

Union Calendar No. 478

116TH CONGRESS
2D SESSION

H. R. 8266

[Report No. 116–580]

To modify the Federal cost share of certain emergency assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to modify the activities eligible for assistance under the emergency declaration issued by the President on March 13, 2020, relating to COVID–19, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2020

Mr. DEFazio (for himself, Mr. THOMPSON of California, Mrs. LOWEY, Ms. TITUS, Ms. ROYBAL-ALLARD, Mr. BLUMENAUER, Mr. WALDEN, Mr. SCHRADER, Ms. BONAMICI, Ms. NORTON, Mrs. NAPOLITANO, Mr. SEAN PATRICK MALONEY of New York, Mr. PAYNE, Mr. CARBAJAL, Mr. LOWENTHAL, Mr. STANTON, Mr. HUFFMAN, Mr. PAPPAS, Mr. GARAMENDI, Ms. FINKENAUER, Mr. LIPINSKI, Mr. CARSON of Indiana, Mr. SIRES, Ms. MUCARSEL-POWELL, Mr. LYNCH, Mr. DESAULNIER, Mr. ROUDA, Mr. PANETTA, Mr. COSTA, Ms. JOHNSON of Texas, Mr. COHEN, Ms. SÁNCHEZ, Mr. BROWN of Maryland, Ms. ESHOO, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

NOVEMBER 16, 2020

Additional sponsors: Ms. PLASKETT, Ms. BROWNLEY of California, Mr. MALINOWSKI, Mr. LARSEN of Washington, Mr. KHANNA, Mr. SWALWELL of California, Ms. CRAIG, Ms. JUDY CHU of California, and Mr. BYRNE

NOVEMBER 16, 2020

Reported with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on September 16, 2020]

A BILL

To modify the Federal cost share of certain emergency assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to modify the activities eligible for assistance under the emergency declaration issued by the President on March 13, 2020, relating to COVID–19, 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 “FEMA Assistance Relief*
 5 *Act of 2020”.*

6 **SEC. 2. COST SHARE.**

7 (a) *TEMPORARY FEDERAL SHARE.*—Notwithstanding
 8 sections 403(b), 403(c)(4), 404(a), 406(b), 408(d),
 9 408(g)(2), 428(e)(2)(B), and 503(a) of the Robert T. Staf-
 10 ford Disaster Relief and Emergency Assistance Act (42
 11 U.S.C. 5121 et seq.), for any emergency or major disaster
 12 declared by the President under such Act during the period
 13 beginning on January 1, 2020 and ending on December 31,
 14 2020, the Federal share of assistance provided under such
 15 sections shall be not less than 90 percent of the eligible cost
 16 of such assistance.

17 (b) *COST SHARE UNDER COVID EMERGENCY DEC-*
 18 *LARATION.*—Notwithstanding subsection (a), assistance
 19 provided under the emergency declaration issued by the
 20 President on March 13, 2020, pursuant to section 501(b)
 21 of the Robert T. Stafford Disaster Relief and Emergency
 22 Assistance Act (42 U.S.C. 5191(b)), and under any subse-
 23 quent major disaster declaration under section 401 of such
 24 Act (42 U.S.C. 5170) that supersedes such emergency dec-
 25 laration, shall be at a 100 percent Federal cost share.

1 **SEC. 3. CLARIFICATION OF ASSISTANCE.**

2 (a) *IN GENERAL.*—For the emergency declared on
3 March 13, 2020 by the President under section 501 of the
4 Robert T. Stafford Disaster Relief and Emergency Assist-
5 ance Act (42 U.S.C. 5191), the President may provide as-
6 sistance for activities, costs, and purchases of States, Indian
7 tribal governments, or local governments, including—

8 (1) activities eligible for assistance under sec-
9 tions 301, 415, 416, and 426 of the Robert T. Stafford
10 Disaster Relief and Emergency Assistance Act (42
11 U.S.C. 5141, 5182, 5183, 5189d);

12 (2) backfill costs for first responders and other
13 essential employees who are ill or quarantined;

14 (3) increased operating costs for essential govern-
15 ment services due to such emergency, including costs
16 for implementing continuity plans, and sheltering or
17 housing for first responders, emergency managers,
18 health providers and other essential employees;

19 (4) costs of providing guidance and information
20 to the public and for call centers to disseminate such
21 guidance and information, including private non-
22 profit organizations;

23 (5) costs associated with establishing and oper-
24 ating virtual services;

1 (6) costs for establishing and operating remote
2 test sites, including comprehensive community based
3 testing;

4 (7) training provided specifically in anticipation
5 of or in response to the event on which such emer-
6 gency declaration is predicated;

7 (8) personal protective equipment and other crit-
8 ical supplies and services for first responders and
9 other essential employees, including individuals work-
10 ing in public schools, courthouses, law enforcement,
11 and public transit systems;

12 (9) medical equipment, regardless of whether
13 such equipment is used for emergency or inpatient
14 care;

15 (10) public health costs, including provision and
16 distribution of medicine and medical supplies;

17 (11) costs associated with maintaining alternate
18 care facilities or related facilities currently inactive
19 but related to future needs tied to the ongoing pan-
20 demic event;

21 (12) costs of establishing and operating shelters
22 and providing services, including transportation, that
23 help alleviate the need of individuals for shelter; and

24 (13) costs, including costs incurred by private
25 nonprofit organizations, of procuring and distrib-

1 *uting food to individuals affected by the pandemic*
 2 *through networks established by State, local, or Tribal*
 3 *governments, or other organizations, including res-*
 4 *taurants and farms, and for the purchase of food di-*
 5 *rectly from food producers and farmers.*

6 (b) *APPLICATION TO SUBSEQUENT MAJOR DIS-*
 7 *ASTER.—The activities described in subsection (a) may also*
 8 *be eligible for assistance under any major disaster declared*
 9 *by the President under section 401 of such Act (42 U.S.C.*
 10 *5170) that supersedes the emergency declaration described*
 11 *in such subsection.*

12 (c) *FINANCIAL ASSISTANCE FOR FUNERAL EX-*
 13 *PENSES.—For any emergency or major disaster described*
 14 *in subsection (a) or (b), the President shall provide finan-*
 15 *cial assistance to an individual or household to meet dis-*
 16 *aster-related funeral expenses under section 408(e)(1) of*
 17 *such Act (42 U.S.C. 5174(e)).*

18 (d) *ADVANCED ASSISTANCE.—*

19 (1) *IN GENERAL.—In order to facilitate activities*
 20 *under this section, the President, acting through the Admin-*
 21 *istrator of the Federal Emergency Management Agency,*
 22 *may provide assistance in advance to an eligible applicant*
 23 *if a failure to do so would prevent the applicant from car-*
 24 *rying out such activities.*

1 (2) *ANNUAL REPORT.*—*The Administrator shall sub-*
2 *mit to the Committee on Transportation and Infrastructure*
3 *of the House of Representatives and the Committee on*
4 *Homeland Security and Governmental Affairs a report on*
5 *assistance provided in advance pursuant to paragraph (1).*

6 (3) *AUDIT BY DEPARTMENT OF HOMELAND SECURITY*
7 *INSPECTOR GENERAL.*—*Not later than 1 year after the date*
8 *of enactment of this Act, the Inspector General of the De-*
9 *partment of Homeland Security shall conduct a follow-up*
10 *review of assistance provided in advance pursuant to para-*
11 *graph (1).*

12 (4) *REVIEW.*—*The audit under paragraph (2) shall in-*
13 *clude, at a minimum—*

14 (A) *a review of the assumptions and methodolo-*
15 *gies used to determine eligibility for advanced assist-*
16 *ance; and*

17 (B) *a determination of whether the advanced as-*
18 *sistance was used appropriately.*

19 (5) *REPORT TO CONGRESS.*—*The Inspector General*
20 *shall submit to the Committee on Transportation and In-*
21 *frastructure of the House of Representatives and the Com-*
22 *mittee on Homeland Security and Governmental Affairs of*
23 *the Senate a report on the results of the review carried out*
24 *under this subsection.*

1 (e) *RULE OF CONSTRUCTION.*—*Nothing in this section*
2 *shall be construed to make ineligible any assistance that*
3 *would otherwise be eligible under section 403, 408, or 502*
4 *of such Act (42 U.S.C. 5170b, 5192).*

5 (f) *STATE; INDIAN TRIBAL GOVERNMENT; LOCAL GOV-*
6 *ERNMENT DEFINED.*—*In this section, the terms “State”,*
7 *“Indian tribal government”, and “local government” have*
8 *the meanings given such terms in section 102 of the Robert*
9 *T. Stafford Disaster Relief and Emergency Assistance Act*
10 *(42 U.S.C. 5122).*

11 **SEC. 4. HAZARD MITIGATION ASSISTANCE.**

12 *For all States or Indian tribal governments, as such*
13 *terms are defined in section 102 of the Robert T. Stafford*
14 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
15 *5122), receiving an emergency declaration on March 13,*
16 *2020 by the President under section 501 of the Robert T.*
17 *Stafford Disaster Relief and Emergency Assistance Act (42*
18 *U.S.C. 5191), and a major disaster declared by the Presi-*
19 *dent under section 401 of such Act (42 U.S.C. 5170) that*
20 *supersedes such emergency declaration, the President shall*
21 *approve the availability of hazard mitigation assistance*
22 *pursuant to section 404 of the Robert T. Stafford Disaster*
23 *Relief and Emergency Assistance Act (42 U.S.C. 5170c) as*
24 *part of such major disaster declarations, if requested.*

1 **SEC. 5. REPORT ON STAFFORD ACT RESPONSE CAPABILI-**
2 **TIES.**

3 *Not later than 60 days after the date of enactment of*
4 *this Act, the Administrator of the Federal Emergency Man-*
5 *agement Agency shall seek to enter into an agreement with*
6 *the National Academy of Sciences to convene a committee*
7 *of experts to conduct a comprehensive study on the use of*
8 *the Robert T. Stafford Disaster Relief and Emergency As-*
9 *sistance Act (42 U.S.C. 5121 et seq.) to respond to an emer-*
10 *gency which does not cause physical damages, such as the*
11 *emergency declaration issued by the President on March 13,*
12 *2020, including—*

- 13 *(1) how non-physical damages can be quantified;*
14 *(2) consideration of any factors that allow for an*
15 *adjustment of cost shares;*
16 *(3) recommendations to Congress on thresholds*
17 *or criteria to be met to trigger a future declaration;*
18 *and*
19 *(4) other items that the Administrator deter-*
20 *mines necessary to increase future preparedness to*
21 *such events.*

22 **SEC. 6. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
23 **HOUSEHOLDS.**

24 *Section 408(f)(3)(J)(iii) of the Robert T. Stafford Dis-*
25 *aster Relief and Emergency Assistance Act (42 U.S.C.*

- 1 *5174(f)(3)(J)(iii) is amended by striking “2 years” and*
- 2 *inserting “3 years”.*

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