

Calendar No. 700

118TH CONGRESS }
2d Session }

SENATE

{ REPORT
118-294

INVESTING IN COMMUNITY RESILIENCE
ACT OF 2024

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 4900

TO AMEND THE ROBERT T. STAFFORD DISASTER RELIEF
AND EMERGENCY ASSISTANCE ACT TO INCENTIVIZE CERTAIN
PREPAREDNESS MEASURES, AND FOR OTHER PURPOSES



DECEMBER 16, 2024.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

59-010

WASHINGTON : 2025

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Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 4900]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 4900) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to incentivize certain preparedness measures, and for other purposes, having considered the same reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 4900, the *Investing in Community Resilience Act*, amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) by expanding the list of resilience measures the Federal Emergency Management Agency (FEMA) can consider when offering cost share incentives to a state or tribal government to invest in measures that increase readiness for, and resilience from, a major disaster. The incentives recognize resiliency investments through a sliding scale that increases the minimum federal share to 85 percent for disaster assistance, from the standard 75 percent.

Additionally, the bill requires the President, acting through the FEMA Administrator, to issue related guidance to state and tribal governments within one year of enactment.

II. BACKGROUND AND NEED FOR THE LEGISLATION

After a Presidential disaster declaration, FEMA helps state, territorial, local, and tribal governments rebuild their communities through the Public Assistance (PA) grant program. The PA program provides supplemental grant funding to help communities quickly respond to and recover from emergencies, with FEMA generally covering at least 75% of approved project costs.¹

The *Bipartisan Budget Act of 2018* included a provision amending the Stafford Act and authorizing the President to increase the minimum amount, on a sliding scale, that FEMA may provide in post-disaster PA funds from 75% to 85%, specifically for communities that adopt readiness and resilience measures before a disaster.² By incentivizing states and tribal governments to invest in resilience measures before a disaster hits, there may be less need for federal disaster relief.³ The existing provision in the Stafford Act grants FEMA broad discretion to determine which resilience measures warrant this cost share adjustment for communities.⁴ The statute includes a list of measures that FEMA may consider when implementing this provision.⁵ Current measures for consideration include, but are not limited to, investing in disaster relief, insurance, and emergency programs; adopting disaster-resilient building codes; and facilitating participation in the National Flood Insurance Program's Community Rating System.⁶

The *Investing in Community Resilience Act* amends the Stafford Act by adding additional resilience measures that FEMA may consider as they carry out the incentive under this section. These new resilience measures include: participation in programs designated by the FEMA Administrator that result in substantial science-based and verified increased resilience from building standards or land use practices for storms, tsunamis, floods, wildfires, or equivalent disasters; support of viable community emergency response teams (CERTs), or equivalent non-governmental organizations, that provide disaster assistance; and investments in emergency preparedness programs.

III. LEGISLATIVE HISTORY

Senator Laphonza Butler (D–CA) introduced S. 4900, the *Investing in Resilient Communities Act of 2024*, on July 31, 2024. Senator James Lankford Paul (R–OK) joined as a cosponsor on September 23, 2024. The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 4900 at a business meeting on September 25, 2024. At the business meeting, Senator Butler offered

¹ Federal Emergency Management Agency, Assistance for Governments and Private Non-Profits After a Disaster, (www.fema.gov/assistance/public) (accessed Oct. 11, 2024).

² Bipartisan Budget Act of 2018, Pub. L. No. 115–123.

³ National Institute of Building Sciences, Natural Hazard Mitigation Saves: 2019 Report, (www.nibs.org/projects/natural-hazard-mitigation-saves-2019-report) (accessed Dec, 09, 2024).

⁴ Bipartisan Budget Act of 2018, Pub. L. No. 115–123.

⁵ *Id.*

⁶ Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, Pub. L. No. 93–228.

a substitute amendment to the bill, as well as a modification to the substitute amendment. The Butler substitute amendment, as modified, removed language regarding subrecipients and certain language about CERTs. It also changed the effective date from 180 days to one year after enactment. The Butler substitute amendment, as modified, also included language stating that no additional funds are authorized to be appropriated to carry out this bill. The Committee adopted the modification to the Butler substitute amendment and the Butler substitute amendment as modified by unanimous consent, with Senators Peters, Carper, Hassan, Rosen, Blumenthal, Butler, Paul, Lankford, and Hawley present.

The bill, as amended by the modified Butler substitute amendment, was ordered reported favorably, by a roll call vote of 8 yeas and 1 nay, with Senators Peters, Carper, Hassan, Rosen, Blumenthal, Butler, Lankford, and Hawley voting in the affirmative, and Senator Paul voting in the negative. Senators Sinema, Ossoff, Johnson, Romney, Scott and Marshall voted yea by proxy, for the record only.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title of the bill as the “*Investing in Community Resilience Act of 2024*.”

Section 2. Emergency response teams

Subsection (a) amends Section 406(b)(3)(A) of the Stafford Act to expand resilience measures FEMA may consider to include preparedness programs, programs designated by the FEMA Administrator that result in substantial science-based, and verified increased resilience from building standards or land use practices for storms, tsunamis, floods, wildfires, or equivalent disasters. The section adds language to the statute supporting the training, outreach, and participation of CERT teams or equivalent nongovernmental organizations.

Subsection (b) requires that the President, acting through the FEMA Administrator, not later than one year after the enactment of this Act, shall issue comprehensive guidance to State, Local, and Tribal governments.

Section 3. Effective date; appropriations

This section establishes that the Act and its amendments will take effect one year after the date of enactment. The section provides that the Act can only be carried out with funds appropriated to FEMA after the legislation’s enactment. It also states that no additional funding is authorized to be appropriated for the purpose of carrying out the bill in enactment.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private sector

mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

The Congressional Budget Act of 1974 requires the Congressional Budget Office, to the extent practicable, to prepare estimates of the budgetary effects of legislation ordered reported by Congressional authorizing committees. In order to provide the Congress with as much information as possible, the attached table summarizes information about the estimated direct spending and revenue effects of some of the legislation that has been ordered reported by the Senate Committee on Homeland Security and Governmental Affairs during the 118th Congress. The legislation listed in this table generally would have small effects, if any, on direct spending or revenues, CBO estimates. Where possible, the table also provides information about the legislation's estimated effects on spending subject to appropriation and on intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act.

ESTIMATED BUDGETARY EFFECTS AND MANDATES INFORMATION

Bill number	Title	Status	Last action	Budget function	Direct spending 2025-2034	Revenues, 2025-2034	Spending subject to appropriation, 2025-2029	Pay-as-you-go procedures apply?	Budgetary effects after 2034	Mandates	Contact
S. 4900	Investing in Community Resilience Act of 2024	Ordered reported	09/25/24	450	0	0	Not Estimated	No	No	No	Jon Spert

S. 4900 would allow the Federal Emergency Management Agency (FEMA) to increase to 85 percent or more the federal share of grants provided under the Public Assistance Program; under current law that amount typically is 75 percent. To be eligible, state and local governments would be required to create emergency response teams, institute strict building codes and land use policies, and undertake other measures to abate the effects of future natural disasters. FEMA would be required to issue guidance implementing the changes within one year of enactment and would be limited to using funds appropriated after enactment to implement its provisions. CBO estimates that enacting S. 4900 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

* * * * *

TITLE IV—MAJOR DISASTER ASSISTANCE PROGRAMS

* * * * *

SEC. 406. REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES.

(a) * * *

(b) **FEDERAL SHARE.—**

(1) * * *

(2) * * *

(3) **INCREASED FEDERAL SHARE.—**

(A) **INCENTIVE MEASURES.—**

(i) * * *

(ii) investments in disaster relief, *preparedness*, insurance, and emergency management programs;

(iii) * * *

(iv) facilitating participation in the community rating system or programs designated by the Administrator that result in substantial science-based and verified increased resilience from building standards or land use practices for storms, tsunamis, floods, wildfires, or equivalent disasters; **[and]**

(v) funding mitigation projects or granting tax incentives for projects that reduce risk**[.]**; and

(vi) support of viable community emergency response teams or equivalent non-governmental organizations that provide disaster assistance, including by providing or facilitating regular training, outreach, and soliciting participation in preparedness exercises.

* * * * *