

Suspend the Rules and Pass the Bill, H.R. 8266, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
2^D SESSION

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.

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

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 dec-

laration 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 Re-
5 lief Act of 2020”.

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

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

1 Act (42 U.S.C. 5170) that supersedes such emergency
2 declaration, shall be at a 100 percent Federal cost share.

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

6 **SEC. 3. CLARIFICATION OF ASSISTANCE.**

7 (a) IN GENERAL.—For the emergency declared on
8 March 13, 2020 by the President under section 501 of
9 the Robert T. Stafford Disaster Relief and Emergency As-
10 sistance Act (42 U.S.C. 5191), the President may provide
11 assistance for activities, costs, and purchases of States,
12 Indian tribal governments, or local governments, includ-
13 ing—

14 (1) activities eligible for assistance under sec-
15 tions 301, 415, 416, and 426 of the Robert T. Staf-
16 ford Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5141, 5182, 5183, 5189d);

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

20 (3) increased operating costs for essential gov-
21 ernment services due to such emergency, including
22 costs for implementing continuity plans, and shel-
23 tering or housing for first responders, emergency
24 managers, health providers and other essential em-
25 ployees;

1 (4) costs of providing guidance and information
2 to the public and for call centers to disseminate such
3 guidance and information, including private non-
4 profit organizations;

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

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

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

13 (8) personal protective equipment and other
14 critical supplies and services for first responders and
15 other essential employees, including individuals
16 working in public schools, courthouses, law enforce-
17 ment, and public transit systems;

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

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

23 (11) costs associated with maintaining alternate
24 care facilities or related facilities currently inactive

1 but related to future needs tied to the ongoing pan-
2 demic event;

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

6 (13) costs, including costs incurred by private
7 nonprofit organizations, of procuring and distrib-
8 uting food to individuals affected by the pandemic
9 through networks established by State, local, or
10 Tribal governments, or other organizations, includ-
11 ing restaurants and farms, and for the purchase of
12 food directly from food producers and farmers.

13 (b) APPLICATION TO SUBSEQUENT MAJOR DIS-
14 ASTER.—The activities described in subsection (a) may
15 also be eligible for assistance under any major disaster de-
16 clared by the President under section 401 of such Act (42
17 U.S.C. 5170) that supersedes the emergency declaration
18 described in such subsection.

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

1 (d) ADVANCED ASSISTANCE.—

2 (1) IN GENERAL.—In order to facilitate activities
3 under this section, the President, acting through the Ad-
4 ministrator of the Federal Emergency Management Agen-
5 cy, may provide assistance in advance to an eligible appli-
6 cant if a failure to do so would prevent the applicant from
7 carrying out such activities.

8 (2) ANNUAL REPORT.—The Administrator shall sub-
9 mit to the Committee on Transportation and Infrastruc-
10 ture of the House of Representatives and the Committee
11 on Homeland Security and Governmental Affairs a report
12 on assistance provided in advance pursuant to paragraph
13 (1).

14 (3) AUDIT BY DEPARTMENT OF HOMELAND SECU-
15 RITY INSPECTOR GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, the Inspector General
17 of the Department of Homeland Security shall conduct a
18 follow-up review of assistance provided in advance pursu-
19 ant to paragraph (1).

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

22 (A) a review of the assumptions and methodolo-
23 gies used to determine eligibility for advanced assist-
24 ance; and

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

3 (5) REPORT TO CONGRESS.—The Inspector General
4 shall submit to the Committee on Transportation and In-
5 frastructure of the House of Representatives and the Com-
6 mittee on Homeland Security and Governmental Affairs
7 of the Senate a report on the results of the review carried
8 out under this subsection.

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

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

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

22 **SEC. 4. REPORT ON STAFFORD ACT RESPONSE CAPABILI-**
23 **TIES.**

24 Not later than 60 days after the date of enactment
25 of this Act, the Administrator of the Federal Emergency

1 Management Agency shall seek to enter into an agreement
2 with the National Academy of Sciences to convene a com-
3 mittee of experts to conduct a comprehensive study on the
4 use of the Robert T. Stafford Disaster Relief and Emer-
5 gency Assistance Act (42 U.S.C. 5121 et seq.) to respond
6 to an emergency which does not cause physical damages,
7 such as the emergency declaration issued by the President
8 on March 13, 2020, including—

9 (1) how non-physical damages can be quan-
10 tified;

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

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

16 (4) other items that the Administrator deter-
17 mines necessary to increase future preparedness to
18 such events.

19 **SEC. 5. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
20 **HOUSEHOLDS.**

21 Section 408(f)(3)(J)(iii) of the Robert T. Stafford
22 Disaster Relief and Emergency Assistance Act (42 U.S.C.
23 5174(f)(3)(J)(iii)) is amended by striking “2 years” and
24 inserting “3 years”.