

117TH CONGRESS
1ST SESSION

H. R. 5782

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 28, 2021

Ms. LOFGREN (for herself, Mr. THOMPSON of California, Mr. HUFFMAN, and Mr. PANETTA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2021” or the “FIRE Act
6 of 2021”.

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 “emergency” means an emergency
8 declared or determined to exist by the President
9 under section 501 of the Robert T. Stafford Disaster
10 Relief and Emergency Assistance Act (42 U.S.C.
11 5191);

12 (4) the terms “Indian tribal government”,
13 “local government”, and “State” have the meanings
14 given such terms in section 102 of the Robert T.
15 Stafford Disaster Relief and Emergency Assistance
16 Act (42 U.S.C. 5122); and

17 (5) the term “major disaster” means a major
18 disaster declared by the President under section 401
19 of the Robert T. Stafford Disaster Relief and Emer-
20 gency Assistance Act (42 U.S.C. 5170).

21 **SEC. 3. AUTHORITY FOR RELOCATION PROJECTS.**

22 (a) ELIGIBILITY FOR ASSISTANCE.—An eligible ap-
23 plicant seeking public mitigation assistance under section
24 406 of the Robert T. Stafford Disaster Relief and Emer-
25 gency Assistance Act (42 U.S.C. 5172) or section 1366
26 of the National Flood Insurance Act of 1968 (42 U.S.C.

1 4104c) may be eligible to receive such assistance for the
2 relocation of an eligible structure if the entity—

3 (1) demonstrates that—

4 (A) the structure is at risk from future
5 damage, based on the most recently conducted
6 hazard map or State or local expert risk assess-
7 ment, regardless of whether the risk is of repet-
8 itive or heavy damage;

9 (B) the overall relocation project reduces
10 the risk to the structure and is cost effective;
11 and

12 (C) the overall relocation project does not
13 increase risk to adjacent structures;

14 (2) complies with all other eligibility require-
15 ments for relocation projects; and

16 (3) complies with Federal requirements for the
17 project.

18 (b) APPLICABILITY.—Subsection (a) shall apply to a
19 major disaster declared by the President on or after the
20 date of enactment of this Act.

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

22 Not later than 1 year after the date of enactment
23 of this Act, the Administrator, in coordination with the
24 National Weather Service of the National Oceanic and At-
25 mospheric Administration, shall—

1 (1) conduct a study of, develop recommenda-
2 tions for, and initiate a process for the use of Red
3 Flag Warnings and similar weather alert and notifi-
4 cation methods, including the use of emerging tech-
5 nologies, to establish—

6 (A) plans and actions, consistent with law,
7 that can be implemented prior to a wildfire
8 event, including pre-impact disaster declara-
9 tions and surge operations, that can limit the
10 impact, duration, or severity of the fire; and

11 (B) mechanisms to increase interagency
12 collaboration to expedite the delivery of disaster
13 assistance; and

14 (2) submit to the Committee on Homeland Se-
15 curity and Governmental Affairs of the Senate and
16 the Committee on Transportation and Infrastructure
17 of the House of Representatives a comprehensive re-
18 port regarding the study described in paragraph (1),
19 including any recommendations of the Adminis-
20 trator, and the activities of the Administrator to
21 carry out paragraph (1).

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

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

1 on Homeland Security and Governmental Affairs of the
2 Senate regarding—

3 (1) the application for assistance and consist-
4 ency of assistance provided by the Agency in re-
5 sponse to wildfires; and

6 (2) the kinds of damage that result from
7 wildfires.

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

9 Not later than 1 year after the date of enactment
10 of this Act, the Comptroller General of the United States
11 shall submit to the Committee on Homeland Security and
12 Governmental Affairs of the Senate and the Committee
13 on Transportation and Infrastructure of the House of
14 Representatives a report that examines—

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

17 (2) disparities in regulations and guidance
18 issued by the Administrator, including any oversight
19 of the programs of the Agency, when addressing im-
20 pacts of wildfires and other hazards;

21 (3) ways to shorten the period of time between
22 the initiating of and the distribution of assistance,
23 reimbursements, and grants;

24 (4) the effectiveness of the programs of the
25 Agency in addressing wildfire hazards;

1 (5) ways to improve the ability of the Agency
2 to assist States, local governments, and Indian tribal
3 governments to prepare for, respond to, recover
4 from, and mitigate against wildfire hazards;

5 (6) revising the application process for assist-
6 ance relating to wildfires to more effectively assess
7 uninsured and underinsured losses and serious
8 needs; and

9 (7) with respect to the community development
10 block grant disaster recovery and mitigation pro-
11 grams authorized under title I of the Housing and
12 Community Development Act of 1974 (42 U.S.C.
13 5301 et seq.)—

14 (A) establishing clear triggers for the ap-
15 propriation of funds related to those programs
16 based on the declaration of a major disaster
17 that reaches identified thresholds; and

18 (B) amending title I of the Housing and
19 Community Development Act of 1974 (42
20 U.S.C. 5301 et seq.) to permanently establish
21 the requirements for those programs and allow
22 for the development of pre-disaster action plans.

1 **SEC. 7. CRISIS COUNSELING CULTURAL COMPETENCY.**

2 Section 416 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5183) is
4 amended—

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

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

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

9 “(b) CULTURAL COMPETENCY.—The President shall,
10 in consultation with affected States, local governments,
11 and Indian tribal governments and cultural experts, en-
12 sure that any individual providing professional counseling
13 services to victims of a major disaster as authorized under
14 subsection (a), including those working for nonprofit part-
15 ners and recovery organizations, is appropriately trained
16 to address—

17 “(1) cultural competency, and respectful care
18 practices; and

19 “(2) impacts from major disasters in commu-
20 nities, and to individuals, with socio-economically
21 disadvantaged backgrounds.”.

22 **SEC. 8. CASE MANAGEMENT CULTURAL COMPETENCY.**

23 Section 426 of the Robert T. Stafford Disaster Relief
24 and Emergency Assistance Act (42 U.S.C. 5189d) is
25 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) CULTURAL COMPETENCY.—The President shall,
6 in consultation with affected States, local governments,
7 and Indian tribal governments and cultural experts, en-
8 sure that any individual providing case management serv-
9 ices to victims of a major disaster as authorized under
10 subsection (a), including those working for nonprofit part-
11 ners and recovery organizations, is appropriately trained
12 to address—

13 “(1) implicit bias, cultural competency, and re-
14 spectful care practices; and

15 “(2) impacts from major disasters in commu-
16 nities, and to individuals, with socio-economically
17 disadvantaged backgrounds.”.

18 **SEC. 9. STUDY AND PLAN FOR DISASTER HOUSING ASSIST-**
19 **ANCE.**

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

22 (1) conduct a study and develop a plan, con-
23 sistent with law, under which the Agency will ad-
24 dress providing housing assistance to survivors of

1 major disasters or emergencies when presented with
2 challenges such as—

3 (A) the lack of proof of ownership or own-
4 ership documentation;

5 (B) the presence of multiple families with-
6 in a single household; and

7 (C) the near loss of a community, with the
8 majority of homes destroyed in that community,
9 including as a result of a wildfire, earthquake,
10 or other event causing a major disaster; and

11 (2) make recommendations for legislative
12 changes needed to address—

13 (A) the unmet needs of survivors of major
14 disasters or emergencies who are unable to doc-
15 ument or prove ownership of the household;

16 (B) the presence of multiple families with-
17 in a single household; and

18 (C) the near loss of a community, with the
19 majority of homes destroyed in that community,
20 including as a result of a wildfire, earthquake,
21 or other event causing a major disaster.

22 (b) COMPREHENSIVE REPORT.—The Administrator
23 shall submit to the Committee on Homeland Security and
24 Governmental Affairs of the Senate and the Committee
25 on Transportation and Infrastructure of the House of

1 Representatives a report that provides a detailed discus-
2 sion of the plans developed under subsection (a)(1) and
3 the recommendations of the Administrator under sub-
4 section (a)(2).

5 (c) BRIEFING.—Not later than 30 days after submis-
6 sion of the report and recommendations under subsection
7 (b), the Administrator shall brief, the committees de-
8 scribed in subsection (b) on the findings and any rec-
9 ommendations made pursuant to this section.

10 **SEC. 10. REIMBURSEMENT.**

11 Not later than 180 days after the date of enactment
12 of this Act, the Administrator shall brief the Committee
13 on Homeland Security and Governmental Affairs of the
14 Senate regarding the extent to which the Agency is using
15 housing solutions proposed by a State or local government
16 to reduce the time or cost required to implement housing
17 solutions after a major disaster.

18 **SEC. 11. WILDFIRE INSURANCE STUDY BY THE NATIONAL**
19 **ACADEMIES.**

20 (a) STUDY.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this Act, the Adminis-
23 trator shall seek to enter into an agreement with the
24 National Academy of Sciences to conduct a study
25 of—

1 (A) potential solutions to address the avail-
2 ability and affordability of insurance for wild-
3 fire perils in all regions of the United States,
4 including consideration of a national all natural
5 hazards insurance program;

6 (B) the ability of States, communities, and
7 individuals to mitigate wildfire risks, including
8 the affordability and feasibility of such mitiga-
9 tion activities;

10 (C) the current and potential future effects
11 of land use policies and building codes on the
12 potential solutions;

13 (D) the reasons why many properties at
14 risk of wildfire lack insurance coverage;

15 (E) the role of insurers in providing incen-
16 tives for wildfire risk mitigation efforts;

17 (F) the state of catastrophic insurance and
18 reinsurance markets and the approaches in pro-
19 viding insurance protection to different sectors
20 of the population of the United States;

21 (G) the role of the Federal Government
22 and State and local governments in providing
23 incentives for feasible wildfire risk mitigation
24 efforts and the cost of providing assistance in
25 the absence of insurance;

1 (H) the state of modeling and mapping
2 wildfire risk and solutions for accurately and
3 adequately identifying future wildfire risk;

4 (I) approaches to insuring wildfire risk in
5 the United States; and

6 (J) such other issues that may be nec-
7 essary or appropriate for the report.

8 (2) CONSULTATION.—The agreement to con-
9 duct the study described in subsection (a), shall re-
10 quire that, in conducting the study, the National
11 Academy of Sciences shall consult with State insur-
12 ance regulators, consumer organizations, representa-
13 tives of the insurance and reinsurance industry, pol-
14 icyholders, and other organizations and experts, as
15 appropriate.

16 (b) SUBMISSION.—Not later than 2 years after the
17 date of enactment of this Act, the Administrator shall sub-
18 mit to Congress the results of the study commissioned
19 under subsection (a).

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as are nec-
22 essary to carry out this section.

1 **SEC. 12. INCREASED CAP FOR EMERGENCY DECLARATIONS**
2 **BASED ON REGIONAL COST OF LIVING.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Administrator shall brief the Committee
5 on Homeland Security and Governmental Affairs of the
6 Senate regarding the benefits and drawbacks of estab-
7 lishing a maximum amount for assistance provided for an
8 emergency that is based on the cost of living in the region
9 in which the emergency occurs.

10 **SEC. 13. FACILITATING DISPOSAL OF TEMPORARY TRANS-**
11 **PORTABLE HOUSING UNITS TO SURVIVORS.**

12 Section 408(d)(2)(B)(i) of the Robert T. Stafford
13 Disaster Relief and Emergency Assistance Act (42 U.S.C.
14 5174(d)(2)(B)(i)) is amended by inserting “, with priority
15 given to a survivor of a major disaster who suffered a
16 property loss as a result of the major disaster” after “any
17 person”.

18 **SEC. 14. DEADLINE ON CODE ENFORCEMENT AND FLOOD-**
19 **PLAIN MANAGEMENT COST ELIGIBILITY.**

20 Section 406(a)(2)(D) of the Robert T. Stafford Dis-
21 aster Relief and Emergency Assistance Act (42 U.S.C.
22 5172(a)(2)(D)) is amended—

23 (1) by striking “period of not more than 180
24 days” and all that follows and inserting the fol-
25 lowing: “period of—

1 “(i) except as provided in clause (ii),
2 not more than 1 year after the major dis-
3 aster is declared; or

4 “(ii) for flooding and other natural
5 catastrophes, including a major disaster
6 declared in relation to a fire or earthquake,
7 not more than 1 year after the date on
8 which incident occurs or the major disaster
9 is declared.”.

10 **SEC. 15. PERMIT APPLICATIONS FOR TRIBAL UPGRADES TO**
11 **EMERGENCY OPERATIONS CENTERS.**

12 Section 614(a) of the Robert T. Stafford Disaster Re-
13 lief and Emergency Assistance Act (42 U.S.C. 5196c(a))
14 is amended by inserting “and Indian tribal governments”
15 after “grants to States”.

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