

Public Law 117–251
117th Congress

An Act

Dec. 20, 2022
[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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FEMA
Improvement,
Reform, and
Efficiency Act
of 2022.
42 USC 5121
note.
42 USC 5131
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “FEMA Improvement, Reform, and Efficiency Act of 2022” or the “FIRE Act”.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “Administrator” means the Administrator of the Agency;

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

(3) the term “appropriate committees of Congress” means—
(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives;

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

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

(6) the term “major disaster” means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

SEC. 3. REPORT ON RELOCATION ASSISTANCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a report regarding the use of relocation assistance under sections 203, 404, and 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170c, 5172) for wildfire risk to the appropriate committees of Congress.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

Analyses.

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

(2) A discussion of the possible benefits or disadvantages of providing relocation assistance that may reduce, but not eliminate, the risk of loss due to wildfires.

(3) A discussion of how the Agency may optimize relocation assistance when entire States or geographic areas are considered subject to a fire risk.

(4) An analysis of whether other mitigation measures are more cost-effective than relocation assistance when the applicant is applying to move from a high-risk to a medium-risk or low-risk area with respect to wildfires.

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

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

(7) A discussion of the ability of States, local governments, and Indian tribal governments to demonstrate fire risk, and whether the level of this ability impacts the ability of States, local governments, or Indian tribal governments to access relocation assistance, including an assessment of existing fire mapping products and capabilities and recommendations on redressing any gaps in the ability of the Agency to assist States, local governments, and Indian tribal governments in demonstrating fire risk.

(8) An evaluation of—

Evaluation.

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

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

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

(D) what, if any, alternative methods may be relevant to the determination of cost effectiveness.

(9) A discussion of the extent to which the decision process for relocation assistance appropriately considers the change in future risks for wildfires due to a changing climate.

(10) An analysis of whether statutes and regulations regarding relocation assistance by the Agency present barriers for States, local governments, or Indian tribal governments trying to access funding to reduce wildfire risk.

(11) An analysis of—

(A) how, if at all, the Agency has modified policies and procedures to determine the eligibility of proposed relocation or mitigation projects with respect to wildfires;

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

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

(12) An analysis of how, if at all, recent changes in the availability of fire insurance has resulted in modifications of

policy or procedure with respect to determining the cost efficacy of relocation assistance for wildfires.

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

(14) Other related issues that the Administrator determines appropriate.

Deadline.
42 USC 5131
note.

SEC. 4. RED FLAG WARNINGS AND PREDISASTER ACTIONS.

Not later than 1 year after the date of enactment of this Act, the Administrator, in coordination with the National Weather Service of the National Oceanic and Atmospheric Administration, shall—

Study.

(1) conduct a study of, develop recommendations for, and initiate a process for the use of forecasts and data, including information that supports the Red Flag Warnings of the National Oceanic and Atmospheric Administration and similar weather alert and notification methods, to establish—

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

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

Reports.
Recommendations.

(2) submit to the appropriate committees of Congress a comprehensive report regarding the study described in paragraph (1), including any recommendations of the Administrator, and the activities of the Administrator to carry out paragraph (1).

Deadline.
Briefing.

SEC. 5. ASSISTANCE FOR WILDFIRE DAMAGE.

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

(1) the application for assistance and consistency of assistance provided by the Agency in response to wildfires; and

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

SEC. 6. GAO REPORT ON GAPS.

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

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

(2) disparities in regulations and guidance issued by the Administrator, including any oversight of the programs of the Agency, when addressing impacts of wildfires and other hazards;

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

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

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

(6) revising the application process for assistance relating to wildfires to more effectively assess uninsured and underinsured losses and serious needs; and

(7) ways to improve the disaster assistance programs of agencies other than the Agency.

SEC. 7. CRISIS COUNSELING EFFECTIVE COMMUNICATION.

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

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

“(a) IN GENERAL.—The President”; and

(2) by adding at the end the following:

“(b) TRAINING.—Each State, local agency, or private mental health organization providing professional counseling services described in subsection (a) shall ensure that, any individual providing professional counseling services to victims of a major disaster as authorized under subsection (a), including individuals working for nonprofit partners and recovery organizations, is appropriately trained to address impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.”.

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

42 USC 5183
note.

SEC. 8. CASE MANAGEMENT EFFECTIVE COMMUNICATION.

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

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

“(a) IN GENERAL.—The President”; and

(2) by adding at the end the following:

“(b) TRAINING.—Each State, local government agency, or qualified private organization providing professional counseling services described in subsection (a) shall ensure that any individual providing case management services to victims of a major disaster as authorized under subsection (a), including individuals working for nonprofit partners and recovery organizations, is appropriately trained to address impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.”.

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

42 USC 5189d
note.

SEC. 9. STUDY AND PLAN FOR DISASTER HOUSING ASSISTANCE.

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

Deadline.

(1) conduct a study and develop a plan, consistent with law, under which the Agency will address providing housing assistance to survivors of major disasters or emergencies when presented with challenges such as—

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

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

Recommendations.

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

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

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

(b) **COMPREHENSIVE REPORT.**—The Administrator shall submit to the appropriate committees of Congress a report that provides a detailed discussion of the plans developed under subsection (a)(1) and the recommendations of the Administrator under subsection (a)(2).

Deadline.

(c) **BRIEFING.**—Not later than 30 days after submission of the report and recommendations under subsection (b), the Administrator shall brief the appropriate committees of Congress on the findings and any recommendations made pursuant to this section.

Deadline.

SEC. 10. REIMBURSEMENT.

Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress regarding the extent to which the Agency is using housing solutions proposed by a State or local government to reduce the time or cost required to implement housing solutions after a major disaster.

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

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

(1) by inserting “and Indian tribal governments” after “grants to States”; and

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

42 USC 5196c note.

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply with respect to amounts appropriated on or after the date of enactment of this Act.

Approved December 20, 2022.

LEGISLATIVE HISTORY—S. 3092:

SENATE REPORTS: No. 117-144 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 168 (2022):

Sept. 28, considered and passed Senate.

Nov. 17, considered and passed House, amended.

Dec. 7, Senate concurred in House amendment.