

116TH CONGRESS  
2D SESSION

# H. R. 8949

To authorize the President to provide disaster assistance to States and Indian Tribes under a major disaster recovery program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2020

Mr. ROUZER introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To authorize the President to provide disaster assistance to States and Indian Tribes under a major disaster recovery program, 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 “Natural Disaster Re-  
5 covery Program Act of 2020”.

6 **SEC. 2. NATURAL DISASTER RECOVERY PROGRAM.**

7 The Robert T. Stafford Disaster Relief and Emer-  
8 gency Assistance Act (42 U.S.C. 5121 et seq.) is amended  
9 by adding at the end of title IV the following:

1 **“SEC. 431. NATURAL DISASTER RECOVERY PROGRAM.**

2       “(a) **AUTHORITY; USE.**—The President may provide  
3 assistance under this section to States and Indian Tribes  
4 for unmet need, including necessary expenses for activities  
5 related to disaster relief, resiliency, long-term recovery,  
6 restoration of infrastructure and housing, mitigation, and  
7 economic revitalization after a major disaster is declared  
8 under section 401.

9       “(b) **COORDINATION OF DISASTER BENEFITS AND**  
10 **DATA WITH OTHER FEDERAL AGENCIES.**—

11               “(1) **IN GENERAL.**—The President shall coordi-  
12 nate with other agencies to obtain data on recovery  
13 needs and unmet need, including the Administrator  
14 of the Small Business Administration and other  
15 agencies when necessary regarding disaster benefits.  
16 Not later than 90 days after a major disaster is de-  
17 clared, the President shall make publicly available all  
18 data collected, possessed, or analyzed during the  
19 course of a disaster recovery for which assistance is  
20 provided under this section, including—

21                       “(A) all data on damage caused by the dis-  
22 aster;

23                       “(B) information on how any Federal as-  
24 sistance provided in connection with the dis-  
25 aster is expended;

1           “(C) information regarding the effect of  
2           the disaster on education, transportation capa-  
3           bilities and dependence, housing needs, health  
4           care capacity, and displacement of persons; and

5           “(D) the extent of the unmet need.

6           “(2) PROTECTION OF PERSONALLY IDENTIFI-  
7           ABLE INFORMATION.—In carrying out this sub-  
8           section, the President and the grantee shall take  
9           such actions as may be necessary to ensure that per-  
10          sonally identifiable information regarding recipients  
11          of assistance provided under this section is not made  
12          publicly available by any agency with which informa-  
13          tion is shared pursuant to this subsection.

14          “(c) USE OF FUNDS.—

15                 “(1) ADMINISTRATIVE COSTS.—

16                         “(A) IN GENERAL.—A State or Indian  
17                         Tribe receiving a grant under this section may  
18                         use not more than 13 percent of the amount of  
19                         grant funds received, or within such other per-  
20                         centage as may be established pursuant to sub-  
21                         paragraph (B), for administrative costs, includ-  
22                         ing costs related to audits, reviews, oversight,  
23                         evaluation, and investigations.

24                         “(B) DISCRETION TO ESTABLISH SLIDING  
25                         SCALE.—The President may establish a series

1 of percentage limitations on the amount of  
2 grant funds received that may be used by a  
3 grantee for administrative costs, but only if—

4 “(i) such percentage limitations are  
5 based on the amount of grant funds re-  
6 ceived by a grantee; and

7 “(ii) such series provides that the per-  
8 centage that may be used is lower for  
9 grantees receiving a greater amount of  
10 grant funds and such percentage that may  
11 be used is higher for grantees receiving a  
12 lesser amount of grant funds.

13 “(2) CAPACITY BUILDING.—From funds made  
14 available for use under this section, the President  
15 shall provide necessary technical assistance to grant-  
16 ees to ensure grantees are compliant with Federal  
17 law, and capacity building and technical assistance,  
18 including assistance regarding contracting and pro-  
19 curement processes, including providing solicitation  
20 and contractual templates that conform to Federal  
21 requirements for use by grantees.

22 “(d) ALLOCATION, PROCESS, AND PROCEDURES; CO-  
23 ORDINATION.—

24 “(1) ALLOCATION.—

1           “(A) IN GENERAL.—The President shall  
2 allocate funds under this section proportionally  
3 to grantees based on their level of unmet need  
4 as determined pursuant to subsection (b).

5           “(B) GRANTEE USE OF FUNDS.—Each  
6 grantee, not the President, shall be responsible  
7 for determining how funds provided under this  
8 section are prioritized and spent and a grantee  
9 shall not be required to provide an action or  
10 spending plan before or after funds are allo-  
11 cated, except that the grantee shall use a por-  
12 tion of these funds for cleaning and removing  
13 debris from rivers, creeks, streams, and ditches.

14           “(C) LIMITATION.—Notwithstanding sec-  
15 tion 312, a loan shall not be considered a dupli-  
16 cation of benefits or otherwise impact the level  
17 of unmet need under this section.

18           “(2) GRANTEE PROCESSES AND PROCE-  
19 DURES.—

20           “(A) INITIAL GRANT FUNDS.—Initially,  
21 grantees shall be awarded 50 percent of their  
22 total allocation under paragraph (1). After ex-  
23 penditure of such amount, a grantee shall sub-  
24 mit a report, detailing how such grant funds  
25 were spent, to the Committees on Appropria-

1 tions of the House of Representatives and the  
2 Senate, the Committee on Transportation and  
3 Infrastructure of the House of Representatives  
4 and the Committee on Environment and Public  
5 Works of the Senate. Such report shall include  
6 a certification from the State Auditor that none  
7 of the funds were wasted or used inappropri-  
8 ately.

9 “(B) CONGRESSIONAL APPROVAL.—

10 “(i) APPROVAL.—Not later than 60  
11 days after receipt of the report under sub-  
12 paragraph (A), Congress shall approve or  
13 disapprove the report. If the report is ap-  
14 proved, or if 60 days has lapsed and Con-  
15 gress has not commented on the report,  
16 the remaining 50 percent of the allocation  
17 under paragraph (1) shall be released to  
18 the grantee.

19 “(ii) DISAPPROVAL.—If Congress dis-  
20 approves the report, the grantee shall work  
21 with Congress to address any and all con-  
22 cerns regarding how the initial 50 percent  
23 of the grant money was expended. Once  
24 these concerns are resolved, the remaining  
25 funds shall be released to the grantee.

1           “(iii) FRAUD OR ABUSE.—If Congress  
2           determines that a grantee committed fraud  
3           or abuse, Congress shall require the Presi-  
4           dent to recover all funds provided to the  
5           grantee under this section. Any amount re-  
6           covered under this clause shall be redistrib-  
7           uted to other grantees with approved re-  
8           ports pursuant to clause (i).

9           “(3) REQUIREMENTS.—Each State and Indian  
10          Tribe that receives funds under this section shall es-  
11          tablish or adhere to existing guidelines for procure-  
12          ment processes and procedures and require that sub-  
13          grantees—

14                 “(A) provide for full and open competition  
15                 and require cost or price analysis;

16                 “(B) specify methods of procurement and  
17                 their applicability, but not allow cost-plus-a-per-  
18                 centage-of cost or percentage-of-construction-  
19                 cost methods of procurement;

20                 “(C) include standards of conduct gov-  
21                 erning employees engaged in the award or ad-  
22                 ministration of contracts; and

23                 “(D) ensure that all purchase orders and  
24                 contracts include any clauses required by Fed-

1           eral statute, Executive order, or implementing  
2           regulation.

3           “(e) ENVIRONMENTAL REVIEW.—Recipients of funds  
4 received under this section that use funds to supplement  
5 funds provided under section 402, 403, 404, 406, 407,  
6 408(c)(4), 428, or 502 may adopt, without review or pub-  
7 lic comment, any environmental review, approval, or per-  
8 mit performed by a Federal agency.

9           “(f) BEST PRACTICES.—The President shall identify  
10 best practices for grantees on issues including developing  
11 action plans, establishing financial controls, building  
12 grantee technical and administrative capacity, procure-  
13 ment, and use of grant funds as local match for other  
14 sources of Federal funding. Not later than 1 year after  
15 the date of enactment of this section, the President shall  
16 publish a compilation of such identified best practices and  
17 share with all relevant grantees to facilitate a more effi-  
18 cient and effective disaster recovery process.

19           “(g) NATURAL DISASTER RECOVERY RESERVE  
20 FUND.—

21           “(1) IN GENERAL.—There is established in the  
22 Treasury of the United States an account to be  
23 known as the Natural Disaster Recovery Reserve  
24 Fund (in this section referred to as the ‘Fund’).

1           “(2) AMOUNTS.—The Fund shall consist of any  
2 amounts appropriated to or deposited into the Fund,  
3 including amounts deposited into the Fund pursuant  
4 to paragraph (4).

5           “(3) USE OF FUNDS.—Amounts in the Fund  
6 shall be available, pursuant to a declaration of a  
7 major disaster, only for providing technical assist-  
8 ance and capacity building in connection with sub-  
9 section (c)(4) for grantees that have been allocated  
10 assistance under this section in connection with such  
11 disaster to facilitate planning and increase capacity  
12 to administer assistance under this section.

13           “(4) UNUSED AMOUNTS.—If any amounts made  
14 available for assistance under this section to grant-  
15 ees remain unexpended on the earlier of—

16                   “(A) the date that the grantee of such  
17 amounts notifies the President that the grantee  
18 has completed all activities; or

19                   “(B) except as provided in paragraph (5),  
20 the expiration of the 6-year period beginning  
21 when the President obligates such amounts to  
22 the grantee, the President shall transfer such  
23 unexpended amounts to the Secretary of the  
24 Treasury for deposit into the Fund, except that

1 the President may permit the grantee to retain  
2 amounts needed to close out the grant.

3 “(5) EXTENSION OF PERIOD FOR USE OF  
4 FUNDS.—The period under paragraph (4)(B) may  
5 be extended by not more than 4 years if, before the  
6 expiration of such 6-year period, the President  
7 waives this requirement and submits a written jus-  
8 tification for such waiver to the Committees on Ap-  
9 propriations of the House of Representatives and the  
10 Senate that specifies the period of such extension.

11 “(h) WAIVER AUTHORITY.—Until such time as the  
12 President issues regulations to implement this section, the  
13 President may—

14 “(1) waive notice and comment rulemaking, if  
15 the President determines the waiver is necessary to  
16 expeditiously implement the provisions of this sec-  
17 tion; and

18 “(2) carry out the grant program under this  
19 section as a pilot program.

20 “(i) DEFINITIONS.—For purposes of this section, the  
21 following terms shall apply:

22 “(1) STATE AUDITOR.—The term ‘State audi-  
23 tor’ means the individual selected by each State or  
24 the Chief Executive to submit information pursuant

1 to subsection (c)(3) and a certification in accordance  
2 with subsection (d)(2)(A).

3 “(2) UNMET NEED.—The term ‘unmet need’  
4 means any un-resourced item, support, or assistance  
5 that has been assessed and verified as necessary for  
6 a survivor to recover from a major disaster, includ-  
7 ing food, clothing, shelter, first aid, emotional and  
8 spiritual care, household items, home repair, or re-  
9 building.”.

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