled “FEMA Priorities for 2022 and the 2022–2026 Strategic Plan.” The Subcommittee received testimony from Hon. Deanne Criswell, Administrator, Federal Emergency Management Agency (FEMA) U.S. Department of Homeland Security. This hearing allowed Members to receive testimony regarding “FEMA Priorities for 2022 and the 2022–2026 Strategic Plan.”

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 5703, the “*Post-Disaster Mental Health Response Act*,” was introduced in the House on October 22, 2021, by Ms. Pressley, Ms. Titus, Mr. McKinley, and Mr. Meijer, and referred to the Committee on Transportation and Infrastructure. Within the Com-

¹(42 U.S.C. 5192).

mittee on Transportation and Infrastructure, H.R. 5703 was referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management.

The Subcommittee on Economic Development, Public Buildings, and Emergency Management was discharged from further consideration of H.R. 5703 on April 28, 2022.

The Committee considered H.R. 5703 on April 28, 2022, and ordered the measure to be favorably reported to the House by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No recorded votes were requested during consideration of H.R. 5703.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal

and objective of this legislation is to authorize the provision of professional counseling services to victims of declared emergencies.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 5703 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 5703 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the “Post-Disaster Mental Health Response Act”.

Sec. 2. Crisis counseling assistance and training

This section makes crisis counseling benefits authorized by Section 502 of the *Stafford Act* an eligible form of assistance for emergencies declared through authorities in Section 416 of the *Stafford Act*.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

**ROBERT T. STAFFORD DISASTER RELIEF AND
EMERGENCY ASSISTANCE ACT**

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**TITLE V—EMERGENCY ASSISTANCE
PROGRAMS**

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SEC. 502. FEDERAL EMERGENCY ASSISTANCE.

- (a) SPECIFIED.—In any emergency, the President may—
- (1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical and advisory services) in support of State and local emergency assistance efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe, including precautionary evacuations;
 - (2) coordinate all disaster relief assistance (including voluntary assistance) provided by Federal agencies, private organizations, and State and local governments;
 - (3) provide technical and advisory assistance to affected State and local governments for—
 - (A) the performance of essential community services;
 - (B) issuance of warnings of risks or hazards;
 - (C) public health and safety information, including dissemination of such information;
 - (D) provision of health and safety measures; and
 - (E) management, control, and reduction of immediate threats to public health and safety;
 - (4) provide emergency assistance through Federal agencies;

(5) remove debris in accordance with the terms and conditions of section 407;

(6) provide assistance in accordance with section 408 *and section 416*;

(7) assist State and local governments in the distribution of medicine, food, and other consumable supplies, and emergency assistance; and

(8) provide accelerated Federal assistance and Federal support where necessary to save lives, prevent human suffering, or mitigate severe damage, which may be provided in the absence of a specific request and in which case the President—

(A) shall, to the fullest extent practicable, promptly notify and coordinate with a State in which such assistance or support is provided; and

(B) shall not, in notifying and coordinating with a State under subparagraph (A), delay or impede the rapid deployment, use, and distribution of critical resources to victims of an emergency.

(b) GENERAL.—Whenever the Federal assistance provided under subsection (a) with respect to an emergency is inadequate, the President may also provide assistance with respect to efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe, including precautionary evacuations.

(c) GUIDELINES.—The President shall promulgate and maintain guidelines to assist Governors in requesting the declaration of an emergency in advance of a natural or man-made disaster (including for the purpose of seeking assistance with special needs and other evacuation efforts) under this section by defining the types of assistance available to affected States and the circumstances under which such requests are likely to be approved.

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