

Suspend the Rules and Pass the Bill, S. 3092

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
1ST SESSION

S. 3092

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of certain disaster assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 2021

Mr. Padilla (for himself and Mr. WYDEN introduced the following bill; which was referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of certain disaster assistance, 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 Improvement,
5 Reform, and Efficiency Act of 2022” or the “FIRE Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act—

3 (1) the term “Administrator” means the Ad-
4 ministrator of the Agency;

5 (2) the term “Agency” means the Federal
6 Emergency Management Agency;

7 (3) the term “appropriate committees of Con-
8 gress” means—

9 (A) the Committee on Homeland Security
10 and Governmental Affairs and the Committee
11 on Appropriations of the Senate; and

12 (B) the Committee on Transportation and
13 Infrastructure and the Committee on Appro-
14 priations of the House of Representatives;

15 (4) the term “emergency” means an emergency
16 declared or determined to exist by the President
17 under section 501 of the Robert T. Stafford Disaster
18 Relief and Emergency Assistance Act (42 U.S.C.
19 5191);

20 (5) the terms “Indian tribal government”,
21 “local government”, and “State” have the meanings
22 given such terms in section 102 of the Robert T.
23 Stafford Disaster Relief and Emergency Assistance
24 Act (42 U.S.C. 5122); and

25 (6) the term “major disaster” means a major
26 disaster declared by the President under section 401

1 of the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act (42 U.S.C. 5170).

3 **SEC. 3. REPORT ON RELOCATION ASSISTANCE.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, the Administrator shall sub-
6 mit a report regarding the use of relocation assistance
7 under sections 203, 404, and 406 of the Robert T. Staf-
8 ford Disaster Relief and Emergency Assistance Act (42
9 U.S.C. 5133, 5170e, 5172) for wildfire risk to the appro-
10 priate committees of Congress.

11 (b) CONTENTS.—The report submitted under sub-
12 section (a) shall include the following:

13 (1) Any information on relocation projects that
14 have been carried out due to fire risks or denied by
15 the Agency, including the number and value of
16 projects either carried out or denied.

17 (2) A discussion of the possible benefits or dis-
18 advantages of providing relocation assistance that
19 may reduce, but not eliminate, the risk of loss due
20 to wildfires.

21 (3) A discussion of how the Agency may opti-
22 mize relocation assistance when entire States or geo-
23 graphic areas are considered subject to a fire risk.

24 (4) An analysis of whether other mitigation
25 measures are more cost-effective than relocation as-

1 sistance when the applicant is applying to move from
2 a high-risk to a medium-risk or low-risk area with
3 respect to wildfires.

4 (5) An analysis of the need for the Federal
5 Government to produce wildfire maps that identify
6 high-risk, moderate-risk, and low-risk wildfire zones.

7 (6) An analysis of whether other mitigation
8 measures promote greater resilience to wildfires
9 when compared to relocation or, if additional data is
10 required in order to carry out such an analysis, a
11 discussion of the additional data required.

12 (7) A discussion of the ability of States, local
13 governments, and Indian tribal governments to dem-
14 onstrate fire risk, and whether the level of this abil-
15 ity impacts the ability of States, local governments,
16 or Indian tribal governments to access relocation as-
17 sistance, including an assessment of existing fire
18 mapping products and capabilities and recommenda-
19 tions on redressing any gaps in the ability of the
20 Agency to assist States, local governments, and In-
21 dian tribal governments in demonstrating fire risk.

22 (8) An evaluation of—

23 (A) the scope of the data available to the
24 Agency regarding historical wildfire losses;

1 (B) how such data is utilized in benefit-
2 cost analysis determinations by the Agency;

3 (C) what additional data, if any, may be
4 pertinent to such determinations; and

5 (D) what, if any, alternative methods may
6 be relevant to the determination of cost effec-
7 tiveness.

8 (9) A discussion of the extent to which the deci-
9 sion process for relocation assistance appropriately
10 considers the change in future risks for wildfires due
11 to a changing climate.

12 (10) An analysis of whether statutes and regu-
13 lations regarding relocation assistance by the Agency
14 present barriers for States, local governments, or In-
15 dian tribal governments trying to access funding to
16 reduce wildfire risk.

17 (11) An analysis of—

18 (A) how, if at all, the Agency has modified
19 policies and procedures to determine the eligi-
20 bility of proposed relocation or mitigation
21 projects with respect to wildfires;

22 (B) the cost effectiveness of such projects,
23 in light of the increasing losses and obligations
24 for wildfires in recent years; and

1 (C) the effectiveness of any modifications
2 described in subparagraph (A).

3 (12) An analysis of how, if at all, recent
4 changes in the availability of fire insurance has re-
5 sulted in modifications of policy or procedure with
6 respect to determining the cost efficacy of relocation
7 assistance for wildfires.

8 (13) An analysis of how to define repetitive loss
9 and repetitively damaged properties in the context of
10 wildfires.

11 (14) Other related issues that the Adminis-
12 trator determines appropriate.

13 **SEC. 4. RED FLAG WARNINGS AND PREDISASTER ACTIONS.**

14 Not later than 1 year after the date of enactment
15 of this Act, the Administrator, in coordination with the
16 National Weather Service of the National Oceanic and At-
17 mospheric Administration, shall—

18 (1) conduct a study of, develop recommenda-
19 tions for, and initiate a process for the use of fore-
20 casts and data, including information that supports
21 the Red Flag Warnings of the National Oceanic and
22 Atmospheric Administration and similar weather
23 alert and notification methods, to establish—

24 (A) plans and actions, consistent with law,
25 that can be implemented prior to a wildfire

1 event, including pre-impact disaster declara-
2 tions and surge operations, that can limit the
3 impact, duration, or severity of the fire; and

4 (B) mechanisms to increase interagency
5 collaboration to expedite the delivery of disaster
6 assistance; and

7 (2) submit to the appropriate committees of
8 Congress a comprehensive report regarding the
9 study described in paragraph (1), including any rec-
10 ommendations of the Administrator, and the activi-
11 ties of the Administrator to carry out paragraph (1).

12 **SEC. 5. ASSISTANCE FOR WILDFIRE DAMAGE.**

13 Not later than 180 days after the date of enactment
14 of this Act, the Administrator shall brief the appropriate
15 committees of Congress regarding—

16 (1) the application for assistance and consist-
17 ency of assistance provided by the Agency in re-
18 sponse to wildfires; and

19 (2) the kinds of damage that result from
20 wildfires.

21 **SEC. 6. GAO REPORT ON GAPS.**

22 Not later than 1 year after the date of enactment
23 of this Act, the Comptroller General of the United States
24 shall submit to the appropriate committees of Congress
25 a report that examines—

1 (1) gaps in the policies of the Agency related to
2 wildfires, when compared to other hazards;

3 (2) disparities in regulations and guidance
4 issued by the Administrator, including any oversight
5 of the programs of the Agency, when addressing im-
6 pacts of wildfires and other hazards;

7 (3) ways to shorten the period of time between
8 the initiating of and the distribution of assistance,
9 reimbursements, and grants;

10 (4) the effectiveness of the programs of the
11 Agency in addressing wildfire hazards;

12 (5) ways to improve the ability of the Agency
13 to assist States, local governments, and Indian tribal
14 governments to prepare for, respond to, recover
15 from, and mitigate against wildfire hazards;

16 (6) revising the application process for assist-
17 ance relating to wildfires to more effectively assess
18 uninsured and underinsured losses and serious
19 needs; and

20 (7) ways to improve the disaster assistance pro-
21 grams of agencies other than the Agency.

22 **SEC. 7. CRISIS COUNSELING EFFECTIVE COMMUNICATION.**

23 (a) IN GENERAL.—Section 416 of the Robert T.
24 Stafford Disaster Relief and Emergency Assistance Act
25 (42 U.S.C. 5183) is amended—

1 (1) by striking “The President” and inserting
2 the following:

3 “(a) IN GENERAL.—The President”; and

4 (2) by adding at the end the following:

5 “(b) TRAINING.—Each State, local agency, or private
6 mental health organization providing professional coun-
7 seling services described in subsection (a) shall ensure
8 that, any individual providing professional counseling serv-
9 ices to victims of a major disaster as authorized under
10 subsection (a), including individuals working for nonprofit
11 partners and recovery organizations, is appropriately
12 trained to address impacts from major disasters in com-
13 munities, and to individuals, with socio-economically dis-
14 advantaged backgrounds.”.

15 (b) RULE OF APPLICABILITY.—The amendments
16 made by this section shall apply with respect to amounts
17 appropriated on or after the date of enactment of this Act.

18 **SEC. 8. CASE MANAGEMENT EFFECTIVE COMMUNICATION.**

19 (a) IN GENERAL.—Section 426 of the Robert T.
20 Stafford Disaster Relief and Emergency Assistance Act
21 (42 U.S.C. 5189d) is amended—

22 (1) by striking “The President” and inserting
23 the following:

24 “(a) IN GENERAL.—The President”; and

25 (2) by adding at the end the following:

1 “(b) TRAINING.—Each State, local government agen-
2 cy, or qualified private organization providing professional
3 counseling services described in subsection (a) shall ensure
4 that any individual providing case management services
5 to victims of a major disaster as authorized under sub-
6 section (a), including individuals working for nonprofit
7 partners and recovery organizations, is appropriately
8 trained to address impacts from major disasters in com-
9 munities, and to individuals, with socio-economically dis-
10 advantaged backgrounds.”.

11 (b) RULE OF APPLICABILITY.—The amendments
12 made by this section shall apply with respect to amounts
13 appropriated on or after the date of enactment of this Act.

14 **SEC. 9. STUDY AND PLAN FOR DISASTER HOUSING ASSIST-**
15 **ANCE.**

16 (a) STUDY.—Not later than 180 days after the date
17 of enactment of this Act, the Administrator shall—

18 (1) conduct a study and develop a plan, con-
19 sistent with law, under which the Agency will ad-
20 dress providing housing assistance to survivors of
21 major disasters or emergencies when presented with
22 challenges such as—

23 (A) the presence of multiple families within
24 a single household; and

1 (B) the near loss of a community, with the
2 majority of homes destroyed in that community,
3 including as a result of a wildfire, earthquake,
4 or other event causing a major disaster; and
5 (2) make recommendations for legislative
6 changes needed to address—

7 (A) the presence of multiple families within
8 a single household; and

9 (B) the near loss of a community, with the
10 majority of homes destroyed in that community,
11 including as a result of a wildfire, earthquake,
12 or other event causing a major disaster.

13 (b) **COMPREHENSIVE REPORT.**—The Administrator
14 shall submit to the appropriate committees of Congress
15 a report that provides a detailed discussion of the plans
16 developed under subsection (a)(1) and the recommenda-
17 tions of the Administrator under subsection (a)(2).

18 (c) **BRIEFING.**—Not later than 30 days after submis-
19 sion of the report and recommendations under subsection
20 (b), the Administrator shall brief the appropriate commit-
21 tees of Congress on the findings and any recommendations
22 made pursuant to this section.

23 **SEC. 10. REIMBURSEMENT.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Administrator shall brief the appropriate

1 committees of Congress regarding the extent to which the
2 Agency is using housing solutions proposed by a State or
3 local government to reduce the time or cost required to
4 implement housing solutions after a major disaster.

5 **SEC. 11. PERMIT APPLICATIONS FOR TRIBAL UPGRADES TO**
6 **EMERGENCY OPERATIONS CENTERS.**

7 (a) IN GENERAL.—Section 614(a) of the Robert T.
8 Stafford Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5196c(a)) is amended—

10 (1) by inserting “and Indian tribal govern-
11 ments” after “grants to States”; and

12 (2) by striking “State and local” and inserting
13 “State, local, and Tribal”.

14 (b) APPLICABILITY.—The amendments made by sub-
15 section (a) shall apply with respect to amounts appro-
16 priated on or after the date of enactment of this Act.