

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Disaster Relief Supplemental Appropriations Act, 2023 to improve disaster relief funding, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To amend the Disaster Relief Supplemental Appropriations Act, 2023 to improve disaster relief funding, 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 “The Hurricanes of  
5 2022 Disaster Relief Rectification Act”.

6 **SEC. 2. DISASTER RELIEF SUPPLEMENTAL APPROPRIA-**  
7 **TIONS ACT, 2023 AMENDMENTS.**

8 (a) DEPARTMENT OF AGRICULTURE.—Title I of the  
9 Disaster Relief Supplemental Appropriations Act, 2023  
10 (division N of Public Law 117–328), is amended, in the

1 matter under the heading “OFFICE OF THE SECRETARY”  
2 under the heading “PROCESSING, RESEARCH AND MAR-  
3 KETING” under the heading “AGRICULTURAL PRO-  
4 GRAMS” under the heading “DEPARTMENT OF AG-  
5 RICULTURE”, by inserting “: *Provided further*, That the  
6 Secretary of Agriculture may provide assistance for losses  
7 described under this heading in this Act in the form of  
8 block grants to eligible States and territories” before the  
9 period at the end.

10 (b) FISHERIES DISASTER ASSISTANCE.—Title II of  
11 the Disaster Relief Supplemental Appropriations Act,  
12 2023 (division N of Public Law 117–328) is amended in  
13 the matter under the heading “FISHERIES DISASTER AS-  
14 SISTANCE” under the heading “NATIONAL OCEANIC AND  
15 ATMOSPHERIC ADMINISTRATION” under the heading  
16 “DEPARTMENT OF COMMERCE” by inserting “: *Pro-*  
17 *vided further*, That the Secretary may use such funds to  
18 provide assistance in the form of block grants to States  
19 and territories impacted by Hurricanes Fiona, Ian, and  
20 Nicole” before the period at the end.

21 (c) NATIONAL AERONAUTICS AND SPACE ADMINIS-  
22 TRATION.—Title II of the Disaster Relief Supplemental  
23 Appropriations Act, 2023 (division N of Public Law 117–  
24 328) is amended, in the matter under the heading “CON-  
25 STRUCTION AND ENVIRONMENTAL COMPLIANCE AND RES-

1 TORATION” under the heading “NATIONAL AERONAUTICS  
2 AND SPACE ADMINISTRATION” under the heading  
3 “SCIENCE”, by striking “For an additional amount for  
4 ‘Construction and Environmental Compliance and Res-  
5 toration’, \$367,000,000, to remain available until Sep-  
6 tember 30, 2028.” and inserting “For an additional  
7 amount for ‘Construction and Environmental Compliance  
8 and Restoration’ for environmental improvements, eco-  
9 system restoration, and hurricane risk reduction improve-  
10 ments at National Aeronautics and Space Administration  
11 facilities damaged by Hurricanes Ian and Nicole,  
12 \$367,000,000, to remain available until September 30,  
13 2028: *Provided*, That the Administrator of the National  
14 Aeronautics and Space Administration may enter into co-  
15 operative agreements with the managers of Federal land  
16 bordering such facilities, including estuaries designated  
17 under section 320 of the Federal Water Pollution Control  
18 Act (33 U.S.C. 1330), to advance such efforts.”.

19 (d) RESCISSION OF NATIONAL SCIENCE FOUNDA-  
20 TION FUNDS.—

21 (1) RESEARCH AND RELATED ACTIVITIES.—Of  
22 the unobligated balances of amounts made available  
23 for “Research and Related Activities”, under the  
24 heading “National Science Foundation” under title  
25 II of the Disaster Relief Supplemental Appropria-

1 tions Act, 2023 (division N of Public Law 117–328),  
2 \$818,162,000 are rescinded.

3 (2) STEM EDUCATION.—Of the unobligated  
4 balances of amounts made available for “STEM  
5 Education”, under the heading “National Science  
6 Foundation” under title II of the Disaster Relief  
7 Supplemental Appropriations Act, 2023 (division N  
8 of Public Law 117–328), \$217,000,000 are re-  
9 scinded.

10 (e) DEPARTMENT OF THE INTERIOR.—Title VII of  
11 the Disaster Relief Supplemental Appropriations Act,  
12 2023 (Division N of Public Law 117–328), is amended—

13 (1) in the matter under the heading “CON-  
14 STRUCTION” under the heading “UNITED STATES  
15 FISH AND WILDLIFE SERVICE” under the heading  
16 “DEPARTMENT OF THE INTERIOR”, by strik-  
17 ing “2023” and inserting “2022”;

18 (2) in the matter under the heading “CON-  
19 STRUCTION” under the heading “NATIONAL PARK  
20 SERVICE” under the heading “DEPARTMENT OF  
21 THE INTERIOR”, by striking “2023” and insert-  
22 ing “2022”;

23 (3) in the matter under the heading “SURVEYS,  
24 INVESTIGATIONS, AND RESEARCH” under the head-  
25 ing “UNITED STATES GEOLOGICAL SURVEY” under

1 the heading “DEPARTMENT OF THE INTE-  
2 RIOR”, by striking “2023” and inserting “2022”;

3 (4) in the matter under the heading “OPER-  
4 ATION OF INDIAN PROGRAMS” under the heading  
5 “BUREAU OF INDIAN AFFAIRS” under the heading  
6 “INDIAN AFFAIRS” under the heading “DEPART-  
7 MENT OF THE INTERIOR”, by striking “2023”  
8 and inserting “2022”; and

9 (5) in the matter under the heading “CON-  
10 STRUCTION” under the heading “BUREAU OF IN-  
11 DIAN AFFAIRS” under the heading “INDIAN AF-  
12 FAIRS” under the heading “DEPARTMENT OF  
13 THE INTERIOR”, by striking “2023” and insert-  
14 ing “2022”.

15 (f) STATE AND TRIBAL ASSISTANCE GRANTS.—The  
16 first paragraph under the heading “STATE AND TRIBAL  
17 ASSISTANCE GRANTS” under the heading “ENVIRON-  
18 MENTAL PROTECTION AGENCY” in title VII of the  
19 Disaster Relief Supplemental Appropriations Act, 2023  
20 (division N of Public Law 117–328), is amended, in the  
21 third proviso, by striking “shall use” and inserting “may  
22 use up to”.

23 **SEC. 3. APPROPRIATION OF RESCINDED FUNDS.**

24 (a) DEPARTMENT OF AGRICULTURE.—

1           (1) AGRICULTURAL LAND EASEMENTS.—There  
2 is appropriated to the Secretary of Agriculture, out  
3 of any amounts in the Treasury not otherwise appro-  
4 priated, \$200,000,000, to remain available until ex-  
5 pended, for the acquisition of agricultural land ease-  
6 ments under subtitle H of the Food Security Act of  
7 1985 (16 U.S.C. 3865 et seq.) in a State impacted  
8 by Hurricane Fiona, Hurricane Ian, or Hurricane  
9 Nicole.

10           (2) EMERGENCY WATERSHED PROGRAM.—

11           (A) IN GENERAL.—There is appropriated  
12 to the Secretary of Agriculture, out of any  
13 amounts in the Treasury not otherwise appro-  
14 priated, \$110,000,000, to remain available until  
15 expended, to undertake emergency watershed  
16 protection measures under section 403 of the  
17 Agricultural Credit Act of 1978 (16 U.S.C.  
18 2203) in a State impacted by Hurricane Fiona,  
19 Hurricane Ian, or Hurricane Nicole.

20           (B) COASTAL FLOOD RISK REDUCTION.—

21 The Secretary of Agriculture may use amounts  
22 appropriated by subparagraph (A) to reduce  
23 flood risk in a coastal community by removing  
24 sediment or other impediments from a canal or  
25 canal system.

1 (b) DEPARTMENT OF COMMERCE.—

2 (1) OPERATIONS, RESEARCH, AND FACILITIES  
3 OF THE NATIONAL OCEANIC AND ATMOSPHERIC AD-  
4 MINISTRATION.—In addition to amounts otherwise  
5 available, there is appropriated to the National Oce-  
6 anic and Atmospheric Administration for fiscal year  
7 2023, out of any money in the Treasury not other-  
8 wise appropriated, \$30,000,000, to remain available  
9 until expended, for “Operations, Research, and Fa-  
10 cilities” for—

11 (A) expenses related to the consequences of  
12 Hurricanes Fiona, Ian, and Nicole; and

13 (B) to improve hurricane intensity and  
14 storm surge forecasting and mitigation, includ-  
15 ing through ocean observing platforms and  
16 storm surge gauges.

17 (2) COASTAL AND ESTUARINE LAND CONSERVA-  
18 TION PROGRAM.—In addition to amounts otherwise  
19 available, there is appropriated to the Department of  
20 Commerce for fiscal year 2023, out of any money in  
21 the Treasury not otherwise appropriated,  
22 \$30,162,000, to remain available until expended, to  
23 conduct the Coastal and Estuarine Land Conserva-  
24 tion Program under section 307A of the Coastal  
25 Zone Management Act of 1972 (16 U.S.C. 1456–1)

1 with respect to States impacted by Hurricanes  
2 Fiona, Ian, and Nicole.

3 (3) MARINE DEBRIS ASSESSMENT AND RE-  
4 MOVAL AND ECOSYSTEM RESTORATION.—In addition  
5 to amounts otherwise available, there is appropriated  
6 to the Department of Commerce for fiscal year  
7 2023, out of any money in the Treasury not other-  
8 wise appropriated, \$40,000,000, to remain available  
9 until expended, for marine debris assessment and re-  
10 moval and marine and estuarine ecosystem restora-  
11 tion monitoring efforts in States impacted by Hurri-  
12 canes Fiona, Ian, and Nicole.

13 (c) CORPS OF ENGINEERS.—

14 (1) INVESTIGATIONS.—

15 (A) IN GENERAL.—In addition to amounts  
16 otherwise available, there is appropriated to the  
17 Secretary of the Army, out of any money in the  
18 Treasury not otherwise appropriated,  
19 \$100,000,000, to remain available until ex-  
20 pended, for necessary expenses related to the  
21 completion, or initiation and completion, of high  
22 priority flood and storm damage reduction, in-  
23 cluding shore protection, studies that are au-  
24 thorized before, on, or after the date of enact-  
25 ment of this Act in States and insular areas



1 that were impacted by Hurricane Fiona, Hurri-  
2 cane Ian, or Hurricane Nicole, to reduce risks  
3 from future floods and hurricanes.

4 (B) COST SHARE.—The Federal share of  
5 the cost of a study carried out with amounts  
6 made available under this paragraph shall be  
7 100 percent.

8 (C) WORK PLAN; REPORTING.—

9 (i) WORK PLAN.—Not later than 60  
10 days after the date of enactment of this  
11 Act, the Chief of Engineers shall submit to  
12 the Committee on Appropriations of the  
13 Senate and the Committee on Appropria-  
14 tions of the House of Representatives a de-  
15 tailed work plan for the funds provided  
16 under this paragraph, including—

17 (I) a list of study locations;

18 (II) a list of new studies selected  
19 to be initiated;

20 (III) the total cost for all studies;

21 (IV) the remaining cost for all  
22 ongoing studies; and

23 (V) a schedule by fiscal year of  
24 proposed use of those funds.

1                   (ii) NO DEVIATION.—The Secretary of  
2                   the Army shall not deviate from the work  
3                   plan once the plan has been submitted to  
4                   the Committee on Appropriations of the  
5                   Senate and the Committee on Appropria-  
6                   tions of the House of Representatives  
7                   under clause (i).

8                   (iii) REPORTING.—Beginning not  
9                   later than 60 days after the date of enact-  
10                  ment of this Act, the Assistant Secretary  
11                  of the Army for Civil Works shall provide  
12                  a quarterly report to the Committee on  
13                  Appropriations of the Senate and the Com-  
14                  mittee on Appropriations of the House of  
15                  Representatives detailing the allocation  
16                  and obligation of the funds provided under  
17                  this paragraph.

18                  (2) CONSTRUCTION.—

19                  (A) IN GENERAL.—In addition to amounts  
20                  otherwise available, there is appropriated to the  
21                  Secretary of the Army, out of any money in the  
22                  Treasury not otherwise appropriated,  
23                  \$300,000,000, to remain available until ex-  
24                  pended, to construct—

1 (i) priority flood and storm damage  
2 reduction, including shore protection,  
3 projects that are authorized before, on, or  
4 after the date of enactment of this Act;  
5 and

6 (ii) flood and storm damage reduction,  
7 including shore protection, projects that—

8 (I) have signed Chief's Reports  
9 as of the date of enactment of this  
10 Act; or

11 (II) are studied using funds  
12 made available under paragraph (1),  
13 if the Secretary of the Army deter-  
14 mines the project to be technically  
15 feasible, economically justified, and  
16 environmentally acceptable, in States  
17 and insular areas that were impacted  
18 by Hurricane Ian, Hurricane Fiona,  
19 or Hurricane Nicole.

20 (B) NEW STARTS.—The Secretary of the  
21 Army may initiate additional new construction  
22 starts with amounts made available under this  
23 paragraph.

24 (C) WORK PLAN; REPORTING.—

1 (i) WORK PLAN.—Not later than 60  
2 days after the date of enactment of this  
3 Act, the Chief of Engineers shall submit to  
4 the Committee on Appropriations of the  
5 Senate and the Committee on Appropria-  
6 tions of the House of Representatives a de-  
7 tailed work plan for the funds provided  
8 under this paragraph, including—

- 9 (I) a list of study locations;  
10 (II) a list of new studies selected  
11 to be initiated;  
12 (III) the total cost for all studies;  
13 (IV) the remaining cost for all  
14 ongoing studies; and  
15 (V) a schedule by fiscal year of  
16 proposed use of those funds.

17 (ii) NO DEVIATION.—The Secretary of  
18 the Army shall not deviate from the work  
19 plan once the plan has been submitted to  
20 the Committee on Appropriations of the  
21 Senate and the Committee on Appropria-  
22 tions of the House of Representatives  
23 under clause (i).

24 (iii) REPORTING.—Beginning not  
25 later than 60 days after the date of enact-

1                   ment of this Act, the Assistant Secretary  
2                   of the Army for Civil Works shall provide  
3                   a quarterly report to the Committee on  
4                   Appropriations of the Senate and the Com-  
5                   mittee on Appropriations of the House of  
6                   Representatives detailing the allocation  
7                   and obligation of the funds provided under  
8                   this paragraph.

9                   (3) FLOOD CONTROL AND COASTAL EMER-  
10                  GENCIES.—

11                   (A) IN GENERAL.—In addition to amounts  
12                   otherwise available, there is appropriated to the  
13                   Secretary of the Army, out of any money in the  
14                   Treasury not otherwise appropriated,  
15                   \$100,000,000, to remain available until ex-  
16                   pended, for flood control and coastal emer-  
17                   gencies as authorized by section 5 of the Act of  
18                   August 18, 1941 (commonly known as the  
19                   “Flood Control Act of 1941”) (55 Stat. 650,  
20                   chapter 377; 33 U.S.C. 701n), in States and in-  
21                   sular areas that were impacted by Hurricane  
22                   Ian, Hurricane Fiona, or Hurricane Nicole, in-  
23                   cluding for necessary expenses to prepare for  
24                   floods, hurricanes, and natural disasters, and to  
25                   support emergency operations, repairs, and

1 other activities in response to those disasters as  
2 authorized by law.

3 (B) FULL SHORELINE PROJECT PROFILE  
4 RESTORATION.—Amounts made available under  
5 this paragraph that are used for authorized  
6 shore protection projects shall restore those  
7 projects to the full project profile at full Fed-  
8 eral expense.

9 (C) REPORTING.—Beginning not later  
10 than 60 days after the date of enactment of  
11 this Act, the Assistant Secretary of the Army  
12 for Civil Works shall provide to the Committee  
13 on Appropriations of the Senate and the Com-  
14 mittee on Appropriations of the House of Rep-  
15 resentatives a quarterly report detailing the al-  
16 location and obligation of the amounts made  
17 available under this paragraph.

18 (d) NATIONAL PARK SERVICE.—In addition to  
19 amounts otherwise available, there is appropriated to the  
20 Secretary of the Interior for fiscal year 2023, out of any  
21 money in the Treasury not otherwise appropriated,  
22 \$15,000,000, to remain available until expended, to carry  
23 out activities to reduce the hurricane and flood risk of a  
24 federally recognized Indian Tribe located within a flood-  
25 prone area of a unit of the National Park System, includ-

1 ing to carry out activities to reduce the flood risk of struc-  
2 tures contained within an area of a unit of the National  
3 Park System for which a special use permit has been pro-  
4 vided.

5 (e) ENVIRONMENTAL PROTECTION AGENCY.—In ad-  
6 dition to amounts otherwise available, there is appro-  
7 priated to the Administrator of the Environmental Protec-  
8 tion Agency for fiscal year 2023, out of any money in the  
9 Treasury not otherwise appropriated, \$100,000,000 for  
10 environmental restoration and monitoring, to remain  
11 available until expended, including to carry out—

12 (1) the National Estuary Program under sec-  
13 tion 320 of the Federal Water Pollution Control Act  
14 (33 U.S.C. 1330) for estuaries within States and  
15 territories impacted by Hurricane Ian, Hurricane  
16 Nicole, or Hurricane Fiona; and

17 (2) geographic programs of the Environmental  
18 Protection Agency specified in the explanatory state-  
19 ment described in section 4 of the Consolidated Ap-  
20 propriations Act, 2023 (Public Law 117–328), that  
21 are within States and territories impacted by Hurri-  
22 cane Ian, Hurricane Nicole, or Hurricane Fiona.

23 (f) RECONSTRUCTION OR REHABILITATION OF POST-  
24 AL FACILITIES.—In addition to amounts otherwise avail-  
25 able, there is appropriated to the United States Postal

1 Service for fiscal year 2023, out of any money in the  
2 Treasury not otherwise appropriated, \$10,000,000, to re-  
3 main available until expended, for reconstruction or reha-  
4 bilitation of facilities of the Postal Service that were de-  
5 stroyed or damaged by Hurricane Ian, Hurricane Nicole,  
6 or Hurricane Fiona.

7 **SEC. 4. GENERAL PROVISIONS.**

8 (a) REIMBURSEMENT OF INTEREST PAYMENTS RE-  
9 LATED TO PUBLIC ASSISTANCE.—

10 (1) IN GENERAL.—Title IV of the Robert T.  
11 Stafford Disaster Relief and Emergency Assistance  
12 Act (42 U.S.C. 5170 et seq.) is amended by adding  
13 at the end the following:

14 **“SEC. 431. REIMBURSEMENT OF INTEREST PAYMENTS RE-**  
15 **LATED TO PUBLIC ASSISTANCE.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) QUALIFYING INTEREST.—The term ‘quali-  
18 fying interest’ means, with respect to a qualifying  
19 loan, the lesser of—

20 “(A) the actual interest paid to a lender  
21 for such qualifying loan; and

22 “(B) the interest that would have been  
23 paid to a lender if such qualifying loan had an  
24 interest rate equal to the prime rate most re-



1           cently published on the Federal Reserve Statis-  
2           tical Release on selected interest rates.

3           “(2) QUALIFYING LOAN.—The term ‘qualifying  
4           loan’ means a loan—

5                   “(A) obtained by a local government or  
6                   electric cooperative; and

7                   “(B) of which not less than 90 percent of  
8                   the proceeds are used to fund activities for  
9                   which such local government or electric coopera-  
10                  tive receives assistance under this Act after the  
11                  date on which such loan is disbursed.

12          “(b) FINANCIAL ASSISTANCE.—The President, act-  
13          ing through the Administrator of the Federal Emergency  
14          Management Agency, shall provide financial assistance to  
15          a local government or electric cooperative as reimburse-  
16          ment for qualifying interest.”.

17          (2) RULE OF APPLICABILITY.—Any qualifying  
18          interest (as such term is defined in section 431 of  
19          the Robert T. Stafford Disaster Relief and Emer-  
20          gency Assistance Act, as added by this Act) incurred  
21          by a local government or electric cooperative in the  
22          5 years preceding the date of enactment of this Act  
23          shall be treated as eligible for financial assistance  
24          for purposes of such section.

1 (b) REVISION OF PASTEURIZED ORANGE JUICE  
2 STANDARDS.—

3 (1) IN GENERAL.—The Secretary of Health and  
4 Human Services shall—

5 (A) not later than 30 days after the date  
6 of enactment of this Act, initiate a rulemaking  
7 process to reassess the standard of identity for  
8 “pasteurized orange juice”, established in sec-  
9 tion 146.140 of title 21, Code of Federal Regu-  
10 lations; and

11 (B) not later than 120 days after the date  
12 of enactment of this Act, issue an interim final  
13 rule to amend such standard of identity for  
14 “pasteurized orange juice”, if, after initiating  
15 the rulemaking process to reassess such stand-  
16 ard of identity, the Secretary determines such  
17 standard of identity should be amended.

18 (2) REGULATION AUTHORITY.—Nothing in this  
19 subsection shall be construed to limit the authority  
20 of the Secretary of Health and Human Services to  
21 promulgate regulations to further amend the stand-  
22 ard of identity for pasteurized orange juice after the  
23 issuance of an interim final rule under paragraph  
24 (1)(B).



1 (A) ADMINISTRATOR.—The term “Admin-  
2 istrator” means the Administrator of the Fed-  
3 eral Emergency Management Agency.

4 (B) APPROPRIATE COMMITTEES OF CON-  
5 GRESS.—The term “appropriate committees of  
6 Congress” means—

7 (i) the Committee on Homeland Secu-  
8 rity and Governmental Affairs of the Sen-  
9 ate; and

10 (ii) the Committee on Transportation  
11 and Infrastructure of the House of Rep-  
12 resentatives.

13 (C) PILOT PROGRAM.—The term “pilot  
14 program” means the pilot program established  
15 and carried out by the Administrator under this  
16 subsection.

17 (2) PILOT PROGRAM.—As part of the program  
18 carried out under section 1366 of the National  
19 Flood Insurance Act of 1968 (42 U.S.C. 4104c), the  
20 Administrator shall, not later than 1 year after the  
21 date of enactment of this Act, establish a pilot pro-  
22 gram under which the Administrator shall make  
23 grants to the State of Florida, which shall, subject  
24 to paragraph (3), use those grant funds to elevate

1 structures located in areas in that State having spe-  
2 cial flood hazards or other areas of flood risk.

3 (3) MATCHING REQUIREMENT.—With respect  
4 to any project carried out with a grant made by the  
5 Administrator under the pilot program, the State of  
6 Florida shall match 50 percent of the grant amount.

7 (4) TERMINATION.—The pilot program shall  
8 terminate on the date that is 5 years after the date  
9 on which the Administrator establishes the pilot pro-  
10 gram under paragraph (2).

11 (5) REPORT.—Not later than 90 days after the  
12 date on which the pilot program terminates under  
13 paragraph (4), the Administrator shall submit to the  
14 appropriate committees of Congress a report that  
15 contains—

16 (A) findings from carrying out the pilot  
17 program; and

18 (B) recommendations regarding whether  
19 the pilot program, or a similar program, should  
20 be made permanent.

21 (f) EMERGENCY WATERSHED PROTECTION PRO-  
22 GRAM REGULATIONS REVISIONS.—The Secretary of Agri-  
23 culture shall issue a rule—

24 (1) to revise section 624.9 of title 7, Code of  
25 Federal Regulations, to provide that funds must be

1 obligated by the State Conservationist and construc-  
2 tion completed within 365 calendar days after the  
3 date funds are committed to the State Conserva-  
4 tionist, except for exigency situations in which case  
5 the construction must be completed within 30 days  
6 after the date the funds are committed; and

7 (2) to revise part 624 of title 7, Code of Fed-  
8 eral Regulations, to provide that an organization de-  
9 scribed in section 501(c)(3) of the Internal Revenue  
10 Code of 1986 and exempt from taxation under sec-  
11 tion 501(a) of that Code may be a project sponsor  
12 under that part, if the organization has entered into  
13 a binding agreement for a project sponsor (as de-  
14 fined in section 624.4 of that title (as in effect on  
15 the day before the date of enactment of this Act))  
16 to assume responsibility for operations and mainte-  
17 nance costs and requirements.