

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.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 2021

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

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## 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       **SEC. 2. DEFINITIONS.**

7       In this Act—

8               (1) the term “Administrator” means the Ad-  
9       ministrator of the Agency;

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

3           (3) the term “emergency” means an emergency  
4       declared or determined to exist by the President  
5       under section 501 of the Robert T. Stafford Disaster  
6       Relief and Emergency Assistance Act (42 U.S.C.  
7       5191);

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

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

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

18          (a) ELIGIBILITY FOR ASSISTANCE.—An eligible ap-  
19      plicant seeking public mitigation assistance under section  
20      406 of the Robert T. Stafford Disaster Relief and Emer-  
21      gency Assistance Act (42 U.S.C. 5172) or section 1366  
22      of the National Flood Insurance Act of 1968 (42 U.S.C.  
23      4104c) may be eligible to receive such assistance for the  
24      relocation of an eligible structure if the entity—

25           (1) demonstrates that—

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

6 (B) the overall relocation project reduces  
7 the risk to the structure and is cost effective;  
8 and

9 (C) the overall relocation project does not  
10 increase risk to adjacent structures;

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

13 (3) complies with Federal requirements for the  
14 project.

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

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

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

23 (1) conduct a study of, develop recommenda-  
24 tions for, and initiate a process for the use of Red  
25 Flag Warnings and similar weather alert and notifi-

1 cation methods, including the use of emerging tech-  
2 nologies, to establish—

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

8 (B) mechanisms to increase interagency  
9 collaboration to expedite the delivery of disaster  
10 assistance; and

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

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

20 Not later than 180 days after the date of enactment  
21 of this Act, the Administrator shall brief the Committee  
22 on Homeland Security and Governmental Affairs of the  
23 Senate regarding—

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

4           (2) the kinds of damage that result from  
5           wildfires.

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

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

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

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

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

22           (4) the effectiveness of the programs of the  
23           Agency in addressing wildfire hazards;

24           (5) ways to improve the ability of the Agency  
25           to assist States, local governments, and Indian tribal

1 governments to prepare for, respond to, recover  
2 from, and mitigate against wildfire hazards;

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

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

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

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

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

22 Section 416 of the Robert T. Stafford Disaster Relief  
23 and Emergency Assistance Act (42 U.S.C. 5183) is  
24 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 professional counseling  
9 services 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) cultural competency and respectful care  
14           practices; and

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

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

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

9               “(1) cultural competency and respectful care  
 10 practices; and

11               “(2) impacts from major disasters in commu-  
 12 nities, and to individuals, with socio-economically  
 13 disadvantaged backgrounds.”.

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 lack of proof of ownership or own-  
 24 ership documentation;



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

3 (C) the near loss of a community, with the  
4 majority of homes destroyed in that community,  
5 including as a result of a wildfire, earthquake,  
6 or other event causing a major disaster; and

7 (2) make recommendations for legislative  
8 changes needed to address—

9 (A) the unmet needs of survivors of major  
10 disasters or emergencies who are unable to doc-  
11 ument or prove ownership of the household;

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

14 (C) the near loss of a community, with the  
15 majority of homes destroyed in that community,  
16 including as a result of a wildfire, earthquake,  
17 or other event causing a major disaster.

18 (b) COMPREHENSIVE REPORT.—The Administrator  
19 shall submit to the Committee on Homeland Security and  
20 Governmental Affairs of the Senate and the Committee  
21 on Transportation and Infrastructure of the House of  
22 Representatives a report that provides a detailed discus-  
23 sion of the plans developed under subsection (a)(1) and  
24 the recommendations of the Administrator under sub-  
25 section (a)(2).

1 (c) BRIEFING.—Not later than 30 days after submis-  
2 sion of the report and recommendations under subsection  
3 (b), the Administrator shall brief the committees described  
4 in subsection (b) on the findings and any recommenda-  
5 tions made pursuant to this section.

6 **SEC. 10. REIMBURSEMENT.**

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

14 **SEC. 11. WILDFIRE INSURANCE STUDY BY THE NATIONAL**  
15 **ACADEMIES.**

16 (a) STUDY.—

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

22 (A) potential solutions to address the avail-  
23 ability and affordability of insurance for wild-  
24 fire perils in all regions of the United States,

1 including consideration of a national all natural  
2 hazards insurance program;

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

7 (C) the current and potential future effects  
8 of land use policies and building codes on the  
9 potential solutions;

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

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

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

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

23 (H) the state of modeling and mapping  
24 wildfire risk and solutions for accurately and  
25 adequately identifying future wildfire risk;

1 (I) approaches to insuring wildfire risk in  
2 the United States; and

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

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

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

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

20 **SEC. 12. INCREASED CAP FOR EMERGENCY DECLARATIONS**  
21 **BASED ON REGIONAL COST OF LIVING.**

22 Not later than 180 days after the date of enactment  
23 of this Act, the Administrator shall brief the Committee  
24 on Homeland Security and Governmental Affairs of the  
25 Senate regarding the benefits and drawbacks of estab-

1 lishing a maximum amount for assistance provided for an  
 2 emergency that is based on the cost of living in the region  
 3 in which the emergency occurs.

4 **SEC. 13. FACILITATING DISPOSAL OF TEMPORARY TRANS-**  
 5 **PORTABLE HOUSING UNITS TO SURVIVORS.**

6 Section 408(d)(2)(B)(i) of the Robert T. Stafford  
 7 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
 8 5174(d)(2)(B)(i)) is amended by inserting “, with priority  
 9 given to a survivor of a major disaster who suffered a  
 10 property loss as a result of the major disaster” after “any  
 11 person”.

12 **SEC. 14. DEADLINE ON CODE ENFORCEMENT AND FLOOD-**  
 13 **PLAIN MANAGEMENT COST ELIGIBILITY.**

14 Section 406(a)(2)(D) of the Robert T. Stafford Dis-  
 15 aster Relief and Emergency Assistance Act (42 U.S.C.  
 16 5172(a)(2)(D)) is amended—

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

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

23 “(ii) for flooding and other natural  
 24 catastrophes, including a major disaster  
 25 declared in relation to a fire or earthquake,

1 not more than 1 year after the date on  
2 which incident occurs or the major disaster  
3 is declared.”.

4 **SEC. 15. PERMIT APPLICATIONS FOR TRIBAL UPGRADES TO**  
5 **EMERGENCY OPERATIONS CENTERS.**

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

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