

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.

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## 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.

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 2003”.

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 statute, slowed down and complicated  
16 Federal 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  
5 “, explosion, terrorist attack (including a biological, nu-  
6 clear, chemical, or small arms attack and a cyber-attack  
7 on computer systems), dispersion of radioactive or other  
8 contaminants, dispersion of hazardous substances, or  
9 other catastrophic event”;

10 **SEC. 4. DEFINITION OF PRIVATE NONPROFIT 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 by adding at the end the following: “In the  
14 case of a homeland security event, such term also includes  
15 private for-profit telecommunications and phone services  
16 and private for-profit utilities (including power, water (in-  
17 cluding water provided by an irrigation organization or fa-  
18 cility), sewer, and wastewater treatment) except that for-  
19 profit utilities shall be covered only for structures and  
20 property losses that occur during a homeland security  
21 event if such losses are not covered by such utility’s insur-  
22 ance policies.

23 **SEC. 5. HOMELAND SECURITY EVENTS.**

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

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

2       “(a) IN GENERAL.—At the request of the Governor  
3 of the affected State, the President may declare that a  
4 major disaster constitutes a homeland security event for  
5 the purposes of this section. Such a request shall be based  
6 on a finding that Federal assistance is necessary because  
7 the event poses a significant risk to the security of the  
8 people and property of the Nation and is of such severity  
9 and magnitude that effective response is beyond the capa-  
10 bility of the affected State and local government.

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

15               “(1) establish a coordinating office and appoint  
16 a disaster recovery director—

17                       “(A) to work with and coordinate efforts  
18 with the Federal coordinating officer appointed  
19 under section 302;

20                       “(B) to oversee and coordinate the timely  
21 distribution of Federal compensation to persons  
22 injured in such disaster;

23                       “(C) to develop methods to expedite claims  
24 for relief and assistance by individuals and  
25 businesses;

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

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

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

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

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

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

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

24          “(5) authorize reimbursement to a school sys-  
25          tem for—

1           “(A) providing additional classroom in-  
2           struction time and related activities to students  
3           who lost instructional time as a result of the  
4           homeland security event;

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

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

15          “(D) clean up and structural inspections  
16          and repairs of school facilities;

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

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

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

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

4                   “(A) lost equipment or revenue due to a  
5           major disaster;

6                   “(B) incurred additional costs for security  
7           enhancements in anticipation of a homeland se-  
8           curity event;

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

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

19           “(7) authorize and direct the Administrator of  
20          the Environmental Protection Agency to perform all  
21          testing of indoor air quality deemed necessary by the  
22          Administrator and to undertake such remedial ac-  
23          tions as may be necessary, in the discretion of the  
24          Administrator, to protect human health and safety

1 from the contamination of indoor air quality fol-  
2 lowing any such event.”.

3 **SEC. 6. CRITICAL SERVICES.**

4 Section 406(a)(3)(B) of the Robert T. Stafford Dis-  
5 aster Relief and Emergency Assistance Act (42 U.S.C.  
6 5172(a)(3)(B)) is amended—

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

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

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

11 **SEC. 7. FEDERAL ASSISTANCE TO INDIVIDUALS AND**  
12 **HOUSEHOLDS.**

13 Section 408(a)(1) of the Robert T. Stafford Disaster  
14 Relief and Emergency Assistance Act (42 U.S.C.  
15 5174(a)(1)) is amended by striking “direct” each place  
16 it appears.

17 **SEC. 8. COMMUNITY DISASTER LOANS.**

18 (a) AMOUNT.—Section 417(b) of the Robert T. Staf-  
19 ford Disaster Relief and Emergency Assistance Act (42  
20 U.S.C. 5184(b)) is amended—

21 (1) by striking “, shall not exceed” and insert-  
22 ing “and shall not exceed”; and

23 (2) by striking “, and shall not exceed  
24 \$5,000,000”.



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

4 “(e) INTEREST FORGIVENESS IN CERTAIN CASES.—  
5 The President shall not require the payment of any inter-  
6 est on a loan made under this section to a local govern-  
7 ment which may suffer a substantial loss of tax and other  
8 revenues as a result of a homeland security event.”.

9 (c) APPLICABILITY.—The amendments made by this  
10 section shall apply with respect to any major disaster oc-  
11 curring on or after October 30, 2000.

12 **SEC. 9. STANDARDS AND REPORTING.**

13 The Director of the Office of Management and Budg-  
14 et shall—

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

22 (2) collect data from each such agency regard-  
23 ing the efforts of such agency for each major dis-  
24 aster described in paragraph (1) not less than once  
25 each year; and

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

3 **SEC. 10. SPECIAL PRESIDENTIAL COMMISSION TO REVIEW**  
4 **AIR QUALITY.**

5       The President shall appoint a special commission to  
6 undertake a study of the authorities available to the Envi-  
7 ronmental Protection Agency following a major disaster  
8 that the President determines constitutes a homeland se-  
9 curity event under title IV of the Robert T. Stafford Dis-  
10 aster Relief and Emergency Assistance Act (42 U.S.C.  
11 5170 and following), particularly a terrorist attack using  
12 chemical, biological, or nuclear weapons. The Commission  
13 shall examine the agency's authorities to—

- 14           (1) monitor the environment;
- 15           (2) evaluate health risks associated with air pol-  
16 lutants that may be released into the environment as  
17 result of such a disaster; and
- 18           (3) communicate with affected communities and  
19 first responders.

20 The Commission shall submit a report to the President  
21 and to the Congress containing the results of such study  
22 and including any recommendations of the special commis-  
23 sion regarding the clarification and recommendation of  
24 Environmental Protection Agency authorities in such situ-  
25 ations.

1 **SEC. 11. ACUTELY AND SUB-ACUTELY TOXIC CHEMICAL, BI-**  
2 **OLOGICAL, AND RADIOACTIVE EXPOSURE**  
3 **GUIDELINES.**

4 The Administrator of the Environmental Protection  
5 Agency shall promulgate guidelines regarding the health  
6 risks of short-, medium-, or long-term exposure to acutely  
7 or sub-actuely toxic chemical, biological, and radioactive  
8 materials that may be released into the environment as  
9 a consequence of a major disaster that the President de-  
10 termines constitutes a homeland security event under title  
11 IV of the Robert T. Stafford Disaster Relief and Emer-  
12 gency Assistance Act (42 U.S.C. 5170 and following). The  
13 Director of the Centers for Disease Control and Preven-  
14 tion shall provide the Administrator with such information  
15 and analysis as may be necessary for the Administrator  
16 to promulgate guidelines under this section in the case of  
17 biological materials.

18 **SEC. 12. EPA AUTHORITIES FOR ENVIRONMENTAL MONI-**  
19 **TORING AND ANALYSIS.**

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

1   trator of the Environmental Protection Agency or the Di-  
2   rector of the Centers for Disease Control and Prevention  
3   (in the case of a release of biological agents) to coordinate  
4   all data collection and monitoring and dissemination of  
5   analysis regarding the release of pollutants and contami-  
6   nants (including biological agents) into the environment  
7   by reason of any such disaster.

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

11       Part B of title III of the Public Health Service Act  
12   (42 U.S.C. 243 et seq.) is amended by inserting after sec-  
13   tion 319K the following section:

14   **“SEC. 319L. DATA COLLECTION DURING PUBLIC HEALTH**  
15                   **EMERGENCIES; RESEARCH ON ASSISTING**  
16                  **VICTIMS; ADVANCED PREPARATION.**

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

1       “(b) ADVANCE PREPARATION FOR EMERGENCY  
 2 EVENTS.—The Secretary shall provide for the approval of  
 3 applications for awards under subsection (a) in advance  
 4 of public health emergencies in order that, upon the occur-  
 5 rence of such an emergency, the Secretary can promptly  
 6 begin disbursing amounts from the awards and the recipi-  
 7 ents of the awards can promptly begin carrying out the  
 8 purpose described in subsection (a).

9       “(c) AUTHORIZATION OF APPROPRIATIONS.—For the  
 10 purpose of carrying out this section, there are authorized  
 11 to be appropriated such sums as may be necessary for  
 12 each of the fiscal years 2004 through 2007, in addition  
 13 to other authorizations of appropriations that are available  
 14 for such purpose. Amounts appropriated under the pre-  
 15 ceding sentence are available until expended.”.

16 **SEC. 14. DISASTER RELIEF GRANTS FOR LOCAL EDU-**  
 17 **CATIONAL AGENCIES.**

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

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

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

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

8           (2) Mental health and trauma counseling and  
9           other appropriate support services to students suf-  
10          fering from long-term or short-term trauma-related  
11          disorders resulting from the disaster.

12          (3) Guidance and grief counseling and mental  
13          health services, including overtime payment for  
14          counselors and mental health professionals, for stu-  
15          dents and school staff.

16          (4) Textbooks and other school supplies and  
17          equipment damaged or destroyed as a result of the  
18          disaster, or used to support the relocation of stu-  
19          dents from schools in the disaster area.

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

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

24          (7) Renting or leasing alternate temporary fa-  
25          cilities or transportation.

1       (c) APPLICATION.—To seek a grant under this sec-  
2       tion, a local educational agency shall submit an application  
3       to the Secretary at such time, in such manner, and con-  
4       taining such information as the Secretary reasonably re-  
5       quires.

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

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

14           (1) The term “local educational agency” has  
15           the meaning given to that term in section 9101 of  
16           the Elementary and Secondary Education Act of  
17           1965 (20 U.S.C. 7801).

18           (2) The term “Secretary” means the Secretary  
19           of Education.

○