

118TH CONGRESS
2D SESSION

S. _____

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make volunteer hours eligible to offset the non-Federal cost share of disaster assistance, to establish the Community Emergency Response Team Grant Program within the Federal Emergency Management Agency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. BUTLER introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make volunteer hours eligible to offset the non-Federal cost share of disaster assistance, to establish the Community Emergency Response Team Grant Program within the Federal Emergency Management Agency, 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 [“_____ Act of
5 _____”].

1 **SEC. 2. LOCAL COST SAVINGS ENHANCEMENTS.**

2 The Robert T. Stafford Disaster Relief and Emer-
3 gency Assistance Act is amended by adding at the end
4 the following:

5 **“SEC. 707. NON-FEDERAL SHARE DEDUCTION.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) COVERED DISASTER RELIEF ACTIVITIES.—

8 The term ‘covered disaster relief activities’—

9 “(A) means labor in any field reasonably
10 required for emergency work; and

11 “(B) includes work performed by volunteer
12 equipment operators.

13 “(2) COVERED VOLUNTEER RATE.—The term
14 ‘covered volunteer rate’, with respect to work per-
15 formed by volunteers **【**of an organization *-note: what*
16 *organization? are you just referring to community*
17 *emergency response teams?***】**—

18 “(A) means the same rate ordinarily paid
19 for similar work **【**within the applicant’s organi-
20 zation *-who is the applicant? what organiza-*
21 *tion?***】**; and

22 “(B) includes reasonable fringe benefits
23 **【**relating to the volunteer work**】**.

24 “(b) DEDUCTION FROM FEDERAL-SHARE.—Notwith-
25 standing any other provision of this Act, **【**a State, local
26 government, or Indian tribal government receiving assist-

1 ance under this Act?】 may deduct the covered volunteer
2 rate for the number of hours worked by volunteers 【par-
3 ticipating in covered disaster relief activities of a commu-
4 nity emergency response team (as defined in section
5 617(a)) in the jurisdiction of the State, local government,
6 or Indian tribal government】 from the total amount of
7 non-Federal funds the 【State, local government, or Indian
8 tribal government】 is required to contribute in order to
9 receive that assistance 【*note: it may make more sense to*
10 *make this a part of section 617 if using definitions from*
11 *617/tying this to participation in 617-thoughts?*】 if—

12 “(1) a 【local public official-an official of the
13 State, local government, or Indian tribal govern-
14 ment?】 or an individual designated by such an offi-
15 cial documents—

16 “(A) the number of hours volunteered by
17 each volunteer;

18 “(B) the work site at which each volunteer
19 works;

20 “(C) a description of the work of each vol-
21 unteer; and

22 “(D) a description of the equipment and
23 materials used by each volunteer; and

24 “(2) the work performed by the volunteers is
25 emergency work organized by an 【eligible applicant

1 and is eligible under the Public Assistance program-
2 *note: please clarify what an eligible applicant is and*
3 *what the public assistance program you are referring*
4 *to is*】, including—

5 “(A) removing 【eligible】 debris 【*note:*
6 *what about debris would make the debris ‘eligi-*
7 *ble’?*】;

8 “(B) filling and placing sandbags;

9 “(C) donating equipment to raise or rein-
10 force a levee;

11 “(D) donating materials, such as rocks or
12 sand;

13 “(E) search and rescue that is part of an
14 organized search and rescue operation;

15 “(F) professional safety inspections;

16 “(G) 【providing】 mass food and shelter
17 for victims if such a provision is not the mission
18 of 【the organization -*what organization are you*
19 *referring to? a community emergency response*
20 *team?*】.”.

21 **SEC. 3. COMMUNITY EMERGENCY RESPONSE TEAM GRANT**
22 **PROGRAM.**

23 Subtitle A of title VI of the Robert T. Stafford Dis-
24 aster Relief and Emergency Assistance Act (42 U.S.C.

1 5195 et seq.) is amended by adding at the end the fol-
2 lowing:

3 **“SEC. 617. COMMUNITY EMERGENCY RESPONSE TEAM**
4 **GRANT PROGRAM.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) ADMINISTRATOR.—The term ‘Adminis-
7 trator’ means the Administrator of the Agency.

8 “(2) AGENCY.—The term ‘Agency’ means the
9 Federal Emergency Management Agency.

10 “(3) COMMUNITY EMERGENCY RESPONSE
11 TEAM.—The term ‘community emergency response
12 team’ means a community emergency response team
13 described in subsection (b)(2).

14 “(4) ELIGIBLE SPONSORING AGENCY.—The
15 term ‘eligible sponsoring agency’ means—

16 “(A) an agency of—

17 “(i) a State;

18 “(ii) a local government;

19 “(iii) an Indian tribal government

20 *【note: this is a defined term in Stafford-*
21 *please confirm this is as wanted】*; or

22 “(iv) a special district *【note: what is*
23 *a special district? this is vague-recommend*
24 *clarifying or defining】*;

1 “(B) a nonprofit organization **[define?]**;

2 and

3 “(C) a community-based group.

4 “(5) PROGRAM.—The term ‘Program’ means
5 the Community Emergency Response Team Grant
6 Program established under subsection (b)(1).

7 “(6) STATE.—Notwithstanding section 602(a),
8 the term ‘State’ does not include an interstate emer-
9 gency preparedness authority established under sec-
10 tion 611(h).

11 “(b) ESTABLISHMENT.—

12 “(1) IN GENERAL.—There is established within
13 the Agency a program to be known as the ‘Commu-
14 nity Emergency Response Team Grant Program’.

15 “(2) GRANTS.—Under the Program, the Ad-
16 ministrator shall award a grant to each State for the
17 purpose of establishing and maintaining community
18 emergency response teams in the State to—

19 “(A) educate the public about emergency
20 preparedness; and

21 “(B) teach the public basic emergency re-
22 sponse skills.

23 “(3) SUBGRANTS.—

24 “(A) IN GENERAL.—A State receiving
25 amounts from a grant under paragraph (2)

1 shall use the amounts to make subgrants to eli-
2 gible sponsoring agencies located in the State
3 【for the purpose of carrying out community
4 emergency response team activities?】.

5 “(B) APPLICATIONS.—An eligible spon-
6 soring agency seeking a subgrant from a State
7 under this paragraph shall submit an applica-
8 tion to the State at such time, in such manner,
9 and containing such information determined by
10 the State.

11 “(c) ALLOCATION OF AMOUNTS.—In allocating
12 amounts to States under subsection (b)(2) in each fiscal
13 year, the Administrator shall—

14 “(1) subject to paragraph (2), allocate not less
15 than 0.75 percent of the total amount appropriated
16 in the fiscal year for grants under this section to
17 each State;

18 “(2) allocate not less than 0.25 percent of the
19 total amount appropriated in the fiscal year for
20 grants under this section to each of the Virgin Is-
21 lands, America Samoa, Guam, and the Common-
22 wealth of the Northern Mariana Islands; and

23 “(3) allocate the remainder of the total amount
24 appropriated in the fiscal year for grants under this

1 section to each State on the basis of a competitive
2 grant application.

3 “(d) PERMITTED USES.—

4 “(1) IN GENERAL.—A State receiving a grant
5 under this section may use amounts from the
6 grant—

7 “(A) to establish, train, and maintain com-
8 munity emergency response teams—

9 “(i) including teams that specialize in
10 emergency response with respect to cam-
11 puses of institutions of higher education,
12 teens, workplaces, animal rescue, and other
13 specialties approved by the Administrator;
14 and

15 “(ii) with a focus on rural and histori-
16 cally underserved communities;

17 “(B) to procure appropriate tools, equip-
18 ment, gear, and training aides for the establish-
19 ment, training, and maintenance described in
20 subparagraph (A);

21 “(C) for programs and activities relating
22 to—

23 “(i) planning;

24 “(ii) public information and warning;

25 “(iii) risk management for protection;

1 “(iv) mass care services;

2 “(v) intelligence and information shar-
3 ing;

4 “(vi) risk and disaster resilience as-
5 sessments; and

6 “(vii) long-term vulnerability reduc-
7 tion;

8 “(D) to recruit emergency response volun-
9 teers, including the cost of marketing, brand-
10 ing, and promotions;

11 “(E) to perform voluntary background
12 check screenings on the volunteers described in
13 subparagraph (D) if the State requires a back-
14 ground check screening to be performed on
15 those volunteers in order to perform emergency
16 response activities; and

17 “(F) subject to paragraph (2), for ex-
18 penses directly relating complying with the re-
19 quirements of this section.

20 “(2) LIMITATION.—A state may not use more
21 than 5 percent of amounts from a grant under this
22 section for the expenses described in paragraph
23 (1)(F).

24 “(e) NO MATCHING REQUIREMENT.—The Adminis-
25 trator may not require a State to contribute amounts to

1 carry out the purposes of this section. *【note: you had*
2 *added ‘locality, nonprofit organization, or tribal entity’*
3 *here-but FEMA does not give amounts directly to these enti-*
4 *ties, so that wouldn’t make sense. Additionally, there is a*
5 *prohibition on this from the State to an eligible sponsoring*
6 *agency in (f)(2).】*

7 “(f) PASS-THROUGH REQUIREMENT.—

8 “(1) IN GENERAL.—A State receiving a grant
9 under this section shall award not less than 75 per-
10 cent of the amounts from the grant to **【eligible**
11 **sponsoring agencies?】** in the State **【under sub-**
12 **section(b)(3)】**.

13 “(2) PROHIBITION.—A State may not condition
14 the award of funds under paragraph (1) to an **【eligi-**
15 **ble sponsoring agency】** on the contribution of
16 amounts by the**【eligible sponsoring agency】** to car-
17 rying out the purposes of this section.

18 “(g) FUNDS FOR ADMINISTRATION.—Each State
19 through which a recipient **【local government or eligible**
20 **sponsoring agency?】** receives a **【sub?】**grant under this
21 section may retain not more than 5 percent of the amount
22 of each grant for expenses directly relating to the adminis-
23 tration of the grant.

24 “(h) PERIOD OF PERFORMANCE.—The Adminis-
25 trator shall make amounts from a grant awarded to a

1 State under this section available for use by the State for
2 not less than 3 years.

3 “(i) REPORTING REQUIREMENTS.—

4 “(1) SURVEYS.—The Administrator shall en-
5 courage a community emergency response team ben-
6 efitting from a grant awarded under this section to
7 complete an annual survey as outlined in the Na-
8 tional Preparedness Goal.

9 “(2) REPORTS.—Not later than X, and not less
10 frequently than annually until the date that is X
11 after the date of enactment of the [_____
12 Act of _____], the Administrator shall submit to
13 Committee on Homeland Security and Governmental
14 Affairs of the Senate and the Committee on Home-
15 land Security of the House of Representatives a re-
16 port—

17 “(A) on the results of the surveys con-
18 ducted under paragraph (1) that includes, with
19 respect to community emergency response
20 teams benefitting from a grant awarded under
21 this section and the year covered by the re-
22 port—

23 “(i) an accounting of the total number
24 of disaster relief volunteers trained by a
25 community emergency response team;

1 “(ii) the number of times a commu-
2 nity response team activated emergency re-
3 sponse volunteers, the location of those ac-
4 tivations, and the number of emergency re-
5 sponse volunteer hours tallied【, in accord-
6 ance with existing FEMA reporting guide-
7 lines-note: *what are these guidelines you are*
8 *citing? it is best to include them here since*
9 *this will override anything in regulation or*
10 *guidance or at the very least be very specific*
11 *in your citation to them*】;

12 “(iii) a review of 【current or past-re-
13 ferring only to the year covered by the re-
14 port? or at any time?】 【claims, losses, or
15 near-miss events-define these terms?】 to
16 help identify the liability exposures of com-
17 munity response teams;

18 “(iv) 【An annual report to Congress
19 summarizing-note: do you want the infor-
20 mation in this subpara in a separate report
21 or can it be included in the report already
22 being described in this paragraph?】 【the
23 outcomes and findings of the CERT Cer-
24 tification Results survey-isn’t this already
25 covered in the language preceding clause

1 (i)?】 and recommendations for enhancing
2 the efficiency and efficacy of community
3 emergency response teams; and

4 “(v) recommendations for enhancing
5 community emergency response teams
6 【note: already covered in clause (iv)?】; and
7 “(B) that includes—

8 “(i) the amounts expended by each
9 State receiving a grant under this section;

10 “(ii) the number of applications sub-
11 mitted by eligible sponsoring agencies for a
12 subgrant to each State under subsection
13 (b)(3)(B);

14 “(C) 【the number of applications sub-
15 mitted by each State to the Administrator -note:
16 are applications required? there is no language
17 to this effect--and the award of funding is man-
18 datory to each State. Also, if States were re-
19 quired to submit an application, wouldn't it just
20 be 1 per State?】; and

21 “(D) information relating to the operations
22 of the office established pursuant to subsection
23 (j)(1), including staffing resources and efforts
24 described in subparagraphs (A) through (D) of
25 subsection 【(j)(3)】.

1 “(j) ADMINISTRATION.—Not later than 120 days
2 after the date of enactment of the [_____ Act of
3 _____], the Administrator shall—

4 “(1) designate a senior official of the Agency to
5 be the head of the Program; and

6 “(2) [note: are these meant to be ongoing pro-
7 gram administration duties? so not subject to the
8 deadline above?] in coordination with States if ap-
9 propriate, perform activities for the administration
10 of the Program, including activities relating to—

11 “(A) outreach, engagement, education, and
12 technical assistance and support to eligible
13 sponsoring organizations, paying particular at-
14 tention to eligible sponsoring organizations lo-
15 cated in underserved communities, before, dur-
16 ing, and after the award of grants under this
17 section;

18 “(B) the establishment of mechanisms to
19 ensure program office processes are conducted
20 in accordance with constitutional, statutory,
21 and regulatory requirements that protect civil
22 rights and civil liberties and advance equal ac-
23 cess for members of underserved communities;

1 “(C) the establishment of mechanisms to
2 identify and collect data to measure the effec-
3 tiveness of grants under the Program;

4 “(D) the establishment and enforcement of
5 standardized baseline operational requirements
6 for States receiving a grant under this section,
7 including requirements for those States to
8 eliminate or prevent any administrative or oper-
9 ational obstacles that may impact eligible spon-
10 soring organizations from receiving amounts
11 from the State to carry out activities described
12 in this section;

13 “(E) carrying out efforts to prevent waste,
14 fraud, and abuse, including through audits of
15 States receiving grants under this section; and

16 “(F) promoting diversity with respect to
17 the types and locations of eligible sponsoring
18 agencies that are applying for subgrants under
19 the Program.

20 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Administrator of
22 the Federal Emergency Management Agency [for each of
23 fiscal years 20XX through 20XX] such sums as may be
24 necessary to carry out this section.”.