

Calendar No. 440

118TH CONGRESS }
2d Session }

SENATE

{ REPORT
118-194 }

PROMOTING RESILIENT BUILDINGS
ACT OF 2023

—
R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 5473

TO AMEND CERTAIN LAWS RELATING TO DISASTER RECOVERY
AND RELIEF WITH RESPECT TO THE IMPLEMENTATION OF
BUILDING CODES, AND FOR OTHER PURPOSES



JULY 23, 2024.—Ordered to be printed

—
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PROMOTING RESILIENT BUILDINGS ACT OF 2023

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Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 5473]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 5473) to amend certain laws relating to disaster recovery and relief with respect to the implementation of building codes, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

H.R. 5473, the *Promoting Resilient Buildings Act of 2024*, amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) to modify the eligible use of building codes for two Federal Emergency Management Agency (FEMA) grant programs. The bill also requires FEMA to set up a residential resilience pilot program under the Building Resilient Infrastructure and Communities (BRIC) program to make assistance available to States and local governments to provide grants to individuals for residential resilience retrofits.

II. BACKGROUND AND NEED FOR THE LEGISLATION

In 2018, the *Disaster Recovery Reform Act* (DRRA) was enacted in response to numerous natural disasters, including the 2017 hurricane season and wildfires in California, which catalyzed changes in federal emergency management policy.¹ The DRRA amended sections of the Stafford Act and established the definition of ‘latest published editions’ of relevant consensus-based codes, specifications, and standards for the BRIC program to include the two latest published editions of those codes.²

This bill would permanently extend the building code definition laid out in the DRRA, which expired in October 2023. The bill would also require FEMA to conduct a pilot program within BRIC to fund resilient residential retrofits to help improve individual and community resilience. The bill also amends the authorizing statute for the Safeguarding Tomorrow Revolving Loan Fund to remove ‘establishing and carrying out building code enforcement’ as an eligible use. The Safeguarding Tomorrow Revolving Loan Fund provides long-term loans to communities for mitigation projects.

III. LEGISLATIVE HISTORY

H.R. 5473, the *Promoting Resilient Buildings Act of 2023*, was introduced on September 14, 2023, by Representative Chuck Edwards (R–NC–11). Resident Commissioner Jenniffer González-Colón (R–PR–At Large), Rep. Nicholas A. Langworthy (R–NY–23) and Rep. Josh Gottheimer (D–NJ–5) joined as cosponsors later. On December 11, 2023, the House of Representatives passed the bill under a suspension of the rules by unanimous consent. The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Committee considered H.R. 5473 at a business meeting on April 10, 2024. At the business meeting, Senator Peters offered a substitute amendment and a modification to that amendment. The Peters substitute amendment, as modified, includes a rule of construction, adds language to remove authority from Safeguarding Tomorrow Revolving Loan Fund to fund localities establishing or enforcing building codes, and updates the reporting requirements for the residential retrofit pilot program. The Committee adopted the modification to the Peters substitute amendment, and the Peters substitute amendment, as modified, by unanimous consent, with Senator Peters, Hassan, Sinema, Rosen, Ossoff, Blumenthal, Paul, Lankford, Romney, Scott, and Hawley present.

The bill, as amended by the modified Peters substitute amendment, was reported favorably by a roll call vote of 11 yeas to 0 nays, with Senators Peters, Hassan, Sinema, Rosen, Ossoff, Blumenthal, Paul, Lankford, Romney, Scott, and Marshall voting in the affirmative. Senators Carper, Butler, Johnson, and Hawley voted yea by proxy, for the record only.

¹ Congressional Research Service, *Disaster Recovery Reform Act of 2018 (DRRA): A Summary of Selected Statutory Provisions* (R45819) (July 8, 2019).; FAA Reauthorization Act of 2018, Pub. L. No. 115–254.

² Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93–288.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title of the bill as the “*Promoting Resilient Buildings Act of 2024*.”

Section 2. Predisaster hazard mitigation

This section extends a building code definition from the DRRA. It defines the latest published editions of building codes to mean the two latest published editions of such codes.

Section 3. Hazard mitigation revolving loan fund program

This section amends section 205(f)(5) of the Stafford Act to strike the building codes as an eligible use in the program.

Section 4. Residential retrofit and resilience pilot program

Subsection (a) defines the terms “Administrator” and “Residential Resilient Retrofits” within the bill.

Subsection (b) requires the FEMA Administrator to establish a residential resilience pilot program that provides assistance to States and local governments to fund grants to individuals for residential resilience retrofits.

Subsection (c) requires the Administrator to not use more than 10 percent of the assistance made available to applications on an annual basis.

Subsection (d) requires the pilot program be established within 1 year after the enactment date and terminated on September 30, 2026.

Subsection (e) requires the Administrator to provide oversight, ensuring the State or local government provides grants to individuals with demonstrated financial need.

Subsection (f) requires the Administrator to submit a report, no later than 4 years after the enactment date, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report must include a summary of grant awards and projects and the results they achieved, estimate of avoidance in disaster impacts, and identified implementation challenges and improvement recommendations.

Subsection (g) states this section shall only apply to amounts appropriated on or after the date of enactment apply.

Section 5. Rule of construction

This section states the only programs affected will be the predisaster hazard mitigation program or the hazard mitigation revolving loan fund program.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act

(UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 5473, Promoting Resilient Buildings Act of 2024			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on April 10, 2024			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	96	100
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 5473 would authorize the Federal Emergency Management Agency (FEMA) to award grants to state and tribal governments designed to mitigate the effects of future disasters on residential properties by reducing damages from flooding, wind, wildfire, and seismic activity. Under the legislation, the agency could allocate up to 10 percent of funds set aside each year for the Building Resilient Infrastructure and Communities (BRIC) program for the new grants. The BRIC program is funded through amounts that the agency sets aside within the Disaster Relief Fund. The new grant program would terminate after 2026.

The legislation also would require FEMA to report to the Congress within four years of enactment summarizing the awards made under the pilot program, including an estimate of the amount of damage avoided under the program.

Over the 2019–2023 period, FEMA set aside an average of about \$500 million annually for the BRIC program, excluding amounts related to the coronavirus pandemic. Assuming that FEMA continues to allocate the same amount and that it would allocate the full 10 percent of that amount allowed under the legislation for new grants, CBO estimates that under H.R. 5473 the agency would allocate \$50 million annually in 2025 and 2026.

Based on historical spending patterns, CBO estimates that implementing H.R. 5473 would cost \$96 million over the 2024–2029 period, and an additional \$4 million after 2029.

The costs of the legislation, detailed in Table 1, fall within budget function 450 (community and regional development).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 5473

	By fiscal year, millions of dollars—						
	2024	2025	2026	2027	2028	2029	2024–2029
Estimated Authorization	0	50	50	0	0	0	100
Estimated Outlays	0	*	13	31	33	19	96

* = between zero and \$500,000.

The CBO staff for this estimate is Jon Sperl. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

**ROBERT T. STAFFORD DISASTER RELIEF AND
 EMERGENCY ASSISTANCE ACT**

* * * * *

**TITLE II—DISASTER PREPAREDNESS AND
 MITIGATION ASSISTANCE**

* * * * *

SEC. 203. PREDISASTER HAZARD MITIGATION.

* * * * *

(m) LATEST PUBLISHED EDITIONS.—For purposes of subsections (e)(1)(B)(iv) and (g)(10), the term ‘latest published editions’ means, with respect to relevant consensus-based codes, specifications, and standards, the 2 most recently published editions.

* * * * *

**SEC. 205. GRANTS TO ENTITIES FOR ESTABLISHMENT OF HAZARD
 MITIGATION REVOLVING LOAN FUNDS.**

* * * * *

(f) USE OF FUNDS.—

- (1) * * *
- (2) * * *
- (3) * * *
- (4) * * *

【(5) ESTABLISHING AND CARRYING OUT BUILDING CODE ENFORCEMENT.—A participating entity may use capitalization grants under this section to enable units of local government to establish and carry out the latest published editions of relevant building codes, specifications, and standards for the purpose of protecting the health, safety, and general welfare of the building’s users against disasters and natural hazards.】

[(6)](5) ADMINISTRATIVE AND TECHNICAL COSTS.—For each fiscal year, a participating entity may use the amount described in paragraph (1)(C) to—

(A) pay the reasonable costs of administering the programs under this section, including the cost of establishing an entity loan fund; and

(B) provide technical assistance to recipients of financial assistance from the entity loan fund, on the condition that such technical assistance does not exceed 5 percent of the capitalization grant made to such entity.

[(7)](6) LIMITATION FOR SINGLE PROJECTS.—A participating entity may not provide an amount equal to or more than \$5,000,000 to a single hazard mitigation project.

[(8)](7) REQUIREMENTS.—For fiscal year 2022 and each fiscal year thereafter, the requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to the construction of projects carried out in whole or in part with assistance made available by an entity loan fund authorized by this section.

* * * * *

