

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PADILLA

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FEMA Improvement,

5 Reform, and Efficiency Act of 2022” 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;

10 (2) the term “Agency” means the Federal

11 Emergency Management Agency;

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

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

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

15 **SEC. 3. REPORT ON RELOCATION ASSISTANCE.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the Administrator shall sub-
18 mit a report regarding the use of relocation assistance
19 under sections 203, 404, and 406 of the Robert T. Staf-
20 ford Disaster Relief and Emergency Assistance Act (42
21 U.S.C. 5133, 5170c, 5172) for wildfire risk to—

22 (1) the Committee on Homeland Security and
23 Governmental Affairs and the Committee on Appro-
24 priations of the Senate; and

1 (2) the Committee on Transportation and In-
2 frastructure and the Committee on Appropriations
3 of the House of Representatives.

4 (b) CONTENTS.—The report submitted under sub-
5 section (a) shall include the following:

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

10 (2) A discussion of the possible benefits or dis-
11 advantages of providing relocation assistance that
12 may reduce, but not eliminate, the risk of loss due
13 to wildfires.

14 (3) A discussion of how the Agency may opti-
15 mize relocation assistance when entire States or geo-
16 graphic areas are considered subject to a fire risk.

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

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

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

6 (7) A discussion of the ability of States, local
7 governments, and Indian tribal governments to dem-
8 onstrate fire risk, and whether the level of this abil-
9 ity impacts the ability of States, local governments,
10 or Indian tribal governments to access relocation as-
11 sistance, including an assessment of existing fire
12 mapping products and capabilities and recommenda-
13 tions on redressing any gaps in the ability of the
14 Agency to assist States, local governments, and In-
15 dian tribal governments in demonstrating fire risk.

16 (8) An evaluation of—

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

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

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

23 (D) what, if any, alternative methods may
24 be relevant to the determination of cost effec-
25 tiveness.

1 (9) A discussion of the extent to which the deci-
2 sion process for relocation assistance appropriately
3 considers the change in future risks for wildfires due
4 to a changing climate.

5 (10) An analysis of whether statutes and regu-
6 lations regarding relocation assistance by the Agency
7 present barriers for States, local governments, or In-
8 dian tribal governments trying to access funding to
9 reduce wildfire risk.

10 (11) An analysis of—

11 (A) how, if at all, the Agency has modified
12 policies and procedures to determine the eligi-
13 bility of proposed relocation or mitigation
14 projects with respect to wildfires;

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

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

20 (12) An analysis of how, if at all, recent
21 changes in the availability of fire insurance has re-
22 sulted in modifications of policy or procedure with
23 respect to determining the cost efficacy of relocation
24 assistance for wildfires.

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

4 (14) A discussion of whether any legislative,
5 regulatory, or policy changes are necessary for the
6 Agency to better implement relocation assistance to
7 reduce risk from wildfires.

8 (15) Other related issues that the Adminis-
9 trator determines appropriate.

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

11 Not later than 1 year after the date of enactment
12 of this Act, the Administrator, in coordination with the
13 National Weather Service of the National Oceanic and At-
14 mospheric Administration, shall—

15 (1) conduct a study of, develop recommenda-
16 tions for, and initiate a process for the use of Red
17 Flag Warnings and similar weather alert and notifi-
18 cation methods, including the use of emerging tech-
19 nologies, to establish—

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

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

4 (2) submit to the Committee on Homeland Se-
5 curity and Governmental Affairs of the Senate and
6 the Committee on Transportation and Infrastructure
7 of the House of Representatives a comprehensive re-
8 port regarding the study described in paragraph (1),
9 including any recommendations of the Adminis-
10 trator, and the activities of the Administrator to
11 carry out paragraph (1).

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

13 Not later than 180 days after the date of enactment
14 of this Act, the Administrator shall brief the Committee
15 on Homeland Security and Governmental Affairs of the
16 Senate regarding—

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

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

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

23 Not later than 1 year after the date of enactment
24 of this Act, the Comptroller General of the United States
25 shall submit to the Committee on Homeland Security and

1 Governmental Affairs of the Senate and the Committee
2 on Transportation and Infrastructure of the House of
3 Representatives a report that examines—

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

6 (2) disparities in regulations and guidance
7 issued by the Administrator, including any oversight
8 of the programs of the Agency, when addressing im-
9 pacts of wildfires and other hazards;

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

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

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

19 (6) revising the application process for assist-
20 ance relating to wildfires to more effectively assess
21 uninsured and underinsured losses and serious
22 needs; and

23 (7) ways to improve the disaster assistance pro-
24 grams of agencies other than the Agency.

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) 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. 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 described
8 in subsection (b) on the findings and any recommenda-
9 tions 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 MANAGE-**
19 **MENT 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 by striking “180 days” and
23 inserting “1 year”.

1 **SEC. 15. PERMIT APPLICATIONS FOR TRIBAL UPGRADES TO**
2 **EMERGENCY OPERATIONS CENTERS.**

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