

111TH CONGRESS  
1ST SESSION

# H. R. 1131

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

FEBRUARY 23, 2009

Mrs. MALONEY 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

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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 2009”.

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 2010 through 2013, 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.

○