



LEGISLATIVE UPDATE

DISASTER RECOVERY REFORM ACT

TO: NEMA State Directors
FROM: NEMA Legislative Committee
DATE: May 11, 2018
SUBJECT: *DISASTER RECOVERY REFORM ACT* (DRRA) Included on *The FAA Reauthorization Act of 2018* (H.R. 4)

On Friday, April 27 the House passed [H.R. 4](#), *The FAA Reauthorization Act of 2018*, which contained provisions of the [Disaster Recovery Reform Act](#) (DRRA) yet to be passed by Congress. The Senate is currently considering whether to accept the House linking these two legislative initiatives. Since originally introduced in November 2017, three provisions were included in the disaster supplemental (H.R. 4667) which passed February 9, 2018. This is the third time Congress is considering the DRRA. This memo highlights changes made to the base legislation since the time of initial introduction.

DRRA PROVISIONS PASSED IN FEBRUARY SUPPLEMENTAL (H.R. 4667)

Duplication of Benefits

Section 2009 (partial) of H.R. 4667 stipulated required the Department of Housing and Urban Development (HUD) to ensure recipients of Community Development Block Grant (CDBG) funds have established procedures to prevent duplication of benefits to ensure expenditure of funds. Additionally, HUD may not reduce assistance where a grantee was approved for, but declined, a Small Business Administration (SBA) loan.

Houses of Worship Provision

Section 2013 of H.R. 4667 made religious non-profits and houses of worship eligible to receive disaster assistance.

Cost Share Mitigation Incentive

Section 2038 of H.R. 4667 increased the Federal cost share on mitigation projects to 85 percent upon the completion of activities such as adoption of an approved mitigation plan; investments in disaster relief, insurance, and emergency management programs; encouraging the adoption and enforcement of relevant building codes; participation in the community rating system; and funding mitigation projects.

CHANGES TO ORIGINAL DRRA PROVISIONS

Coordinate Response Plans

Section 607 of H.R. 4 adds to a third requirement of annual guidance and training FEMA must provide State, Tribal, and local governments, first responders, and utility companies.

(3) how State, Tribal, and local governments, first responders, utility companies, hospitals, nursing homes, and other long-term care facilities should develop a strategy to coordinate emergency response plans, including the activation of emergency response plans, in anticipation of a major disaster, including severe weather events.

ADDITIONS TO DRRA IN H.R. 4

Eligibility for Code Implementation and Enforcement

Section 637 of H.R. 4 amends the Stafford Act to require the President to provide assistance to State and local governments for building code and floodplain management, including inspections of substantial damage compliance.

Report on Long-Term Recovery

Section 638 of H.R. 4 requires the Government Accountability Office (GAO) to submit a report to Congress on the long-term recovery efforts following Hurricane Andrew, the attacks of September 11, 2001, Hurricane Katrina, Hurricane Ike, and Hurricane Sandy. Contents of the report include:

- definition of long-term recovery, stages of long-term recovery, transition of federal government management to states and local governments;
- assessment of personnel needed for such a report;
- analysis of the efficiency of long-term disaster recovery;
- GAO recommendations for the definition of a long-term recovery project under existing FEMA authority, and;
- FEMA recommendations on FEMA's ability to manage multiple disasters of the magnitude of 3, 4, and 5 occurring within weeks of each other.

Guidance and Training by FEMA On Coordination of Emergency Response Plans

Section 639 of H.R. 4 requires FEMA to provide annual training to State, local, and tribal governments on how to properly store hazardous materials during severe weather events.

Training shall include:

“(1) providing a list of equipment required in the event a hazardous substance is released into the environment, (2) outlining the health risks associated with exposure to hazardous substances to improve treatment response, and (3) publishing best practices for mitigating further danger to communities from hazardous substances.”

Reimbursement

Section 640 of H.R. 4 stipulates that within three years of a Stafford declaration, FEMA shall reimburse State and local governments for instances of housing assistance, building inspections, and cases of delayed recoupment that costs half of comparable FEMA solution or locally-implemented solution costs, whichever is lower.

Flood Insurance

Section 641 of H.R. 4 amends the Stafford Act and states that failure-to-insure penalties levied upon public and private non-profit facilities in special flood hazard areas do not apply to more than one building of a multi-structure educational, law enforcement, correctional, fire, or medical campus.

Recoupment

Section 642 of H.R. 4 requires FEMA to deem any covered disaster assistance to have been properly procured. If the Department of Homeland Security (DHS) Inspector General (IG) determines that a local government received inaccurate information from Federal authorities, then the assistance is considered covered.

OTHER PROVISIONS OF INTEREST IN H.R. 4

In addition to the language of the DRRRA, TITLE IX of H.R. 4 includes the *Preparedness and Risk Management for Extreme Weather Patterns Assuring Resilience and Effectiveness (PREPARE) Act of 2018*. Provisions of interest include:

Interagency Resilience Council

Section 902 of H.R. 4 establishes an Interagency Council on Extreme Weather Resilience, Preparedness, and Risk Identification and Management. Officials from 15 different Federal agencies are to be represented on the council.

This language requires the council to establish goals to meet the standards set by—including, but not limited to—the National Preparedness Goal, the National Preparedness Report, Mitigation Framework Leadership Group’s National Mitigation Investment Strategy, and State and local mitigation plans. The Council will also conduct inventories of regional offices that assist in extreme weather resilience. State emergency management agencies are not listed as one of the offices, but “offices determined appropriate by the Council” may be included.

Agency Planning for Extreme Weather

Section 903 of H.R. 4 stipulates that every Federal agency, in coordination with FEMA, is to submit a comprehensive plan to the Office of Management and Budget (OMB) and Interagency Council on each agency’s plan to combat extreme weather. The plans are to include assessments of extreme weather impacts on state and local entities. OMB is to aggregate these plans into a report submitted to Congress.

Should you have any questions, please feel free to contact the following NEMA staff:

Matt Cowles, Deputy Director; 202-624-5459, mcowles@csg.org

Kyle Arbuckle, Legislative Policy Analyst, 202-624-5458, karbuckle@csg.org