H. R. 117TH CONGRESS 1ST SESSION

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act with respect to hazard mitigation plans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BLUMENAUER introduced the following bill; which was referred to the Committee on

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act with respect to hazard mitigation plans, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Climate Risk and Emergency Support In Livable Inclusive and Equitable Neighborhoods and Communities Everywhere Act” or the “Climate RESILIENCE Act”.

SEC. 2. FINDINGS.

Congress finds the following:
(1) According to the 2018 National Climate Assessment, climate change due to global warming has caused, and is expected to continue to cause, substantial interference with and growing losses to human health and safety, infrastructure, property, industry, recreation, natural resources, agricultural systems, and quality of life in the United States.

(2) According to the National Oceanic and Atmospheric Administration, climate change is already increasing the frequency and severity of extreme weather and other climate-related disasters, including drought, wildfire, and storms that include precipitation.

(3) According to the National Oceanic and Atmospheric Administration, in 2020, there were a record 22 weather and climate disasters costing $1,000,000,000 or more across the country, shattering the prior annual record of 16. These events totaled $95,000,000,000 in damages.

(4) Since 2015, the United States has experienced more than 81 individual disasters, amounting to $630,200,000,000 in economic losses, and close to 4,000 deaths.

(5) Researchers have found that Black, Latino, and low-income families are more likely to live in
high-risk areas like flood zones, less likely to have money to harden infrastructure and homes in advance of disasters, and less likely to receive assistance during recovery periods.

(6) According to Dr. Beverly Wright and Dr. Robert Bullard, “environmental and public health threats from natural and human-made disasters are not randomly distributed, affecting some communities more than others”, and therefore our response to disasters necessitates the adoption of policies and processes rooted in principles of racial equity, self-determination, and democracy.

(7) Research from the University of Colorado shows that the top 10 percent of disaster hotspots account for about 30 percent of the contiguous United States but are home to nearly 60 percent of buildings in the country.

(8) According to testimony in November 2017 from former Federal Emergency Management Agency Administrator Brock Long, “I cannot overstate the importance of focusing on investing in mitigation before a disaster strikes. Building more resilient communities is the best way to reduce risks to people, property, and taxpayer dollars.”
(9) The Government Accountability Office found that the Federal Emergency Management Agency spends 88 percent of its budget on post disaster mitigation.

(10) For fiscal year 2020 grant application cycle, the Federal Emergency Management Agency received nearly $4,000,000,000 in applications for their grant programs. However, in fiscal year 2020, the Federal Emergency Management Agency only made $700,000,000 available for pre-disaster mitigation.

(11) Public-sector investment in mitigation since 1995 by the Federal Emergency Management Agency and the Housing and Urban Development Agency cost the country $27,000,000,000 but is projected to save $160,000,000,000, totaling $6 saved per $1 invested.

(12) The United States has an opportunity to use disaster mitigation to minimize risk, improve resiliency, and address social problems.

SEC. 3. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—
(1) in paragraph (2) by inserting “‘extreme temperature event, including heat wave or freeze,’” after “snowstorm”; and

(2) by adding at the end the following:

“(13) RESILIENCE.—Except as otherwise provided, the term ‘resilience’ means the ability to prepare for and adapt to changing conditions and withstand and recover rapidly from disruptions, including the ability—

“(A)(i) to resist hazards or withstand impacts from a weather event or major disaster; or

“(ii) to reduce the magnitude or duration of impacts of a disruptive weather event or major disaster on a project; and

“(B)(i) to assess and understand current risk to extreme weather and major disasters, as well as the potential for changing risk over time;

“(ii) to improve the community’s capacity to lessen its risk by planning for and adapting to changing conditions; and

“(iii) to achieve equitable outcomes through risk management and protect the safe-
ty and wellbeing of an entire community, in-
cluding its most vulnerable populations.”

SEC. 4. FEDERAL AND STATE PREPAREDNESS AND MITIGA-
TION ASSISTANCE.

Section 201 of the Robert T. Stafford Disaster Relief
and Emergency Assistance Act (42 U.S.C. 5131) is
amended by adding at the end the following:

“(e) USES OF FUNDS.—A State that receives a grant
under this section may also use grant funds for other pur-
poses, including—

“(1) to weatherize and retrofit building struc-
tures, including the installation of heat pumps, air
conditioners, and air filtration or ventilation systems
in a way that is cost effective and reduces the risk
of damage from further disasters;

“(2) to reduce the impacts of extreme tempera-
tures, including by improving building insulation in
a way that is cost effective and reduces the risk of
damage from further disasters;

“(3) to increase or enhance natural climate re-
silient infrastructure, including urban tree canopy,
green space, functioning floodplains, creeks, streams,
and wetlands, or other mitigation activities that con-
serve or restore natural features that can serve to
abate or lessen the impacts of future disasters;
“(4) to improve air quality and mitigate against wildfire smoke or other air quality contaminants related to a major disaster or emergency;

“(5) to provide financial and technical support to State, local, and Indian Tribal health providers or organizations to carry-out community-led climate adaptations and interventions;

“(6) to provide disaster preparedness or community emergency response team training to community-based organizations and residents;

“(7) to develop emergency plans for disadvantaged communities, including homeless residents, disabled residents, children, the elderly, non-native English speakers, residents lacking access to reliable transportation, and otherwise disadvantaged communities, as well as pets and service animals;

“(8) to develop community climate resilient infrastructure, including extreme weather or temperature shelters, emergency transportation or mobility options, and resilient community energy infrastructure;

“(9) to advise, plan, and implement for community resilience and adaptation;
“(10) to develop and implement participatory processes that allow for public engagement in determining and addressing local risks and vulnerabilities;

“(11) to adopt and comply with the standards set forth in section 406(e)(1)(A);

“(12) to improve the fire resistance of structures, including homes, businesses, public buildings, and critical facilities, as well as non-structures;

“(13) to improve the seismic resilience of structures, including homes, businesses, public buildings, critical facilities, critical systems such as sewage and water, as well as non-structures; and

“(14) for other specific resilience activities determined appropriate by the Administrator.

“(f) COLLABORATION.—In awarding grants under this section, the Administrator shall coordinate with other relevant agencies, such as the Department of Energy, the Department of Transportation, the Department of Housing and Urban Development, and the Environmental Protection Agency, as necessary, to improve collaboration for activities described in subsection (e).”.

SEC. 5. PREDISASTER MITIGATION.

Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended—
(1) by amending subsection (a) to read as follows:

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) UNDERSERVED COMMUNITY.—The term ‘underserved community’ means a community of 30,000 or fewer individuals that is identified by the State as a rural community, and is not a remote area within the corporate boundaries of a larger city that—

“(A) is economically disadvantaged, by having an average per capita annual income of residents not exceeding 80 percent of national, per capita income, based on best available data; and

“(B) the local unemployment rate exceeds by 1 percentage point or more, the most recently reported, average yearly national unemployment rate; and

“(C) any other factors identified in the State Plan in which the community is located.

“(2) DISADVANTAGED COMMUNITY.—The term ‘disadvantaged community’ means a community, or a specific neighborhood within a community, that is—
“(A) located in a census tract with a Centers for Disease Control Social Vulnerability Index score of not less than 0.7501;

“(B) comprised of residents having an average per capita annual income not exceeding 80 percent of national per capita income; or

“(C) otherwise determined by the Administrator based factors such as percentage of homeless population, demographic information such as race, age, and disability, language composition, and transportation access or type.

“(3) PRIVATE NONPROFIT ORGANIZATION.—

The term ‘private nonprofit organization’ means any non-governmental agency or entity that—

“(A)(i) currently has an effective ruling letter from the Internal Revenue Service granting tax exemption under section 501(c), (d), or (e) of the Internal Revenue Code of 1986; or

“(ii) has satisfactory evidence from the State that the organization or entity is a non-profit organized or doing business under State law; and

“(B) meets any other criteria established by the Administrator.”;}
(2) in subsection (b) by inserting after “assistance to States and local governments” the following: “, or to a private nonprofit organization, through a State, in the form of grants under this section for carrying out mitigation activities and”;

(3) in subsection (c)—

(A) in paragraph (1)(A) by striking “principally” and all that follows and inserting the following: “principally—”

“(i) to implement predisaster hazard mitigation measures that will be cost-effective and equitable long-term and provide enhanced protection to the community, including vulnerable residents, and are described in proposals approved by the President under this section; and

“(ii) to identify and provide financial and non-financial technical assistance, including non-financial and direct technical assistance to underserved or disadvantaged communities under this section;”;

(B) in paragraph (1)(B)—

(i) by inserting after “may be used” the following: “for purposes, including”
(ii) by striking “or” at the end of clause (ii);

(iii) by striking the period at the end of clause (iii); and

(iv) by inserting at the end the following:

“(iv) to weatherize and retrofit building structures, including the installation of heat pumps, air conditioners, and air filtration or ventilation systems in a way that is cost effective and reduces the risk of damage from further disasters;

“(v) to reduce the impacts of extreme temperatures including by improving building insulation in a way that is cost effective and reduces the risk of damage from further disasters;

“(vi) to increase or enhance natural climate resilient infrastructure, including urban tree canopy, increased green space, green roofing, functioning floodplains, creeks, streams, and wetlands, or other mitigation activities that conserve or restore natural features that can serve to
abate or lessen the impacts of future disasters;

“(vii) to improve air quality and mitigate against wildfire smoke or other air quality contaminants related to a major disaster or emergency;

“(viii) to provide financial and technical support to State, local, and Indian Tribal health providers or organizations to carry-out community-led climate adaptations and interventions;

“(ix) to develop and implement participatory processes that allow for public engagement in determining and addressing local risks and vulnerabilities;

“(x) to develop emergency plans with input from disadvantaged communities, including consideration for homeless residents, disabled residents, children, the elderly, non-native English speakers, residents lacking access to reliable transportation, and otherwise disadvantaged communities, as well as pets or service animals;
“(xi) to develop community climate resilient infrastructure, including extreme weather or temperature shelters, emergency transportation or mobility options, and resilient community energy infrastructure;

“(xii) to adopt and comply with standards set forth in section 406(e)(1)(A);

“(xiii) to improve the fire resistance of structures, including homes, businesses, public buildings, and critical facilities, as well as non-structures;

“(xiv) to improve the seismic resilience of structures, including homes, businesses, public buildings, critical facilities, critical systems such as sewage and water, as well as non-structures; and

“(xv) for other specific resilience activities determined appropriate by the Administrator.”;

(C) by adding at the end the following:

“(3) SPECIFIC TECHNICAL ASSISTANCE.—The Administrator of the Federal Emergency Management Agency shall provide financial and non-financial technical assistance, including non-financial di-
rect technical assistance for grant applications, to
underserved communities and disadvantaged commu-
nities.”;

(4) in subsection (h) by striking paragraph (2)
and inserting the following:

“(2) UNDERSERVED COMMUNITIES AND DIS-
ADVANTAGED COMMUNITIES.—Notwithstanding
paragraph (1), the President shall contribute 100
percent of the total cost of a mitigation activity car-
ried out in a underserved community or disadvan-
taged community.”; and

(5) in subsection (i)(1)—

(A) by striking “6 percent” and inserting
“15 percent”; and

(B) by adding at the end the following:

“From such total amount made available from
the Disaster Relief Fund, with respect to each
major disaster, the President may set aside 2
percent of the estimated aggregate amount of
the grants to be made pursuant to sections 403,
406, 407, 408, 410, 416, and 428 for the major
disaster for community planning and capacity
building assistance.”
SEC. 6. HAZARD MITIGATION PLANS.

(a) In General.—Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) is amended—

(1) in subsection (c)(2) before the semicolon insert the following: “, including not conflicting with local plans, but integrating State, local, and tribal planning”;

(2) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

“(1) SPECIFICS IN MITIGATION PLANS.—In conjunction with subsection (a), not later than 5 years after the date of enactment of this paragraph, each State, Indian Tribe, and territory shall clarify and include in its mitigation plan—

“(A) identifying the extent to which resilience is or will be incorporated into other mitigation planning processes, including capital improvement budgets and transportation planning processes;

“(B) goals and objectives related to increasing resilience over a 5-year period, includ-
ing benchmarks for future work and an assessment of past progress;

“(C) the building codes in existence at the time the plan is submitted and standards that are in use by the State for all manner of planning or development purposes and how the State has or will comply with the standards set forth in section 406(c)(1)(A);

“(D) the use of nature-based solutions, including urban tree canopy, increased green space, green roofing, functioning floodplains, creeks, streams, and wetlands, or other mitigation activities that conserve or restore natural features that can serve to abate or lessen the impacts of future major disasters;

“(E) integration of each local mitigation plan with the State, Indian Tribe, or territory plan; and

“(F) the disparate impacts on disadvantaged communities and how the State intends to address such disparities.”; and

(C) in paragraph (2), as redesignated, by inserting “specific” before “mitigation”; and

(D) by adding at the end the following:
“(4) GUIDANCE.—The Administrator of the Federal Emergency Management Agency shall issue specific guidance on resilience goals and provide technical assistance for States, Indian Tribes, and territories to meet such goals.

“(5) REPORTING.—Not less than every 5 years, the Administrator shall report the progress of meeting the goals under this section to the Committees on Homeland Security, Financial Services, and Transportation and Infrastructure of the House of Representatives.”.

(b) ADEQUATE STAFFING.—The Administrator of the Federal Emergency Management Agency shall ensure that ample staff are available to develop the guidance and technical assistance under section 322(e)(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, including hazard mitigation planning staff and personnel with expertise in community planning, land use development, and consensus based codes and hazard resistant designs at each regional office that specifically focus on providing financial and non-financial direct technical assistance to States, Indian Tribes, and territories.
SEC. 7. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

Section 323(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165a(a)(1)) is amended—

(1) in subsection (a)(1)—

(A) by striking “applicable” the second time it appears and inserting “the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs”; and

(B) by adding before the period the following: “, including hazard resistant designs”; and

(2) by adding at the end the following:

“(c) GUIDANCE.—The Administrator of the Federal Emergency Management Agency shall provide guidance to implement the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs.”.

SEC. 8. GENERAL FEDERAL ASSISTANCE.

Section 402(5) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a(5)) is amended by striking “building code” and inserting “the latest editions of relevant consensus-based
building codes, specifications, and standards that incorporate the latest hazard resistant designs,”.

**SEC. 9. HAZARD MITIGATION.**

Section 404(f) of the Robert T. Stafford Disaster Relief and emergency Assistance Act (42 U.S.C. 5179e) is amended—

1. in paragraph (13) by striking “and”
2. in paragraph (14) by striking the period and inserting a semicolon; and
3. by adding at the end the following:

“(15) to the extent practicable, to comply with the standards set forth in section 406(e)(1)(A);

“(16) to assist in the abatement of lead, mold, mildew, radon, asthma, and allergen triggers or other pollutants and hazardous materials directly caused by a major disaster or emergency, or as directed by the Administrator;

“(17) to improve air quality and mitigate against wildfire smoke or other air quality contaminants related to a major disaster or emergency, or as directed by the Administrator;

“(18) to the extent practicable to improve the fire resistance of structures, including homes and public buildings;
“(19) to improve the seismic resilience of structures, including homes, public buildings, non-profit facilities, and infrastructure, including roads, bridges, and critical systems such as sewage and water;

“(20) to the extent practicable, for the replacement of mobile homes, travel trailers, and manufactured homes that serve as affected individuals’ primary residences that were damaged or destroyed by a major disaster or emergency, including by partnering with State and local housing agencies and non-profits to reduce the time or cost required to implement housing solutions after a major disaster or emergency as well as comply with the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard resistant designs; and

“(21) for other resilience activities as determined by the Administrator.”.

SEC. 10. REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES.

Section 406(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)(B)) is amended—
(1) in subsection (a)(2)(D) by striking “adopted building codes” and inserting “the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and any future higher standards for resistance to hazards of increasing severity”.

(2) clause (ii) by striking “or”;

(3) in clause (iii) by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

“(iv) to comply with the standards set forth in subsection 406(e)(1)(A) and any future higher standards for resistance to hazards of increasing severity;

“(v) to assist in the abatement of lead, mold, mildew, radon, asthma, and allergen triggers or other pollutants and hazardous materials directly caused by a major disaster or emergency, or as directed by the Administrator;

“(vi) to improve air quality and mitigate against wildfire smoke or other air quality contaminants related to a major
disaster or emergency, or as directed by
the Administrator;

“(vii) to improve the fire resistance of
damaged facilities, including public facili-
ties and private non-profit facilities;

“(viii) to improve the seismic resis-
tance of damaged facilities, including public
facilities and private non-profit facilities;

“(ix) for other resilience activities as
determined by the Administrator.”.

SEC. 11. FEDERAL ASSISTANCE TO INDIVIDUALS AND
HOUSEHOLDS.

Section 408 of the Robert T. Stafford Disaster Relief
and Emergency Assistance Act (42 U.S.C. 5174(e)(2)) is
amended by adding at the end the following:

“(k) ADDITIONAL USES OF FUNDS.—A recipient of
assistance provided under this paragraph, may use such
assistance—

“(1) to improve compliance with the standards
set forth in section 406(e)(1)(A);

“(2) to assist in the abatement of lead, mold,
mildew, radon, asthma, and allergen triggers, or
other pollutants and hazardous directly caused by a
major disaster or emergency, or as directed by the
Administrator;
“(3) to improve air quality and mitigate against wildfire smoke or other air quality contaminants related to a major disaster or emergency, or as directed by the Administrator;

“(4) to improve the fire resistance of structures;

“(5) to improve the seismic resilience of structures;

“(6) for other resilience activities as determined by the Administrator.”

SEC. 12. REPORT TO CONGRESS AND UPDATE OF COST EFFECTIVENESS DETERMINATION.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency in coordination with the Director of the Office of Management and Budget shall submit a report to the Committees on Homeland Security, Financial Services, and Transportation and Infrastructure of the House of Representatives regarding the challenges posed by the Agency’s requirements for determining the cost effectiveness of mitigation activities and specifically how such requirements may disproportionately burden underserved or disadvantaged communities, or specific vulnerable populations within communities.
(b) Update of Cost Effectiveness Determination.—Not later than 2 years after the date of enactment of this Act or as soon as practicable, the Administrator, to the extent practicable, shall update the requirements for determining cost effectiveness, including selection of appropriate interest rates, based on the findings made under subsection (a).