



LEGISLATIVE SUMMARY

H.R. 302; Disaster Recovery Reform Act (DRRA)

TO: NEMA State Directors
FROM: NEMA Legislative Committee
DATE: September 24, 2018
SUBJECT: House/Senate Agreement on Disaster Recovery Reform Act (DRRA)

Over the weekend, negotiators from the House Transportation and Infrastructure and Senate Homeland Security and Governmental Affairs Committees reached agreement on the Disaster Recovery Reform Act (DRRA). The latest iteration of this legislation comprises Division D of H.R. 302, which will become the *FAA Reauthorization Act of 2018*. This package is expected to see initial action on the House floor this Wednesday, September 26. The below summary represents the most substantive sections of the legislation. The negotiated language largely reflects previous iterations.

SEC. 1204. *Wildfire Prevention.* Allows Fire Management Assistance Grants (FMAG) eligibility for Hazard Mitigation Grant Program funds.

SEC. 1205. *Additional Activities.* Expands on SEC. 1204 and outlines specific eligible activities.

SEC. 1206. *Eligibility for Code Implementation and Enforcement.* Amends SEC. 402 of Stafford to make eligible assistance to help State and local governments in building code and floodplain management. Also amends SEC. 406 of Stafford by making base and overtime wages in implementing and enforcing building codes (for 180 days after a disaster) and eligible expense.

SEC. 1207. *Program Improvements.* Waives requirements of SEC. 406 of Stafford in cases where more than one building is on a single campus. Also prohibits the President from making assistance contingent on the use of alternative procedures.

SEC. 1208. *Prioritization of Facilities.* Provides FEMA with 180 days to provide guidance and training on the prioritization of hospitals, nursing homes, and long-term care facilities.

SEC. 1209. *Guidance on Evacuation Routes.* Requires FEMA to develop and issue guidance regarding the identification and maintenance of evacuation routes.

SEC. 1210. *Duplication of Benefits.* For a period of five years, gives the President the authority to waive the general prohibition on duplication of benefits with certain limitations and directs the President may not determine that a loan is a duplication of assistance. Also allows HMGP funds to be used for eligible projects of the U.S. Army Corps of Engineers.

SEC. 1211. *State Administration of Assistance for Direct Temporary Housing and Permanent Housing Construction.* Amends SEC. 408 of Stafford to set the parameters (ie, a housing strategy, demonstrated ability, Federal rules compliance) by which states can request administration of Individual Assistance.

SEC. 1212. *Assistance to Individuals and Households.* Amends SEC. 408 of Stafford to exclude rental of alternate housing from the \$25,000 limitation and makes allowances for accessibility-related improvements to damaged properties.

SEC. 1213. *Multifamily Lease and Repair Assistance.* Amends direct assistance offered under SEC. 408 of Stafford to require the value of improvements or repairs be deducted from the value of the lease agreement.

SEC. 1214. *Private Nonprofit Facility.* Adds “food banks” to the list of essential services.

SEC. 1215. *Management Costs.* Increases allowable management costs for HMGP to 15 percent (10 percent state/5 percent local) and 12 percent (7 percent state/5 percent local) for Public Assistance.

SEC. 1216. *Flexibility.* Amends SEC. 408 of Stafford to allow the President to waive a debt owed by an individual household if disbursement of the assistance was done so pursuant to an error by the government. Also limits recoupment (except in instances of civil or criminal fraud) more than three years after approval by FEMA.

SEC. 1217. *Additional Disaster Assistance.* Reauthorizes EMPG and EMAC.

SEC. 1219. *Right of Arbitration.* Amends SEC. 423 of Stafford (Appeals of Assistance Decisions) to allow an applicant to request arbitration when more than \$500,000 is involved.

SEC. 1220. *Unified Federal Environment and Historic Preservation Review.* Provides FEMA 180 days to review the Unified Federal Environmental and Historic Preservation review process and submit a report with recommendations to Congress.

SEC. 1221. *Closeout Incentives.* Amends SEC. 705 of Stafford to allow FEMA to develop incentives and penalties to encourage timely disaster closeout.

SEC. 1223. *Study to Streamline and Consolidate Information Collection.* Provides FEMA one year to work with myriad Federal agencies which also provide disaster assistance to consider ways in which information collection and applications processes can be streamlined.

SEC. 1224. *Agency Accountability.* Requires FEMA to collect certain information on and post to the agency website all PA grant awards exceeding \$1 million.

SEC. 1231. *Guidance on Hazard Mitigation Assistance.* Provides FEMA 180 days to issue guidance regarding the acquisition of property for open space as a mitigation measure under SEC. 404 of Stafford.

SEC. 1232. *Local Impact.* Directs FEMA to consider severe local impact or recent multiple disasters when considering a major disaster declaration.

SEC. 1234. *National Public Infrastructure Predisaster Hazard Mitigation.* Allows for six percent of disaster costs be available for predisaster mitigation when certain criteria are met (ie, adoption of building codes, cost effectiveness). Program sunsets after five years.

SEC. 1237. *Certain Recoupment Prohibited.* Directs FEMA to allow or restore previously deobligated disaster assistance if the original obligation was due to the advice and/or consent of FEMA.

SEC. 1240. *Report on Insurance Shortfalls.* Within two years, and annually thereafter, requires FEMA to submit a report to Congress on shortfalls in self-insurance to address flood damages.

SEC. 1243. *FEMA Report on Duplication in Non-Natural Disaster Preparedness Grant Programs.* Provides FEMA 180 days to submit a report to Congress on duplication within and across the suite of preparedness grants.

Helpful Links:

- [Full Bill Text of H.R. 302](#) (DRRA provisions are on pages 648 through 732)
- House T&I Committee [Press Release](#)
- House T&I Committee [Summary](#) (limited in details)

This summary is provided courtesy of the NEMA Legislative Committee. Should you have any questions, please feel free to contact the following NEMA staff:

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