

116TH CONGRESS
2D SESSION

H. R. 8266

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.

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

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

4 **SEC. 3. CLARIFICATION OF ASSISTANCE.**

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

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

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

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

24 (4) costs of providing guidance and information
25 to the public and for call centers to disseminate such

1 guidance and information, including private non-
2 profit organizations;

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

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

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

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

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

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

21 (11) costs associated with maintaining alternate
22 care facilities or related facilities currently inactive
23 but related to future needs tied to the ongoing pan-
24 demic event;

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

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

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

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

24 (d) ADVANCED ASSISTANCE.—

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

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

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

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

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

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

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

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

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

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

20 **SEC. 4. REPORT ON STAFFORD ACT RESPONSE CAPABILI-**
21 **TIES.**

22 Not later than 60 days after the date of enactment
23 of this Act, the Administrator of the Federal Emergency
24 Management Agency shall seek to enter into an agreement
25 with the National Academy of Sciences to convene a com-

1 mittee of experts to conduct a comprehensive study on the
2 use of the Robert T. Stafford Disaster Relief and Emer-
3 gency Assistance Act (42 U.S.C. 5121 et seq.) to respond
4 to an emergency which does not cause physical damages,
5 such as the emergency declaration issued by the President
6 on March 13, 2020, including—

7 (1) how non-physical damages can be quan-
8 tified;

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

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

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

17 **SEC. 5. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
18 **HOUSEHOLDS.**

19 Section 408(f)(3)(J)(iii) of the Robert T. Stafford
20 Disaster 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”.

Passed the House of Representatives November 17,
2020.

Attest:

CHERYL L. JOHNSON,

Clerk.