

117TH CONGRESS
2D SESSION

S. 3092

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act—

6 (1) the term “Administrator” means the Ad-
7 ministrator of the Agency;

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

10 (3) the term “appropriate committees of Con-
11 gress” means—

12 (A) the Committee on Homeland Security
13 and Governmental Affairs and the Committee
14 on Appropriations of the Senate; and

15 (B) the Committee on Transportation and
16 Infrastructure and the Committee on Appro-
17 priations of the House of Representatives;

18 (4) the term “emergency” means an emergency
19 declared or determined to exist by the President
20 under section 501 of the Robert T. Stafford Disaster
21 Relief and Emergency Assistance Act (42 U.S.C.
22 5191);

23 (5) the terms “Indian tribal government”,
24 “local government”, and “State” have the meanings
25 given such terms in section 102 of the Robert T.

1 Stafford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5122); and

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

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

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this Act, the Administrator shall sub-
10 mit a report regarding the use of relocation assistance
11 under sections 203, 404, and 406 of the Robert T. Staf-
12 ford Disaster Relief and Emergency Assistance Act (42
13 U.S.C. 5133, 5170c, 5172) for wildfire risk to the appro-
14 priate committees of Congress.

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

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

21 (2) A discussion of the possible benefits or dis-
22 advantages of providing relocation assistance that
23 may reduce, but not eliminate, the risk of loss due
24 to wildfires.

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

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

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

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

17 (7) A discussion of the ability of States, local
18 governments, and Indian tribal governments to dem-
19 onstrate fire risk, and whether the level of this abil-
20 ity impacts the ability of States, local governments,
21 or Indian tribal governments to access relocation as-
22 sistance, including an assessment of existing fire
23 mapping products and capabilities and recommenda-
24 tions on redressing any gaps in the ability of the

1 Agency to assist States, local governments, and In-
2 dian tribal governments in demonstrating fire risk.

3 (8) An evaluation of—

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

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

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

10 (D) what, if any, alternative methods may
11 be relevant to the determination of cost effec-
12 tiveness.

13 (9) A discussion of the extent to which the deci-
14 sion process for relocation assistance appropriately
15 considers the change in future risks for wildfires due
16 to a changing climate.

17 (10) An analysis of whether statutes and regu-
18 lations regarding relocation assistance by the Agency
19 present barriers for States, local governments, or In-
20 dian tribal governments trying to access funding to
21 reduce wildfire risk.

22 (11) An analysis of—

23 (A) how, if at all, the Agency has modified
24 policies and procedures to determine the eligi-

1 bility of proposed relocation or mitigation
2 projects with respect to wildfires;

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

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

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

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

16 (14) A discussion of whether any legislative,
17 regulatory, or policy changes are necessary for the
18 Agency to better implement relocation assistance to
19 reduce risk from wildfires.

20 (15) Other related issues that the Adminis-
21 trator determines appropriate.

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

23 Not later than 1 year after the date of enactment
24 of this Act, the Administrator, in coordination with the

1 National Weather Service of the National Oceanic and At-
2 mospheric Administration, shall—

3 (1) conduct a study of, develop recommenda-
4 tions for, and initiate a process for the use of fore-
5 casts and data, including information that supports
6 the Red Flag Warnings of the National Oceanic and
7 Atmospheric Administration and similar weather
8 alert and notification methods, to establish—

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

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

17 (2) submit to the appropriate committees of
18 Congress a comprehensive report regarding the
19 study described in paragraph (1), including any rec-
20 ommendations of the Administrator, and the activi-
21 ties of the Administrator to carry out paragraph (1).

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

23 Not later than 180 days after the date of enactment
24 of this Act, the Administrator shall brief the appropriate
25 committees of Congress 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 appropriate committees of Congress
10 a report that examines—

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

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

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

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

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

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

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

7 **SEC. 7. CRISIS COUNSELING EFFECTIVE COMMUNICATION.**

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

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

13 “(a) IN GENERAL.—The President”; and

14 (2) by adding at the end the following:

15 “(b) EFFECTIVE COMMUNICATION.—The President
16 shall, in consultation with affected States, local govern-
17 ments, and Indian tribal governments and cultural ex-
18 perts, ensure that any individual providing professional
19 counseling services to victims of a major disaster as au-
20 thorized under subsection (a), including those working for
21 nonprofit partners and recovery organizations, is appro-
22 priately trained to address impacts from major disasters
23 in communities, and to individuals, with socio-economi-
24 cally disadvantaged backgrounds.”.

1 **SEC. 8. CASE MANAGEMENT EFFECTIVE COMMUNICATION.**

2 Section 426 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5189d) 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) EFFECTIVE COMMUNICATION.—The President
10 shall, in consultation with affected States, local govern-
11 ments, and Indian tribal governments and cultural ex-
12 perts, ensure that any individual providing case manage-
13 ment services to victims of a major disaster as authorized
14 under subsection (a), including those working for non-
15 profit partners and recovery organizations, is appro-
16 priately trained to address impacts from major disasters
17 in communities, and to individuals, with socio-economi-
18 cally disadvantaged backgrounds.”.

19 **SEC. 9. STUDY AND PLAN FOR DISASTER HOUSING ASSIST-**
20 **ANCE.**

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

23 (1) conduct a study and develop a plan, con-
24 sistent with law, under which the Agency will ad-
25 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 appropriate committees of Congress
24 a report that provides a detailed discussion of the plans

1 developed under subsection (a)(1) and the recommenda-
2 tions of the Administrator under subsection (a)(2).

3 (c) BRIEFING.—Not later than 30 days after submis-
4 sion of the report and recommendations under subsection
5 (b), the Administrator shall brief the appropriate commit-
6 tees of Congress on the findings and any recommendations
7 made pursuant to this section.

8 **SEC. 10. REIMBURSEMENT.**

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

15 **SEC. 11. INCREASED CAP FOR EMERGENCY DECLARATIONS**
16 **BASED ON REGIONAL COST OF LIVING.**

17 Not later than 180 days after the date of enactment
18 of this Act, the Administrator shall brief the appropriate
19 committees of Congress regarding the benefits and draw-
20 backs of establishing a maximum amount for assistance
21 provided for an emergency that is based on the cost of
22 living in the region in which the emergency occurs.

1 **SEC. 12. FACILITATING DISPOSAL OF TEMPORARY TRANS-**
2 **PORTABLE HOUSING UNITS TO SURVIVORS.**

3 Section 408(d)(2)(B)(i) of the Robert T. Stafford
4 Disaster Relief and Emergency Assistance Act (42 U.S.C.
5 5174(d)(2)(B)(i)) is amended by inserting “, with priority
6 given to a survivor of a major disaster who suffered a
7 property loss as a result of the major disaster” after “any
8 person”.

9 **SEC. 13. DEADLINE ON CODE ENFORCEMENT AND MANAGE-**
10 **MENT COST ELIGIBILITY.**

11 (a) **IN GENERAL.**—Section 406(a)(2)(D) of the Rob-
12 ert T. Stafford Disaster Relief and Emergency Assistance
13 Act (42 U.S.C. 5172(a)(2)(D)) is amended by striking
14 “180 days” and inserting “1 year”.

15 (b) **APPLICABILITY.**—The amendment made by sub-
16 section (a) shall apply with respect to amounts appro-
17 priated on or after the date of enactment of this Act.

18 **SEC. 14. PERMIT APPLICATIONS FOR TRIBAL UPGRADES TO**
19 **EMERGENCY OPERATIONS CENTERS.**

20 (a) **IN GENERAL.**—Section 614(a) of the Robert T.
21 Stafford Disaster Relief and Emergency Assistance Act
22 (42 U.S.C. 5196c(a)) is amended—

23 (1) by inserting “and Indian tribal govern-
24 ments” after “grants to States”; and

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

1 (b) APPLICABILITY.—The amendments made by sub-
2 section (a) shall apply with respect to amounts appro-
3 priated on or after the date of enactment of this Act.

Passed the Senate September 28, 2022.

Attest:

Secretary.

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