

DRRA

BUILDING FASTER. BUILDING SMARTER.

DISASTER **RECOVERY** **REFORM** **ACT**

**SUMMARIZING
DIVISION B OF
THE DECEMBER
2017 EMERGENCY
SUPPLEMENTAL
APPROPRIATIONS
LEGISLATION**



**HOUSE
TRANSPORT**





Division B of the December 2017 emergency supplemental appropriations legislation includes many important bipartisan reforms to the Federal Emergency Management Agency (FEMA) that will help our communities better prepare for, respond to, recover from, and mitigate against disasters of all kinds.

The legislation includes provisions from a number of FEMA reform bills previously approved by the Committee on Transportation and Infrastructure and the House of Representatives, including:

- The Disaster Recovery Reform Act (H.R. 4460)
- The Disaster Assistance Fairness and Accountability Act of 2017 (H.R. 3176)
- To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act concerning the statute of limitations for actions to recover disaster or emergency assistance payments (H.R. 1678)
- The Disaster Support for Communities and Homeowners Act (H.R. 1684)
- The Community Empowerment for Mitigated Properties Act of 2017 (H.R. 1735)
- To ensure that Administrator of the Federal Emergency Management Agency considers severe local impact in making a recommendation to the President for a major disaster declaration (H.R. 1665)
- The Pacific Northwest Earthquake Preparedness Act of 2017 (H.R. 654)

DISASTER RECOVERY REFORM ACT (DRRA)

The Disaster Recovery Reform Act (DRRA), unanimously approved by the Transportation and Infrastructure Committee in November as H.R. 4460, is bipartisan legislation that addresses the rising costs of disasters in the United States, and reforms federal disaster programs to ensure our communities are better prepared for future hurricanes, flooding, earthquakes, wildfires, and other disasters.

This legislation particularly focuses on improving predisaster planning and mitigation, which will reduce the future loss of life and the rising costs of disasters throughout America. Furthermore, the DRRA incentivizes building and rebuilding better and smarter to facilitate speedy recovery efforts whenever and wherever disaster does strike.

Strengthening mitigation practices is also a wise use of taxpayer dollars; for every \$1 spent in mitigation, between \$4 and \$8 is saved in avoided disaster recovery costs. That is why this bipartisan bill is a vital response to a severe 2017 hurricane season. We can encourage better building to save lives and taxpayer money in the future.

BACKGROUND INFORMATION

According to numerous studies, disaster losses and federal disaster spending have increased

significantly over the last 50 years. For example, one report has found that between 1980 and 2011, North America suffered \$1.06 trillion in total losses. Another study found that since 1952, the cost of natural disasters to the federal government more than tripled as a function of gross domestic product.

As the 2017 hurricane season has demonstrated, the toll in both human lives and economic impacts can be devastating. While no one wants another such hurricane season, this year has provided data that can be used to improve federal disaster programs.

The Disaster Recovery Reform Act takes lessons learned from this hurricane season and other recent disasters to help American communities better prepare for, withstand, and recover from the next disaster. By encouraging more cost-effective and smart investment of taxpayer dollars before disaster strikes, the bill will help save lives and reduce federal, state, and local costs in the long run.

IMPORTANCE OF MITIGATION

A major focus of the DRRA is strengthening disaster mitigation – actions taken proactively to reduce loss of life and property by lessening the impact of future disasters.

Effective mitigation minimizes the potential loss of life and property from a disaster based on identifying and understanding the risks in a given area or community. Mitigation can encompass a wide variety of activities, including preparation and

planning, elevating or moving structures prone to flooding, and hardening structures to mitigate effects of hurricanes or earthquakes.

Placing greater federal, state, and local emphasis on mitigation will:

- Save lives;
- Minimize damage to property;
- Reduce disaster costs; and
- Save taxpayers money.

For example, the Disaster Recovery Reform Act:

- Incentivizes states and tribal governments to take steps that increase disaster resilience in our communities and to invest in mitigation;

- Reforms FEMA and the Stafford Act by ensuring that a percentage of assistance provided in the wake of disasters is invested in predisaster hazard mitigation; and
- Speeds recovery by getting structures inspected faster.

The Disaster Recovery Reform Act, as included in the supplemental appropriations bill, deals with other critical issues such as wildfire prevention, eligibility for disaster assistance, and agency efficiency and accountability. It also includes provisions from other FEMA reform bills that were approved by the Committee or House of Representatives previously this year. The additional provisions will help to streamline and clarify the assistance process for recipients of FEMA aid and further promote mitigation.





DISASTER RECOVERY REFORM ACT

DIVISION B - DISASTER RECOVERY REFORM ACT

Sec. 2001. Applicability.

This section clarifies applicability of the division.

Sec. 2002. State defined.

This section provides the definition of “State” for the Division.

Sec. 2003. Wildfire prevention.

This section aids states affected by wildfires with hazard mitigation assistance.

Sec. 2004. Additional activities.

This section allows hazard mitigation assistance to be used for activities that help reduce the risk of future damage, hardship, loss, or suffering in any area affected by a wildfire or windstorm.

Sec. 2005. Eligibility for code implementation and enforcement.

This section clarifies the eligibility of surge code enforcers for disaster assistance to facilitate disaster recovery.

Sec. 2006. Program improvements.

This section makes clarifications to improve various Stafford Act programs.

Sec. 2007. Prioritization of facilities.

This section prioritizes assistance to special needs facilities.

Sec. 2008. Guidance on evacuation routes.

This section requires FEMA and the Federal Highway Administration to develop guidance on evacuation routes.

Sec. 2009. Duplication of benefits.

This section allows for the President to waive Section 312 of the Stafford Act to ensure victims of disaster can still receive disaster assistance. It also allows hazard mitigation assistance, under certain circumstances, to be used for federally authorized water resource development projects.

Sec. 2010. State administration of assistance for direct temporary housing and permanent housing construction.

This section authorizes states to use federal disaster assistance to directly administer temporary and permanent housing assistance for disaster victims.

Sec. 2011. Assistance to individuals and households.

This section amends the Stafford Act to increase the amount of assistance available to individuals with disabilities.

Sec. 2012. Multifamily lease and repair assistance.

This section amends the Stafford Act to allow greater flexibility and options for housing disaster victims.

Sec. 2013. Federal disaster assistance nonprofit fairness.

This section clarifies the eligibility of community centers, including houses of worship, for federal disaster assistance.

Sec. 2014. Management costs.

This section amends the Stafford Act to establish fixed rates to reimburse states and local governments for direct and indirect administrative costs incurred to implement disaster recovery projects.

Sec. 2015. Flexibility.

This section allows certain disaster assistance debts to be waived if such assistance was distributed based on an error by FEMA, there was no fault on behalf of the debtor, and the collection of the debt would be against equity and good conscience.

Sec. 2016. Additional disaster assistance.

This section will help improve the economic recovery of regions affected by hurricanes and other disasters.

Sec. 2017. National veterinary emergency teams.

This section establishes a pilot program for veterinarians to accompany urban search and rescue teams to take care of the search and rescue of canines and to provide guidance to communities on pet care and sheltering during disasters.

Sec. 2018. Dispute resolution pilot program.

This section extends the dispute resolution pilot to the year 2022.

Sec. 2019. Emergency relief.

The section allows costs incurred for projects undertaken in response to Hurricanes Maria and Irma to be excluded from the calculation of the emergency relief fund cap for fiscal years 2018 and 2019.

Sec. 2020. Unified Federal environmental and historic preservation review.

This section requires the FEMA Administrator to review the expedited inter-agency environmental and historic preservation review process and survey other agencies' categorical exclusions. It then requires the Administrator to issue regulations to implement any recommendations, including categorical exclusions, identified in the report and survey.

Sec. 2021. Closeout incentives.

This section allows the Administrator to develop incentives that would encourage state, local, and tribal governments to closeout expenditures and activities on a timely basis related to disaster or emergency assistance.

Sec. 2022. Performance of services.

This section allows the Administrator to appoint temporary FEMA employees, after serving continuously for 1 year, to positions in the agency in the same manner as competitive service employees.

Sec. 2023. Study to streamline and consolidate information collection.

This section directs the Administrator, along with other appropriate federal agencies, to conduct a study and develop a plan and an innovative means for sharing information among disaster assistance agencies.

Sec. 2024. Agency accountability.

This section directs FEMA to provide regular reports on their website regarding disaster spending, disaster contracts, and other related disaster activities.

Sec. 2025. Audit of contracts.

This section prohibits FEMA from reimbursing any contract that prohibits oversight or auditing.

Sec. 2026. Inspector general audit of FEMA contracts for tarps and plastic sheeting.

This section requires the Inspector General to audit FEMA contracts for tarps and plastic sheeting in response to Hurricanes Irma and Maria in Puerto Rico and the U.S. Virgin Islands.

Sec. 2027. Relief organizations.

This section clarifies and ensures certain relief organizations may provide assistance in disaster response.

Sec. 2028. Guidance on inundated and submerged roads.

This section ensures guidance is developed to allow FEMA to more accurately evaluate damages to inundated roads.

Sec. 2029. Authorities.

This section clarifies what constitutes a federal action for purposes of consultation.

Sec. 2030. Recoupment of certain assistance prohibited.

This section establishes a three-year statute of limitations for FEMA to recover household and individual assistance.

Sec. 2031. Statute of limitations.

This section implements a statute of limitations on FEMA's ability to recover grant assistance from recipients after a disaster in cases where there is no evidence of fraud, waste, or abuse.

Sec. 2032. Technical assistance and recommendations.

This section requires the FEMA Administrator to provide recommendations on how common areas of condominiums and housing cooperatives may be eligible for disaster assistance.

Sec. 2033. Guidance on hazard mitigation assistance.

This section requires guidance to localities on upkeep of properties purchased with FEMA funds.

Sec. 2034. Local impact.

This section directs FEMA to appropriately weigh and consider severe local impact when evaluating whether to recommend a major disaster declaration, thus ensuring a more level playing field for smaller communities when impacted by severe disasters.

Sec. 2035. Additional hazard mitigation activities.

This section allows hazard mitigation assistance to be used for activities that help reduce the risk of future damage, hardship, loss, or suffering in any area affected by earthquakes.

Sec. 2036. National public infrastructure predisaster hazard mitigation.

This section amends the Stafford Act to modify the predisaster hazard mitigation grant program.

Sec. 2037. Additional mitigation activities.

This section clarifies the activities eligible for hazard mitigation assistance under the Stafford Act.

Sec. 2038. Federal cost-share adjustments for repair, restoration, and replacement of damaged facilities.

This section provides incentives to states and tribal governments for investments that increase disaster resilience.

