

issues and appear to have violated FAA regulations or guidance, in some instances.”

We need to incentivize the industry to do everything possible to ensure the safety of their planes and components. H.R. 8408 seeks to accomplish this goal by making both manufacturers and regulators responsible for updating and upgrading safety and technology standards as new systems and information are developed and become available.

I also want to make it clear that this bill is not meant, in anyway, to interfere with victims’ or their families’ access to the judicial system and all available remedies when tragedies occur. Compliance with the provisions of H.R. 8408 will not adversely affect any existing remedies available to families of the Boeing victims and any other future victims under state or Federal statutory or common law. Families, who have already suffered tragic loss, must be able to seek compensation when their loved ones are injured or killed in aircraft crashes due to negligence or other wrongdoing.

Many of the families of the Boeing 737 MAX crashes attended hearing after hearing as the House Committee on Transportation and Infrastructure conducted a comprehensive review of everything that went wrong with the 737 MAX. They were there to remind us of the human element—that we are here to work for the people. The bill does nothing to interfere with or affect the ability of the families of victims of air tragedies to hold industry accountable, now or in the future.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 8408, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEMA ASSISTANCE RELIEF ACT OF 2020

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8266) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “FEMA Assistance Relief Act of 2020”.

SEC. 2. COST SHARE.

(a) TEMPORARY FEDERAL SHARE.—Notwithstanding sections 403(b), 403(c)(4), 404(a), 406(b), 408(d), 408(g)(2), 428(e)(2)(B), and 503(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for any emergency or major disaster

declared by the President under such Act during the period beginning on January 1, 2020 and ending on December 31, 2020, the Federal share of assistance provided under such sections shall be not less than 90 percent of the eligible cost of such assistance.

(b) COST SHARE UNDER COVID EMERGENCY DECLARATION.—Notwithstanding subsection (a), assistance provided under the emergency declaration issued by the President on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)), and under any subsequent major disaster declaration under section 401 of such Act (42 U.S.C. 5170) that supersedes such emergency declaration, shall be at a 100 percent Federal cost share.

(c) APPLICABILITY.—This section shall apply to funds appropriated on or after the date of enactment of this Act.

SEC. 3. CLARIFICATION OF ASSISTANCE.

(a) IN GENERAL.—For the emergency declared on March 13, 2020 by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), the President may provide assistance for activities, costs, and purchases of States, Indian tribal governments, or local governments, including—

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

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

(3) increased operating costs for essential government services due to such emergency, including costs for implementing continuity plans, and sheltering or housing for first responders, emergency managers, health providers and other essential employees;

(4) costs of providing guidance and information to the public and for call centers to disseminate such guidance and information, including private nonprofit organizations;

(5) costs associated with establishing and operating virtual services;

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

(7) training provided specifically in anticipation of or in response to the event on which such emergency declaration is predicated;

(8) personal protective equipment and other critical supplies and services for first responders and other essential employees, including individuals working in public schools, courthouses, law enforcement, and public transit systems;

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

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

(11) costs associated with maintaining alternate care facilities or related facilities currently inactive but related to future needs tied to the ongoing pandemic event;

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

(13) costs, including costs incurred by private nonprofit organizations, of procuring and distributing food to individuals affected by the pandemic through networks established by State, local, or Tribal governments, or other organizations, including restaurants and farms, and for the purchase of food directly from food producers and farmers.

(b) APPLICATION TO SUBSEQUENT MAJOR DISASTER.—The activities described in sub-

section (a) may also be eligible for assistance under any major disaster declared by the President under section 401 of such Act (42 U.S.C. 5170) that supersedes the emergency declaration described in such subsection.

(c) FINANCIAL ASSISTANCE FOR FUNERAL EXPENSES.—For any emergency or major disaster described in subsection (a) or (b) and subject to the availability of appropriations, the President shall provide financial assistance to an individual or household to meet disaster-related funeral expenses under section 408(e)(1) of such Act (42 U.S.C. 5174(e)).

(d) ADVANCED ASSISTANCE.—

(1) IN GENERAL.—In order to facilitate activities under this section, the President, acting through the Administrator of the Federal Emergency Management Agency, may provide assistance in advance to an eligible applicant if a failure to do so would prevent the applicant from carrying out such activities.

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

(3) AUDIT BY DEPARTMENT OF HOMELAND SECURITY INSPECTOR GENERAL.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall conduct a follow-up review of assistance provided in advance pursuant to paragraph (1).

(4) REVIEW.—The audit under paragraph (2) shall include, at a minimum—

(A) a review of the assumptions and methodologies used to determine eligibility for advanced assistance; and

(B) a determination of whether the advanced assistance was used appropriately.

(5) REPORT TO CONGRESS.—The Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the review carried out under this subsection.

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

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

(g) APPLICABILITY.—This section shall apply to funds appropriated on or after the date of enactment of this Act.

SEC. 4. REPORT ON STAFFORD ACT RESPONSE CAPABILITIES.

Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall seek to enter into an agreement with the National Academy of Sciences to convene a committee of experts to conduct a comprehensive study on the use of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to respond to an emergency which does not cause physical damages, such as the emergency declaration issued by the President on March 13, 2020, including—

(1) how non-physical damages can be quantified;

(2) consideration of any factors that allow for an adjustment of cost shares;

(3) recommendations to Congress on thresholds or criteria to be met to trigger a future declaration; and

(4) other items that the Administrator determines necessary to increase future preparedness to such events.

SEC. 5. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

Section 408(f)(3)(J)(iii) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(f)(3)(J)(iii)) is amended by striking “2 years” and inserting “3 years”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from North Carolina (Mr. ROUZER) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8266, the FEMA Assistance Relief Act, as amended.

H.R. 8266 is a bipartisan bill I introduced with Subcommittee Chair TITUS, Representatives THOMPSON, LOWEY, ROYBAL-ALLARD, WALDEN, and several other Members representing districts ravaged by natural disasters this year.

Simply put, this legislation would increase the Federal cost share of certain assistance provided by the Federal Emergency Management Agency, FEMA, under the Stafford Act.

Specifically, the bill would address the Federal cost share for all declared disasters in the year 2020, the year of the pandemic, the year of record wildfires, the year of record floods, the year of more hurricanes than any other time in history, from 75 percent to not less than 90 percent and further adjust the Federal cost share for COVID-related declarations to 100 percent.

Communities across this country, including my district in Oregon, continue to struggle to recover from the twin crises: Combating the COVID-19 pandemic while also facing extreme weather events, fires, and other issues that science has linked to climate change.

State, local, Tribal, and territorial governments are seeing their public health emergency management resources stretched thin or outright depleted and overdrawn. It is Congress' responsibility to ensure they have the financial support necessary to address these crises.

I first implored President Trump to direct FEMA to authorize a Federal cost share adjustment back in March when he invoked a rarely used clause in the Stafford Act to declare the pandemic a national emergency and issue a Presidential emergency declaration for each State and many protectorates and Federally recognized Tribes.

Thus far, both the President and the agency have not taken action to shift the cost share more equitably on to the shoulders of the Federal Government, who invoked this clause in an unprecedented way.

While Federal regulations allow for Presidential or administrative cost share adjustment, the requests from the National Governors Association, National Conference of State Legislatures, the National Association of Counties, National Emergency Management Association, International Association of Emergency Managers, and

others for this much-needed assistance have gone unanswered in a time when States and locals have seen their revenues all but disappear due to the impact of public health measures taken to combat the pandemic.

□ 1530

On several occasions during the last 15 years, Congress has seen fit to statutorily increase the Federal cost share of FEMA assistance, notably after a couple of hurricanes.

This year has already seen the busiest tornado, hurricane, and wildfire seasons on record. The burdens of response and recovery to an unprecedented number of natural disasters are compounding atop a global pandemic.

If ever there was a moment for another statutory adjustment, 2020 is the year in which that should happen.

Further, by establishing a national emergency and pulling FEMA into the response in mid-March, the President invoked section 501(b) of the Stafford Act, which declares the “United States exercises exclusive or preeminent responsibility and authority.” One would think that exclusive and/or preeminent responsibility and authority would justify the 100-percent cost share for COVID-related expenses.

H.R. 8266 would provide much-needed assistance to ease the financial burden on State, local, Tribal, and territorial communities that have been granted Stafford declarations this year.

Additionally, this bill clarifies and encourages FEMA to reimburse for personal protective equipment and disinfection costs for public schools, public transit, courthouses, and other traditionally eligible nonmedical entities, which were excluded from eligibility in FEMA's September 1 interim policy—for some unknown reason—on eligible public assistance expenses tied to fighting the spread of the global pandemic.

Mr. Speaker, I thank, in particular, Congressmen PAYNE and MALINOWSKI, members of the committee, for their efforts to address this with a stand-alone bill. I am glad we are able to address the matter here.

Just to reflect for a moment on the wildfires in the West, these were wildfires of a magnitude and intensity never seen in recorded history and, according to some scientists who have been studying our forests through history, prehistory.

In my district, we had three major conflagrations, one just upriver from my house, which took out the entire town of Blue River, and toward the McKenzie River Corridor. The winds were gusting to hurricane force. Humidity dropped to 6 percent. That is the Sahara Desert; that is not Oregon. They blew down the McKenzie River Corridor. Forest scientists say there has never been what is called a stand-replacement fire event in that corridor in history or prehistory. It is wet, it is damp, but not this year. These conditions were unbelievable.

In the north part of my district and in KURT SCHRADER's district, we lost three towns and had massive damage.

Then down in southern Oregon, not in a forested area, in Representative WALDEN's district, the towns of Phoenix and Talent were dramatically impacted. Many, many residences and businesses were lost. One of the fires was set by a transient in a field, but again, the winds were blowing at a level never, ever seen before out of the northeast.

The city manager of Talent said to me: You know, I grew up in southern California. This looks to me like the worst that southern California ever had in the past. This doesn't look like Oregon.

These things are due to the changing climate. There are going to be more of them, and we have to be ready. This bill at least will help with this year's response.

Mr. Speaker, I reserve the balance of my time.

Mr. ROUZER. Mr. Speaker, I yield myself such time as I may consume.

This bill recognizes that 2020 has been an unusual year with multiple and layered disaster declarations, and it would adjust the Federal cost share for disasters declared this year, including for COVID.

H.R. 8266 would also clarify the types of FEMA assistance available for the COVID response, including testing, food distribution, and personal protective equipment, and it would strengthen oversight of these funds.

Mr. Speaker, I commend Chairman DEFAZIO for his work on this bill, as well as his staff, and many other Members who have contributed. I urge support of this legislation.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 8266, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. ROUZER. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BYRNE).

Mr. BYRNE. Mr. Speaker, I rise today in support of H.R. 8266, the FEMA Assistance Relief Act of 2020.

This year has been difficult for everyone, but our small local governments have been some of the hardest hit due to extreme losses in tax revenue. This is especially true in southwest Alabama.

In September, Hurricane Sally made landfall in Gulf Shores, bringing record-breaking rainfall, over 30 inches in some places, and winds above 110 miles per hour. Just weeks later, Hurricane Zeta passed through our State,

causing further devastation, especially in rural parts of Mobile, Washington, and Clark Counties.

That is right. I have had two hurricanes in one season in my district. These storms caused tens of millions of dollars in damage and left significant amounts of debris.

This would be difficult on a small town's budget in a normal year, but pandemic-related issues coupled with unexpected costs from severe storm damage will further stretch the already limited budgets of many of our communities.

Already, a local government in south Alabama has made the difficult decision not to purchase a much-needed new police vehicle due to the impacts of COVID-19 and Hurricane Sally on their budget.

The current 75–25 percent FEMA Federal-State cost share is simply unworkable in this challenging year.

This important legislation will raise the Federal cost share of pandemic-related disaster relief to 100 percent and all other relief for disasters this year, including the hurricanes that have devastated the Gulf Coast, to a minimum of 90 percent. Making this adjustment will help reduce the burden on our local communities and help strengthen the recovery process.

Mr. Speaker, I hope that Members from both sides will join me in supporting this critical legislation.

Mr. ROUZER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. GRAVES), my good friend, who I understand has a little different viewpoint on this bill than some of us but definitely deserves the right to be heard.

Mr. GRAVES of Louisiana. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ROUZER), my friend, for yielding.

Look, I understand I am in the minority on this legislation in more ways than one.

Mr. Speaker, years ago, there was a movie called “Brewster’s Millions.” “Brewster’s Millions” featured Richard Pryor, John Candy, and others. In that movie, Richard Pryor was tasked with spending \$30 million in 30 days in order to get access to \$300 million in inheritance. So what he did in that movie is he just went out there and carelessly spent money hand over fist, just spending it irresponsibly and recklessly because it wasn’t his money. He didn’t have to really care about if it was spent in a wise or principled manner.

Mr. Speaker, I am concerned that perhaps we are doing a little bit of that here.

I want to be clear: I agree that our local governments and our State governments deserve relief, but, Mr. Speaker, in 2018, just 2 years ago, we actually passed, we enacted, section 1232 of the Disaster Recovery Relief Act that requires that FEMA look at the cumulative impact of disasters in a region to determine what the cost share should be. So, the law already

provides a mechanism to reduce the cost share.

I agree that they have not done a good job implementing it, but I do believe it is important for us to ensure that local and State governments have some concern with the dollars that are being spent, some skin in the game.

Lastly, Mr. Speaker, look, whether it is a State or local or Federal Government, you have three options: you can reduce spending; you can raise taxes; or, you can incur debt. All we are doing is we are probably going to incentivize this irresponsible spending, and we are going to increase the Federal debt. I think that the better way to address this would be forcing FEMA to implement section 1232 of the DRRRA law of 2018 the way that we intended, therefore achieving a similar objective.

Mr. Speaker, I urge that we revisit this legislation.

Mr. ROUZER. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO), the chairman, to close.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me the time. I thought we just had that one additional speaker, or I wouldn’t have yielded back all my time.

I would like to point out that after Katrina, the gentleman’s home State got 100 percent.

In this case, when we are talking about COVID, there were unprecedented invocations of the Stafford Act for every State and every territory of the United States of America, and I believe that warrants the 100 percent for COVID, which has already occurred and is past tense.

In addition, COVID has devastated local revenue sources for States that have sales taxes. Mine doesn’t. You know, their revenues are down phenomenally, and for other reasons.

I don’t really want to belabor this. We are going to win overwhelmingly.

Mr. Speaker, I thank the gentleman for yielding his time.

Mr. ROUZER. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Louisiana (Mr. GRAVES), my friend.

Mr. GRAVES of Louisiana. Mr. Speaker, I just want to quickly make note for the record that Hurricane Katrina was largely the result of the Federal Government’s actions, the devastation that was caused, the loss of life. The Chief of Engineers of the U.S. Army Corps of Engineers acknowledged their fault in that incident. Yes, it was unique.

I also want to make clear that I said that I don’t necessarily object to the outcome of the legislation, but I think the way of getting there is inappropriate. We need to have consistent standards on how to achieve the right cost share for different disasters.

Mr. ROUZER. Mr. Speaker, H.R. 8266 will help communities recovering from recent disasters and support the nationwide effort to respond to the COVID pandemic.

Mr. Speaker, I urge support of this important legislation, and I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise in strong support of H.R. 8266, the FEMA Assistance Relief Act which will provide additional funding to state and local governments to help victims of disasters rebuild and will make an important difference in the lives of my constituents who are victims of the CZU Lightning Complex Fire.

2020 has been a difficult year for so many Americans. As our nation grappled with the COVID–19 pandemic, California endured a record-breaking wildfire season. In my Congressional District, the CZU Lightning Complex Fire burned for 37 straight days this summer, destroying nearly a thousand homes and forcing 77,000 of my constituents to evacuate.

The fires could not have come at a worse time for local governments who are facing major budget cuts due to the pandemic. Santa Cruz County projected a \$23 million decrease in revenue, and the cost of the fires has placed further strain on its ability to help residents affected by the fires. The President declared the fires to be a major disaster, providing much-needed federal funding, but FEMA only covers 75 percent of the cost of disaster relief, with state and local governments having to pick up the rest of the costs. The FEMA Assistance Relief Act increases the federal government’s share of the costs to 90 percent, alleviating the financial burden on local governments and allowing them to focus on rebuilding their communities.

I am deeply grateful for the extraordinary work of thousands of first responders who helped fight these terrible fires. Thanks to them and their work, the fires have long since been contained, but much work remains to be done to provide relief to my constituents. I’m proud to be an original cosponsor of the FEMA Assistance Relief Act to provide critical resources to communities around the country affected by natural disasters this year, and I urge my colleagues to vote for it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 8266, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

OCEAN POLLUTION REDUCTION ACT II

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4611) to modify permitting requirements with respect to the discharge of any pollutant from the Point Loma Wastewater Treatment Plant in certain circumstances, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean Pollution Reduction Act II”.