

PREPAREDNESS AND RISK MANAGEMENT FOR EXTREME
WEATHER PATTERNS ASSURING RESILIENCE AND EF-
FECTIVENESS ACT OF 2019

DECEMBER 17, 2019.—Ordered to be printed

Mr. DEFAZIO, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4347]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4347) to enhance the Federal Government's planning and preparation for extreme weather and the Federal Government's dissemination of best practices to respond to extreme weather, thereby increasing resilience, improving regional coordination, and mitigating the financial risk to the Federal Government from such extreme weather, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE OF LEGISLATION

The purpose of H.R. 4347 is to establish the Interagency Council on Extreme Weather Resilience, Preparedness, and Risk Identification and Management.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4347 is intended to ensure better planning and coordination among Federal agencies to cope with extreme weather events and facilitate information sharing with State, local, tribal, and territorial governments to help increase emergency preparedness.

Extreme weather events are becoming more frequent and the costs associated with disaster mitigation and response are mounting.¹ According to the Federal Emergency Management Agency (FEMA), there have been only three years since 2000 with fewer than one hundred Presidentially-declared hazards.² The regularity of these extreme weather-related events has made clear that coordinating mitigation efforts and disseminating the best available information and practices to Federal, State, local, tribal, and territorial stakeholders by Federal agencies is critical.

H.R. 4347 establishes an interagency council to provide recommendations on the best means of planning and preparing for future extreme weather incidents. The interagency council is to be comprised of 15 or more representatives from the White House and other executive departments and agencies, including the Office of Management and Budget (OMB), the Council on Environmental Quality (CEQ), the Department of Homeland Security (DHS), the Department of Transportation (DOT), the Environmental Protection Agency (EPA), and the National Oceanic and Atmospheric Administration (NOAA). The bill also directs Federal agencies to develop extreme weather plans to consider the effects of these events on the operations and mission of the respective department or agency.

The council will coordinate with groups in the Federal government focused on extreme weather mitigation and disaster recovery to avoid duplication of efforts, including the Mitigation Framework Leadership Group, the Recovery Support Function Leaders Group, and others. The council will support regional, State, local, tribal, and territorial action to assess extreme weather-related vulnerabilities and cost-effectively increase resilience, preparedness, and risk management in communities and critical economic sectors. The council is charged with facilitating the development, sharing, and integration of meteorological and extreme weather science—and related disciplines—into agency policies, including policies on risk evaluation and planning.

The bill requires an annual report to Congress on how the government-wide goals and priorities are being met, including recommendations to enhance effectiveness and descriptions of the progress of coordination efforts. By facilitating the cooperative enhancement of resilience and hazard mitigation practices ahead of future extreme weather-related events, the interagency council will

¹ National Oceanic and Atmospheric Administration, “Billion-Dollar Weather and Climate Disasters,” available at <https://www.ncdc.noaa.gov/billions/>.

² FEMA, Declared Disasters web site, available at <https://www.fema.gov/disasters/disaster-declarations>.

contribute to reducing the damage and related costs incurred by future Presidentially-declared emergencies and disasters.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress the following hearings were used to develop or consider H.R. 4347:

On February 26, 2019, the Committee on Transportation and Infrastructure held a hearing entitled, “Examining How Federal Infrastructure Policy Could Help Mitigate and Adapt to Climate Change.” Witnesses included: Dr. Daniel Sperling, Board Member, California Air Resources Board; Mr. Ben Prochazka, Vice President, Electrification Coalition; Ms. Vicki Arroyo, Executive Director, Georgetown Climate Center; Mr. James M. Proctor, II, Senior Vice President and General Counsel, McWane, Inc., testifying on behalf of the Build Strong Coalition; Mr. Kevin DeGood, Director, Infrastructure Policy, Center for American Progress; Ms. Lynn Scarlett, Vice President, Policy and Government Affairs, The Nature Conservancy; and Dr. Whitley J. Saumweber, Director, Stephenson Ocean Security (SOS) Project, Center for Strategic and International Studies. Topics discussed included impacts of severe weather events and rising costs of Federal response and recovery operations.

On May 22, 2019, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing titled “Disaster Preparedness: DRRA Implementation and FEMA Readiness.” Witnesses included: Dr. Daniel Kaniewski, Deputy Administrator for Resilience, FEMA; Ms. Sima Merick, Executive Director, Ohio Emergency Management Agency, *testifying on behalf of the National Emergency Management Association*; Mr. Nick Crossley, Director, Hamilton County Ohio Emergency Management and Homeland Security Agency, *testifying on behalf of the International Association of Emergency Managers*; Mr. James Gore, Supervisor, County of Sonoma, California, testifying on behalf of the Nation Association of Counties; Mr. Al Davis, Deputy Director, Texas A&M Engineering Extension Service, *testifying on behalf of the National Domestic Preparedness Consortium*; and Mr. Randy Noel, President, Reve, Inc., *testifying on behalf of the National Association of Home Builders*. Topics discussed included the state of Federal disaster preparedness programs since the enactment of the Disaster Recovery Reform Act of 2018, the status of Federal disaster recovery assistance funding appropriated in the wake of major disaster declarations granted by the President from 2017–2019, and the increasing frequency of extreme weather-related hazards.

LEGISLATIVE HISTORY AND CONSIDERATION

On September 17, 2019, Representative Matt Cartwright (D-PA) introduced H.R. 4347, the Preparedness and Risk Management for Extreme Weather Patterns Assuring Resilience and Effectiveness Act of 2019 (PREPARE Act). Within the Committee, H.R. 4347 was referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management.

The Chair discharged the Subcommittee on Economic Development, Public Buildings, and Emergency Management from further consideration of H.R. 4347 on September 19, 2019.

The Committee met in open session on September 19, 2019, to consider H.R. 4347, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by voice vote, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

There were no recorded votes taken in connection with consideration of H.R. 4347.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 4347 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 11, 2019.

Hon. PETER A. DEFAZIO,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4347, the PREPARE Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 4347, PREPARE Act of 2019			
As ordered reported by the House Committee on Transportation and Infrastructure on September 19, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	*	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	3	12	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

H.R. 4347 would establish the Interagency Council on Extreme Weather Resilience, Preparedness, and Risk Identification and Management, made up of representatives from the Departments of Agriculture, Defense, Energy, Housing and Urban Development, Justice, and Transportation, as well as the Environmental Protection Agency, the Federal Emergency Management Agency, the National Security Council, and the Office of Management and Budget. Under the bill, the council would provide information on best practices for agencies to prepare for and respond to severe weather. The bill also would direct every agency to include a severe weather plan in its performance plans.

Federal agencies are required to perform essential functions under a broad range of circumstances, including severe weather. Through the National Preparedness Framework, agencies have developed a series of policy and planning documents to prevent, protect against, mitigate, respond to, and recover from many different types of threats and hazards.

However, CBO expects that complying with the legislation's provisions would increase the administrative and planning expenses of federal agencies. Based on the number of staff assigned to federal officials working with similar interagency councils, CBO estimates that the interagency council would need 14 full-time employees at an annual cost of about \$100,000 each. Additional staff also would be needed at each of the twenty six major agencies at an average annual cost of about \$100,000 for each employee. CBO expects that those employees would initially work on weather-related issues for six months each year with the amount of time they work on those issues declining after the plans are developed. In total, CBO estimates that implementing H.R. 4347 would cost between \$2 million and \$3 million annually.

The cost of the bill, detailed in Table 1, fall within budget function 800 (general government).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 4347

	By fiscal year, millions of dollars—					
	2020	2021	2022	2023	2024	2020–2024
Estimated Authorization	3	3	2	2	2	12
Estimated Outlays	3	3	2	2	2	12

Enacting H.R. 4347 could affect direct spending by some agencies that are allowed to use fees, receipts from the sale of goods, and other collections to cover operating costs. CBO estimates that any net changes in direct spending by those agencies would be negligible because most of them can adjust amounts collected to reflect changes in operating costs.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to establish consistent Federal goals and priorities for addressing extreme weather resilience, preparedness, and risk identification and management.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 4347 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 4347 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title; Table of contents

This section states that the act may be cited as the “Preparedness and Risk Management for Extreme Weather Patterns Assuring Resilience and Effectiveness Act of 2019” or the “PREPARE Act of 2019”. The section also includes a table of contents for the act.

Sec. 2. Interagency Council on Extreme Weather Resilience, Preparedness, and Risk Identification and Management

This section establishes the Interagency Council on Extreme Weather Resilience, Preparedness, and Risk Identification and Management and lists the agencies that will be represented on the Council. The Interagency Council will be co-chaired by the Administrator of the Federal Emergency Management Agency and the Deputy Director of the Office of Management and Budget.

The section also directs the Interagency Council to establish a steering committee and authorizes the creation of working groups. The Interagency Council is directed to support regional, State, local, tribal, and territorial action to assess extreme weather-related vulnerabilities, cost-effectively increase extreme weather resilience, and facilitate the integration of meteorological and extreme weather science. The section also requires the Interagency Council to develop a framework and performance metrics for evaluating the progress and success of extreme weather resilience, preparedness, and risk identification and management efforts.

Sec. 3. Agency planning for extreme weather-related risks

This section requires agency heads to submit a plan to integrate consideration of extreme weather into the agency’s operations and mission objectives. The section also directs the Director of the Office of Management and Budget to hold an interagency budget crosscut and policy hearing to review and integrate extreme weather plans across all agencies.

Sec. 4. Website

This section requires the Interagency Council to designate an agency to create and maintain a website describing interagency progress, best practices, best available meteorological science, and public outreach and education.

Sec. 5. Providing adequate resources and support

This section states that the Director of the Office of Management and Budget shall ensure that each agency provides adequate re-

sources to the Interagency Council to carry out the Act and for the website.

Sec. 6. Inventory

This section requires the Interagency Council, or a designated working group, to conduct and publish an inventory of all regional offices, centers, and programs of agencies assisting with extreme weather resilience, preparedness, and risk identification and management efforts at the State or local level. This inventory must occur every two years.

Sec. 7. Meetings

This section directs the Interagency Council to hold a meeting of representatives of the offices and programs included in the inventory, as well as other local and regional stakeholders, to develop plans and coordinate efforts. A meeting must occur within six months of every inventory described in section six.

Sec. 8. Progress updates

This section requires participating agencies to submit information describing progress in regional coordination in aligning Federal resilience, preparedness, and risk identification and management to the Interagency Council with 90 days of each meeting described in section seven.

Sec. 9. Definitions

This section defines several key terms used in the Act, including, but not limited to, extreme weather, mitigation plan, preparedness, and resilience.

Sec. 10. Requirement to include agency extreme weather plan in agency performance plan

This section requires a description of the most recent agency extreme weather plan to be included in each agency's performance plan.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 4347 makes no changes to existing law.

COMMITTEE CORRESPONDENCE

CAROLYN B. MALONEY
CHAIRWOMAN

ONE HUNDRED SIXTEENTH CONGRESS

JAMES COMER
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September 21, 2020

The Honorable Peter DeFazio
Chairman
Committee on Transportation
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman DeFazio:

I am writing to you concerning H.R. 4347, the PREPARE Act of 2019. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Oversight and Reform.

In the interest of permitting your Committee to proceed expeditiously on this bill, I am willing to waive this Committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Oversight and Reform does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name Members of this Committee to any conference committee which is named to consider such provisions.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective Committees.

Sincerely,

Carolyn B. Maloney
Chairwomancc: The Honorable James R. Comer, Ranking Member
Committee on Oversight and ReformThe Honorable Sam Graves, Ranking Member
Committee on Transportation



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

Peter A. DeFazio
Chairman
Katherine W. Dedrick
Staff Director

Sam Graves
Ranking Member
Paul J. Sass
Republican Staff Director

September 21, 2020

The Honorable Carolyn B. Maloney
Chairwoman, Committee on Oversight and Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairwoman Maloney,

Thank you for your letter regarding *H.R. 4347, PREPARE Act of 2019*. I appreciate your decision to waive formal consideration of the bill.

I agree that the Committee on Oversight and Reform has valid jurisdictional claims to certain provisions in this important legislation, and I further agree that by forgoing formal consideration of the bill, the Committee on Oversight and Reform is not waiving any jurisdiction over any relevant subject matter. Additionally, I will support the appointment of conferees from the Committee on Oversight and Reform should a House-Senate conference be convened on this legislation. Finally, this exchange of letters will be included in the *Congressional Record* when the bill is considered on the floor.

Thank you again, and I look forward to continuing to work collaboratively with the Committee on Oversight and Reform on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. DeFazio".

Peter A. DeFazio
Chair

cc: The Honorable Sam Graves
The Honorable James R. Comer
Mr. Thomas J. Wickham, Jr., Parliamentarian