

112TH CONGRESS
1ST SESSION

H. R. 1128

To authorize the Secretary of Homeland Security to establish a competitive program to make emergency preparedness planning and implementation grants to local educational agencies and districts located in areas under a high threat of terrorist attacks, natural disasters, or public health emergencies.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2011

Ms. RICHARDSON (for herself, Ms. BASS of California, Ms. WILSON of Florida, Mr. BACA, Mr. SABLAN, Ms. JACKSON LEE of Texas, Ms. NORTON, and Mr. FILNER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security and Energy and Commerce, 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

A BILL

To authorize the Secretary of Homeland Security to establish a competitive program to make emergency preparedness planning and implementation grants to local educational agencies and districts located in areas under a high threat of terrorist attacks, natural disasters, or public health emergencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Elementary and Sec-
3 ondary School Emergency Preparedness Planning Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) There is an immediate need for comprehen-
7 sive and coordinated emergency preparedness plan-
8 ning support for local educational agencies and dis-
9 tricts nationwide.

10 (2) Local educational agencies and districts his-
11 torically have had limited roles in the emergency
12 preparedness planning process administered by other
13 agencies and districts, have not received priority
14 consideration in that process, and have had minimal
15 access to funds allocated to emergency preparedness.

16 (3) Grants made under section 3 will enable
17 local educational agencies and districts to take an
18 active role in emergency planning and give them ac-
19 cess to the broad range of skills and expertise of the
20 many other agencies or districts involved in emer-
21 gency planning and preparedness.

22 **SEC. 3. ELEMENTARY AND SECONDARY SCHOOL EMER-**
23 **GENCY PREPAREDNESS PLANNING GRANT**
24 **PROGRAM.**

25 (a) **ESTABLISHMENT.**—The Secretary of Homeland
26 Security shall establish a competitive program to make

1 grants for emergency preparedness planning and imple-
2 mentation to local educational agencies and districts lo-
3 cated in areas under a high threat of terrorist attacks,
4 natural disasters, or public health emergencies.

5 (b) ELIGIBILITY.—The Secretary may only award a
6 grant under this section to a local educational agency or
7 district that—

8 (1) is located near a place that is under a high
9 threat of—

10 (A) terrorist attacks, as determined by the
11 Secretary;

12 (B) natural disasters, as determined by the
13 Secretary, acting through the Administrator of
14 the Federal Emergency Management Agency;
15 or

16 (C) public health emergencies, as deter-
17 mined by the Secretary, in consultation with the
18 Director of the Centers for Disease Control and
19 Prevention; and

20 (2) submits an application at such time, in such
21 form, and with such information and assurances as
22 the Secretary may require, including—

23 (A) assurances that such local educational
24 agency or district will use such grant amounts
25 to carry out the activities in subsection (e); and

1 (B) a budget and timeline for carrying out
2 such activities.

3 (c) PRIORITY.—

4 (1) INITIAL PRIORITY.—In awarding grants
5 under this section, the Secretary shall give priority
6 to local educational agencies and districts located in
7 areas with higher population densities and that are
8 under a higher threat of terrorist attacks, natural
9 disasters, or public health emergencies than other
10 local educational agencies and districts eligible under
11 subsection (b).

12 (2) FURTHER PRIORITY.—Among the priority
13 local educational agencies and districts described in
14 paragraph (1), the Secretary shall give further pri-
15 ority to local educational agencies and districts that
16 have in the past demonstrated the ability to formu-
17 late and implement effective emergency preparedness
18 plans.

19 (d) GRANT AMOUNT.—Amounts awarded under this
20 section shall not exceed \$500,000 per local educational
21 agency or district per fiscal year.

22 (e) USE OF FUNDS.—

23 (1) REQUIRED USE OF FUNDS.—

24 (A) IN GENERAL.—A local educational
25 agency or district receiving a grant under this

1 section shall use such funds to implement or to
2 formulate and implement an emergency pre-
3 paredness plan.

4 (B) ELEMENTS OF PLAN.—The plan re-
5 quired by subparagraph (A) shall provide for—

6 (i) the creation in the office of the su-
7 perintendent or other chief executive offi-
8 cer of the local educational agency or dis-
9 trict of a School Emergency Response Cen-
10 ter to provide coordination, communica-
11 tion, and support for school-based emer-
12 gency preparedness planning and imple-
13 mentation;

14 (ii) the creation of a Regional Advi-
15 sory Council chaired by the superintendent
16 or other chief executive officer of the local
17 educational agency or district and com-
18 posed of other appropriate representatives
19 from the local educational agency or dis-
20 trict and from emergency management and
21 law enforcement agencies, local public
22 health offices, nongovernmental organiza-
23 tions, and other appropriate stakeholders;
24 and

1 (iii) the development of a plan specific
2 to each school under the local educational
3 agency's or district's authority for each
4 type of emergency likely to occur in the
5 area.

6 (2) PERMITTED USE OF FUNDS.—A local edu-
7 cational agency or district receiving a grant under
8 this section may use any such funds remaining after
9 complying with paragraph (1)(A) for any purpose
10 relating to emergency preparedness planning or im-
11 plementation.

12 (f) LOCAL EDUCATIONAL AGENCY DEFINED.—As
13 used in this section, the term “local educational agency”
14 has the meaning given the term in section 9101(26) of
15 the Elementary and Secondary Education Act of 1965 (20
16 U.S.C. 7801(26)), and, if applicable, such term also in-
17 cludes a group of local educational agencies located in the
18 same region that are collaborating to formulate and imple-
19 ment an emergency preparedness plan described in sub-
20 section (e)(1) of this section.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$25,000,000, of which not more than 5 percent shall be

- 1 available for the costs of administering the grant program,
- 2 for each of the fiscal years 2012 through 2014.

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