

118TH CONGRESS
1ST SESSION

H. R. 4774

To direct the Administrator of the Federal Emergency Management Agency to issue guidance on extreme temperature events and resilience goals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2023

Mr. BLUMENAUER (for himself and Mrs. GONZÁLEZ-COLÓN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Administrator of the Federal Emergency Management Agency to issue guidance on extreme temperature events and resilience goals, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Empowering Resilient
5 Communities Act”.

6 **SEC. 2. DEFINITIONS.**

7 Section 203 of the Robert T. Stafford Disaster Relief
8 and Emergency Assistance Act (42 U.S.C. 5133) is
9 amended—

1 (1) by amending subsection (a) to read as fol-
2 lows:

3 “(a) DEFINITION OF HIGH NEED COMMUNITY.—In
4 this section, the term ‘high need community’ means a com-
5 munity, or a neighborhood within a community, that is
6 comprised of—

7 “(1) one or more areas with high individual
8 hazard risk rating, as defined in section 206 (d) (2),
9 as amended by the Community Disaster Resilience
10 Zones Act of 2022 (PL 117–255).

11 “(2) not more than 10,000 individuals; or

12 “(3) is otherwise determined by the President;
13 and

14 “(4) is not already covered by section 206, as
15 amended by Public Law 117–255.”;

16 (2) in subsection (g)(9) by striking “small im-
17 poverished communities” and inserting “high need
18 communities”; and

19 (3) in subsection (h)(2)—

20 (A) in the heading by striking “SMALL IM-
21 POVERISHED COMMUNITIES” and inserting
22 “HIGH NEED COMMUNITIES”;

23 (B) by adding “or benefiting” after “car-
24 ried out in”; and

1 (C) by striking “small impoverished com-
2 munity” and inserting “high need community”.

3 **SEC. 3. GUIDANCE ON EXTREME TEMPERATURE EVENTS.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Administrator of the Federal Emergency
6 Management Administration shall issue guidance related
7 to extreme temperature events, including heat waves and
8 freezes, and publish such guidance in the Federal Emer-
9 gency Management Administration Public Assistance Pro-
10 gram and Policy Guide.

11 **SEC. 4. HAZARD MITIGATION PLANS.**

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

15 (1) in subsection (a) by striking the period at
16 the end and inserting “, including—

17 “(1) identifying the extent to which resilience is
18 or will be incorporated into other planning processes,
19 including community land use, economic develop-
20 ment, capital improvement budgets and transpor-
21 tation planning processes;

22 “(2) goals and objectives related to increasing
23 resilience over a 5-year period, including benchmarks
24 for future work and an assessment of past progress;

1 “(3) the building codes in existence at the time
2 the plan is submitted and standards that are in use
3 by the State for all manner of planning or develop-
4 ment purposes and how the State has or will comply
5 with the standards set forth in section 406(e)(1)(A);

6 “(4) the use of nature-based solutions or other
7 mitigation activities that conserve or restore natural
8 features that can serve to abate or lessen the im-
9 pacts of future disasters;

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

12 “(6) the disparate impacts on underserved com-
13 munities (as such term is defined in section 203(a))
14 and plans to address any disparities.”; and

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

16 “(f) GUIDANCE.—The Administrator of the Federal
17 Emergency Management Agency shall issue specific guid-
18 ance on resilience goals and provide technical assistance
19 for States, Indian Tribes, territories, and local govern-
20 ments to meet such goals.

21 “(g) ADEQUATE STAFFING.—The Administrator of
22 the Federal Emergency Management Agency shall ensure
23 that ample staff are available to develop the guidance and
24 technical assistance under section 322, including hazard
25 mitigation planning staff and personnel with expertise in

1 community planning, land use development, and consensus
2 based codes and hazard resistant designs at each regional
3 office that specifically focus on providing financial and
4 non-financial direct technical assistance to States, Indian
5 Tribes, and territories.

6 “(h) REPORTING.—Not less frequently than every 5
7 years, the Administrator shall submit to Congress a report
8 on the progress of meeting the goals under this section.”.

9 **SEC. 5. ADDITIONAL USES OF FUNDS.**

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

13 “(k) ADDITIONAL USES OF FUNDS.—For State and
14 local governments that have exceeded, adopted, or are im-
15 plementing the latest two published editions of relevant
16 consensus-based codes, specifications, and standards that
17 incorporate the latest hazard-resistant designs and estab-
18 lish minimum acceptable criteria for the design, construc-
19 tion, and maintenance of residential structures and facili-
20 ties, a recipient of assistance provided under this para-
21 graph may use such assistance in a manner consistent
22 with the standards set forth in clauses (ii) and (iii) of sec-
23 tion 406(e)(1)(A).”.

1 **SEC. 6. COLLABORATION WITH OTHER AGENCIES.**

2 In awarding grants under the Robert T. Stafford Dis-
3 aster Relief and Emergency Assistance Act (42 U.S.C.
4 5121 et seq.), the Administrator of the Federal Emer-
5 gency Management Agency may coordinate with other rel-
6 evant agencies, including the Environmental Protection
7 Agency, the Department of Energy, the Department of
8 Transportation, the Corps of Engineers, the Department
9 of Agriculture, and the Department of Housing and
10 Urban Development, as necessary, to improve collabora-
11 tion for eligible activities under the Act.

12 **SEC. 7. GAO REPORTS.**

13 (a) **EXTREME TEMPERATURE EVENTS.**—Not later
14 than 1 year after the date of enactment of this Act, and
15 every 5 years thereafter, the Comptroller General of the
16 United States shall evaluate and issue to Congress and
17 the Federal Emergency Management Agency a report re-
18 garding the impacts of extreme temperatures events on
19 communities, the challenges posed to the Federal Emer-
20 gency Management Agency in addressing extreme tem-
21 perature events, and recommendations for the Federal
22 Emergency Management Agency to better provide assist-
23 ance to communities experiencing extreme temperature
24 events. The report may also include examples of specific
25 mitigation and resilience projects that communities may
26 undertake, and the Federal Emergency Management

1 Agency may consider, to reduce the impacts of extreme
2 temperatures on and within building structures,
3 participatory processes that allow for public engagement
4 in determining and addressing local risks and
5 vulnerabilities related to extreme temperatures events, and
6 community infrastructure, including heating or cooling
7 shelters.

8 (b) SMOKE AND INDOOR AIR QUALITY.—Not later
9 than 1 year after the date of enactment of this Act, and
10 every 5 years thereafter, the Comptroller General shall
11 evaluate and issue to Congress and the Federal Emer-
12 gency Management Agency a report regarding the impacts
13 of wildfire smoke and poor indoor air quality, the chal-
14 lenges posed to Federal Emergency Management Agency
15 in addressing wildfire smoke and indoor air quality, and
16 recommendations for the Federal Emergency Management
17 Agency to better provide assistance to communities and
18 individuals in dealing with wildfire smoke and indoor air
19 quality.

20 **SEC. 8. REPORT CONGRESS AND UPDATE OF COST EFFEC-**
21 **TIVENESS DETERMINATIONS AND DECLARA-**
22 **TIONS.**

23 (a) REPORT.—Not later than 2 years after the date
24 of enactment of this Act, the Administrator of the Federal
25 Emergency Management Agency, in coordination with the

1 Director of the Office of Management and Budget, shall
2 submit to Congress a report regarding the challenges
3 posed by the Agency's requirements for declaring an inci-
4 dent or determining the cost effectiveness of mitigation ac-
5 tivities and specifically how such requirements may dis-
6 proportionately burden small impoverished communities,
7 or specific vulnerable populations within communities.

8 (b) UPDATE OF COST EFFECTIVENESS DETERMINA-
9 TION.—Not later than 5 years after the date of enactment
10 of this Act, the Administrator, to the extent practicable,
11 shall update the requirements for determining cost effec-
12 tiveness and declaring incidents, including selection of ap-
13 propriate interest rates, based on the findings made under
14 subsection (a).

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