

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2
OFFERED BY MR. GRAVES OF LOUISIANA**

At the end of subtitle F of title I of division B of the bill, add the following:

1 **SEC. ____ . ESTABLISHMENT OF NATIONAL FOUNDATION**
2 **FOR RESILIENCE.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—Not later than October 1,
5 2021, the Administrator, in consultation with the
6 Army Corps of Engineers, the Department of Trans-
7 portation, and the National Oceanic and Atmos-
8 pheric Administration, shall establish, or partner
9 with, a nonprofit corporation to be known as the
10 “National Foundation for Resilience”.

11 (2) STATUS.—The Foundation shall not be an
12 agency or instrumentality of the Federal Govern-
13 ment.

14 (3) NONAPPLICABILITY OF FACA.—The Federal
15 Advisory Committee Act (5 U.S.C. App.) shall not
16 apply to the Foundation.

17 (4) NONPROFIT STATUS.—The Foundation
18 shall be an organization described in section 501(c)

1 of the Internal Revenue Code of 1986 and exempt
2 from taxation under subsection (a) of such section.

3 (5) BOARD OF DIRECTORS.—

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

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

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

14 (D) COMPOSITION.—To the maximum ex-
15 tent practicable, the board of directors shall in-
16 clude representatives from a diverse range of
17 communities, including—

18 (i) the academic community;

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

22 (iii) nonprofit organizations;

23 (iv) the communities surrounding the
24 facilities of the Agency;

1 (v) local communities impacted by a
2 nationally declared disaster in past 10
3 years; and

4 (vi) former FEMA administrators.

5 (E) RESTRICTION ON MEMBERSHIP.—No
6 employee of the Agency shall be appointed as a
7 member of the Board of Directors.

8 (b) PURPOSE; ACTIVITIES.—

9 (1) PURPOSE.—

10 (A) the purpose of the Foundation is to
11 support a public private partnership to advance
12 the research mission of the Agency by sup-
13 porting research activities with respect to resil-
14 iency that have national significance, includ-
15 ing—

16 (i) reducing local, State, Federal, and
17 Tribal costs associated with natural disas-
18 ters and severe weather;

19 (ii) determining resilience measures
20 that are cost effective and substantially re-
21 duce the risk of, or increase resilience to,
22 future damage, hardship, loss, or suffering
23 in any area affected by a declared disaster;

24 (iii) mitigate and reduce the risk of
25 recurring damage, or the cost of future re-

- 1 pair, from extreme weather events, flood-
2 ing, or other natural disasters;
- 3 (iv) improved forecasting of tropical
4 weather systems;
- 5 (v) accurate basin-wide flood pre-
6 diction models;
- 7 (vi) interactions between storm surge
8 and high water levels in river systems;
- 9 (vii) water and flood management
10 techniques;
- 11 (viii) wildfire and forest management
12 techniques;
- 13 (ix) reducing risks and improving re-
14 siliency of agricultural practices and sys-
15 tems to protect crop production;
- 16 (x) sea-level rise in coastal commu-
17 nities;
- 18 (xi) utilizing natural infrastructure
19 and other restoration, conservation, and
20 sustainable land management techniques to
21 lessen the impact of severe weather;
- 22 (xii) developing new construction tech-
23 niques for roads, bridges, rail, and related
24 transportation infrastructure and residen-
25 tial, commercial, and industrial infrastruc-

1 ture that are capable of withstanding ex-
2 treme weather events and natural disas-
3 ters;

4 (xiii) new materials and improving the
5 performance and resiliency of existing ma-
6 terials for the construction of roads,
7 bridges, rail, and related transportation in-
8 frastructure and residential, commercial,
9 and industrial infrastructure;

10 (xiv) recommendations for new, local,
11 regional, State, and Tribal permitting, zon-
12 ing, and business codes to ensure transpor-
13 tation and building safety during natural
14 disasters and extreme weather;

15 (xv) innovative technologies and ap-
16 proaches to pre-mitigate against severe
17 weather; and

18 (xvi) recommendations of best prac-
19 tices for prioritizing resilience projects and
20 investments; and

21 (B) fostering collaboration and partner-
22 ships with researchers from the Federal Gov-
23 ernment, State governments, institutions of
24 higher education, federally funded research and
25 development centers, industry, and nonprofit

1 organizations for the research, development, or
2 commercialization of transformative energy
3 technologies.

4 (2) ACTIVITIES.—The Foundation may—

5 (A) IN GENERAL.—

6 (i) award grants to, or enter into con-
7 tracts, memoranda of understanding, or
8 cooperative agreements with, scientists and
9 entities, university consortia, public-private
10 partnerships, institutions of higher edu-
11 cation, nonprofit organizations, and indus-
12 try, to efficiently and effectively advance
13 the goals and priorities of the Foundation;

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

19 (iii) conduct demonstrations, pilot
20 programs, or similar mechanisms when ap-
21 propriate to enhance research efforts and
22 test effectiveness of research;

23 (iv) in consultation with the Sec-
24 retary—

1 (I) identify existing and proposed
2 Federal intramural and extramural
3 research and development programs
4 relating to the purposes of the Foun-
5 dation;

6 (II) coordinate Foundation activi-
7 ties with those programs so as to min-
8 imize duplication of existing efforts
9 and to avoid conflicts; and

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

14 (v) identify unmet and emerging resil-
15 ience research needs;

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

20 (vii) promote and encourage the devel-
21 opment of the next generation of resilience
22 research scientists; and

23 (viii) carry out supplementary pro-
24 grams—

1 (I) to conduct and support fo-
2 rums, meetings, conferences, courses,
3 and training workshops consistent
4 with the purpose of the Foundation in
5 paragraph (1);

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

11 (III) to conduct other activities
12 to carry out and support the purpose
13 of the Foundation described in para-
14 graph (1).

15 (B) ADMINISTRATIVE CONTROL.—No par-
16 ticipant in a program under this paragraph or
17 employee of the Foundation shall exercise any
18 administrative control over any Federal em-
19 ployee.

20 (C) RELATIONSHIP TO OTHER ACTIVI-
21 TIES.—The activities described in subparagraph
22 (A) shall be supplemental to any other activities
23 at the Agency and shall not preempt any au-
24 thority or responsibility of the Agency under
25 another provision of law.

1 (c) SUPPORT SERVICES.—The Administrator may
2 provide facilities, utilities, and support services to the
3 Foundation if it is determined by the Administrator to be
4 advantageous to the research programs of the Agency.

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

9 (e) FUNDS.—

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

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

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

24 (f) RECORDS.—

25 (1) AUDITS.—The Foundation shall—

1 (A) provide for annual audits of the finan-
2 cial condition of the Foundation; and

3 (B) make the audits, and all other records,
4 documents, and other papers of the Founda-
5 tion, available to the Secretary and the Comp-
6 troller General of the United States for exam-
7 ination or audit.

8 (2) REPORTS.—

9 (A) ANNUAL REPORT ON FOUNDATION.—

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

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

20 (II) a comprehensive statement
21 of the operations and financial condi-
22 tion of the Foundation; and

23 (III) a description of available re-
24 search programs and priorities for the
25 upcoming fiscal year.

1 (ii) FINANCIAL CONDITION.—Each re-
2 port under this paragraph shall include a
3 description of all gifts, grants, devises, or
4 bequests to the Foundation of real or per-
5 sonal property or money, which shall in-
6 clude—

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

9 (II) any restrictions on the pur-
10 poses for which the gift, grant, devise,
11 or bequest may be used.

12 (iii) PUBLIC MEETING.—The Board
13 shall hold an annual public meeting to
14 summarize the activities of the Founda-
15 tion.

16 (B) GRANT REPORTING.—Any recipient of
17 a grant under this section shall provide the
18 Foundation with a report at the conclusion of
19 any research or studies conducted that de-
20 scribes the results of the research or studies, in-
21 cluding any data generated.

22 (C) STAKEHOLDER NOTICE.—The Founda-
23 tion shall publish an annual notice with a de-
24 scription of research priorities under this sec-
25 tion for the upcoming fiscal year, including—

1 (i) a schedule for funding competi-
2 tions;

3 (ii) a discussion of how applications
4 for funding will be evaluated; and

5 (iii) how the Foundation will commu-
6 nicate information about funded awards to
7 the public to ensure that grantees and
8 partners understand the objectives of the
9 Foundation.

10 (D) STRATEGIC PLAN.—Not later than 1
11 year after December 20, 2024, the Foundation
12 shall submit to the Committee on Transpor-
13 tation and Infrastructure of the House of Rep-
14 resentatives and the Committee on Homeland
15 Security and Government Affairs of the Senate
16 a strategic plan describing a path for the Foun-
17 dation to become self-sustaining, including—

18 (i) a forecast of major resilience and
19 adaptation challenge opportunities identi-
20 fied by the scientific advisory councils of
21 the Foundation and approved by the
22 Board, including short- and long-term ob-
23 jectives;

24 (ii) an overview of the efforts that the
25 Foundation will take to be transparent in

1 each of the processes of the Foundation;
2 and
3 (iii) a description of financial goals
4 and benchmarks for the next 10 years, in-
5 cluding a detailed plan for raising funds
6 and soliciting additional resources.

7 (g) DEFINITIONS.—In this section:

8 (1) AGENCY.—The term “Agency” means the
9 Federal Emergency Management Agency.

10 (2) FOUNDATION.—The term “Foundation”
11 means the National Foundation for Resilience estab-
12 lished under subsection (a).

13 (3) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of FEMA.

