In the Senate of the United States

November 18, 2020

Received; read twice and referred to the Committee on Homeland Security and Governmental Affairs

AN ACT

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “FEMA Assistance Re-

SEC. 2. COST SHARE.

(a) Temporary Federal Share.—Notwith-
standing 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 dis-
aster declared by the President under such Act during the
period beginning on January 1, 2020 and ending on De-
cember 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 Decl-
oration.—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 subse-
quent 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 non-
profit organizations;

(5) costs associated with establishing and oper-
atating 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 emer-
gency 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 enforce-
ment, 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 pan-
demic 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 subsection (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 com-
mittee 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. 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.
5174(f)(3)(J)(iii)) is amended by striking “2 years” and
inserting “3 years”.

Passed the House of Representatives November 17, 2020.

Attest: CHERYL L. JOHNSON,
Clerk.