AMENDMENT TO RULES COMMITTEE PRINT

116–54

OFFERED BY MR. GRAVES OF LOUISIANA

At the end of title V of division M of the bill, add the following:

SEC. 90503. ESTABLISHMENT OF NATIONAL FOUNDATION FOR RESILIENCE.

(a) Establishment.—

(1) In general.—Not later than October 1, 2021, the Administrator, in consultation with the Army Corps of Engineers, the Department of Transportation, and the National Oceanic and Atmospheric Administration, shall establish, or partner with, a nonprofit corporation to be known as the “National Foundation for Resilience”.

(2) Status.—The Foundation shall not be an agency or instrumentality of the Federal Government.

(3) Nonapplicability of FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Foundation.

(4) Nonprofit status.—The Foundation shall be an organization described in section 501(c)
of the Internal Revenue Code of 1986 and exempt from taxation under subsection (a) of such section.

(5) BOARD OF DIRECTORS.—

(A) IN GENERAL.—The Foundation shall operate under a board of directors.

(B) EXECUTIVE DIRECTOR.—The Board shall hire an Executive Director who shall carry out such duties and responsibilities as the Board may prescribe and shall serve at the pleasure of the Board.

(C) INITIAL APPOINTMENT.—The initial appointment of the board of directors shall be facilitated by the Administrator.

(D) COMPOSITION.—To the maximum extent practicable, the board of directors shall include representatives from a diverse range of communities, including—

(i) the academic community;

(ii) the business community, which may include professional associations with relevant expertise;

(iii) nonprofit organizations;

(iv) the communities surrounding the facilities of the Agency;
(v) local communities impacted by a nationally declared disaster in past 10 years; and

(vi) former FEMA administrators.

(E) Restriction on membership.—No employee of the Agency shall be appointed as a member of the Board of Directors.

(b) Purpose; Activities.—

(1) Purpose.—

(A) the purpose of the Foundation is to support a public private partnership to advance the research mission of the Agency by supporting research activities with respect to resilience that have national significance, including—

(i) reducing local, State, Federal, and Tribal costs associated with natural disasters and severe weather;

(ii) determining resilience measures that are cost effective and substantially reduce the risk of, or increase resilience to, future damage, hardship, loss, or suffering in any area affected by a declared disaster;

(iii) mitigate and reduce the risk of recurring damage, or the cost of future re-
pair, from extreme weather events, flooding, or other natural disasters;

(iv) improved forecasting of tropical weather systems;

(v) accurate basin-wide flood prediction models;

(vi) interactions between storm surge and high water levels in river systems;

(vii) water and flood management techniques;

(viii) wildfire and forest management techniques;

(ix) reducing risks and improving resiliency of agricultural practices and systems to protect crop production;

(x) sea-level rise in coastal communities;

(xi) utilizing natural infrastructure and other restoration, conservation, and sustainable land management techniques to lessen the impact of severe weather;

(xii) developing new construction techniques for roads, bridges, rail, and related transportation infrastructure and residential, commercial, and industrial infrastruc-
ture that are capable of withstanding extreme weather events and natural disasters;

(xiii) new materials and improving the performance and resiliency of existing materials for the construction of roads, bridges, rail, and related transportation infrastructure and residential, commercial, and industrial infrastructure;

(xiv) recommendations for new, local, regional, State, and Tribal permitting, zoning, and business codes to ensure transportation and building safety during natural disasters and extreme weather;

(xv) innovative technologies and approaches to pre-mitigate against severe weather; and

(xvi) recommendations of best practices for prioritizing resilience projects and investments; and

(B) fostering collaboration and partnerships with researchers from the Federal Government, State governments, institutions of higher education, federally funded research and development centers, industry, and nonprofit
organizations for the research, development, or commercialization of transformative energy technologies.

(2) ACTIVITIES.—The Foundation may—

(A) IN GENERAL.—

(i) award grants to, or enter into contracts, memoranda of understanding, or cooperative agreements with, scientists and entities, university consortia, public-private partnerships, institutions of higher education, nonprofit organizations, and industry, to efficiently and effectively advance the goals and priorities of the Foundation;

(ii) solicit and accept gifts, grants, and other donations, establish accounts, and invest and expend funds in support of the activities and programs described in this section;

(iii) conduct demonstrations, pilot programs, or similar mechanisms when appropriate to enhance research efforts and test effectiveness of research;

(iv) in consultation with the Sec-
(I) identify existing and proposed Federal intramural and extramural research and development programs relating to the purposes of the Foundation;

(II) coordinate Foundation activities with those programs so as to minimize duplication of existing efforts and to avoid conflicts; and

(III) document the consultation process and include a summary of the results in the annual report required in subsection (f)(2)(A);

(v) identify unmet and emerging resilience research needs;

(vi) facilitate technology transfer and release of information and data gathered from the activities of the Foundation to the resilience research community;

(vii) promote and encourage the development of the next generation of resilience research scientists; and

(viii) carry out supplementary programs—
(I) to conduct and support forums, meetings, conferences, courses, and training workshops consistent with the purpose of the Foundation in paragraph (1);

(II) for writing, editing, printing, publishing, and vending books and other materials relating to research carried out under the Foundation; and

(III) to conduct other activities to carry out and support the purpose of the Foundation described in paragraph (1).

(B) Administrative Control.—No participant in a program under this paragraph or employee of the Foundation shall exercise any administrative control over any Federal employee.

(C) Relationship to Other Activities.—The activities described in subparagraph (A) shall be supplemental to any other activities at the Agency and shall not preempt any authority or responsibility of the Agency under another provision of law.
(c) SUPPORT SERVICES.—The Administrator may provide facilities, utilities, and support services to the Foundation if it is determined by the Administrator to be advantageous to the research programs of the Agency.

(d) LIABILITY.—The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligations of the Foundation.

(e) FUNDS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2021 through 2025.

(2) CONDITIONS ON EXPENDITURE.—The Foundation may use the funds made available under paragraph (1) to carry out the purposes of the Foundation only to the extent that the Foundation secures an equal amount of non-appropriated Federal funds or non-Federal matching funds for each expenditure.

(3) PROHIBITION ON CONSTRUCTION.—None of the funds made available under paragraph (1) may be used for construction to build a new facility for the Foundation.

(f) RECORDS.—

(1) AUDITS.—The Foundation shall—
(A) provide for annual audits of the financial condition of the Foundation; and

(B) make the audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

(2) REPORTS.—

(A) ANNUAL REPORT ON FOUNDATION.—

(i) IN GENERAL.—Not later than 5 months following the end of each fiscal year, the Foundation shall publish and post online a report for the preceding fiscal year that includes—

(I) a description of Foundation activities, including accomplishments and how those activities align to the challenges identified in the strategic plan under subparagraph (D);

(II) a comprehensive statement of the operations and financial condition of the Foundation; and

(III) a description of available research programs and priorities for the upcoming fiscal year.
(ii) **Financial Condition.**—Each report under this paragraph shall include a description of all gifts, grants, devises, or bequests to the Foundation of real or personal property or money, which shall include—

(I) the source of the gifts, grants, devises, or bequests; and

(II) any restrictions on the purposes for which the gift, grant, devise, or bequest may be used.

(iii) **Public Meeting.**—The Board shall hold an annual public meeting to summarize the activities of the Foundation.

(B) **Grant Reporting.**—Any recipient of a grant under this section shall provide the Foundation with a report at the conclusion of any research or studies conducted that describes the results of the research or studies, including any data generated.

(C) **Stakeholder Notice.**—The Foundation shall publish an annual notice with a description of research priorities under this section for the upcoming fiscal year, including—
(i) a schedule for funding competi-

tions;

(ii) a discussion of how applications

for funding will be evaluated; and

(iii) how the Foundation will commu-

nicate information about funded awards to

the public to ensure that grantees and

partners understand the objectives of the

Foundation.

(D) STRATEGIC PLAN.—Not later than 1

year after December 20, 2024, the Foundation

shall submit to the Committee on Transpor-

tation and Infrastructure of the House of Rep-

resentatives and the Committee on Homeland

Security and Government Affairs of the Senate

a strategic plan describing a path for the Foun-

dation to become self-sustaining, including—

(i) a forecast of major resilience and

adaptation challenge opportunities identi-

fied by the scientific advisory councils of

the Foundation and approved by the

Board, including short- and long-term ob-

jectives;

(ii) an overview of the efforts that the

Foundation will take to be transparent in
each of the processes of the Foundation;

and

(iii) a description of financial goals

and benchmarks for the next 10 years, in-

cluding a detailed plan for raising funds

and soliciting additional resources.

(g) DEFINITIONS.—In this section:

(1) AGENCY.—The term “Agency” means the

Federal Emergency Management Agency.

(2) FOUNDATION.—The term “Foundation”

means the National Foundation for Resilience estab-

lished under subsection (a).

(3) ADMINISTRATOR.—The term “Adminis-

trator” means the Administrator of FEMA.