

Union Calendar No. 204

117TH CONGRESS
2^D SESSION

H. R. 5689

[Report No. 117-277]

To improve the provision of Federal resources to help build capacity and fund risk-reducing, cost-effective mitigation projects for eligible State, local, Tribal, and territorial governments and certain private nonprofit organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2021

Mr. DEFAZIO (for himself, Mr. GRAVES of Missouri, Ms. TITUS, and Mr. WEBSTER of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

MARCH 24, 2022

Additional sponsors: Ms. NORTON and Ms. HOULAHAN

MARCH 24, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on October 22, 2021]

A BILL

To improve the provision of Federal resources to help build capacity and fund risk-reducing, cost-effective mitigation projects for eligible State, local, Tribal, and territorial governments and certain private nonprofit organizations, 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 “Resilient Assistance for*
5 *Mitigation for Environmentally Resilient Infrastructure*
6 *and Construction by Americans Act” or the “Resilient*
7 *AMERICA Act”.*

8 **SEC. 2. UNSPENT FUNDS.**

9 *(a) REDISTRIBUTION OF UNCLAIMED AMOUNTS.—Sec-*
10 *tion 404 of the Robert T. Stafford Disaster Relief and*
11 *Emergency Assistance Act (42 U.S.C. 5170c) is amended—*

12 *(1) by redesignating subsections (f) and (g) as*
13 *subsections (g) and (h), respectively; and*

14 *(2) by inserting after subsection (e) the following:*

15 *“(f) REDISTRIBUTION OF UNCLAIMED OR UNOBLI-*
16 *GATED AMOUNTS.—The President may—*

17 *“(1) withdraw any portion of financial assist-*
18 *ance made available to a State or Indian tribal gov-*
19 *ernment under subsection (a) for which the State or*
20 *Indian tribal government has failed to submit an ap-*
21 *plication upon the expiration of the application sub-*
22 *mission time limit or that remains unobligated for a*
23 *major disaster or event eligible for assistance pursu-*
24 *ant to section 420 upon the expiration of 84 months*
25 *or the closeout of the grant, whichever is sooner; and*

1 “(2) transfer the financial assistance withdrawn
2 under paragraph (1) to any other amounts otherwise
3 available to be awarded under section 203.”.

4 (b) *APPLICABILITY.*—The amendment made by sub-
5 section (a) shall apply to any major disaster declared by
6 the President under the Robert T. Stafford Disaster Relief
7 and Emergency Assistance Act on or after November 23,
8 1988.

9 **SEC. 3. PREDISASTER HAZARD MITIGATION.**

10 Section 203(i) of the Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act (42 U.S.C. 5133) is amend-
12 ed by striking “6 percent” and inserting “15 percent”.

13 **SEC. 4. NONPROFIT FACILITIES.**

14 Section 203 of the Robert T. Stafford Disaster Relief
15 and Emergency Assistance Act (42 U.S.C. 5133) is amend-
16 ed—

17 (1) in subsection (b) by striking “and local gov-
18 ernments” and inserting “, local governments, and
19 private nonprofit facilities”;

20 (2) in subsection (c) by striking “or local govern-
21 ment” in each place it appears and inserting “, local
22 government, or private nonprofit facility”;

23 (3) in subsection (d)—

1 (A) in paragraph (1)(A) by striking “local
2 governments” and inserting “local governments
3 and private nonprofit facilities”;

4 (B) in paragraph (2)—

5 (i) by striking “local governments” in
6 each place it appears and inserting “local
7 governments or private nonprofit facilities”;
8 and

9 (ii) in subparagraph (B) by striking
10 “local government” and inserting “local
11 government or private nonprofit facility”;
12 and

13 (C) in paragraph (3) by inserting “or pri-
14 vate nonprofit facilities” after “any local govern-
15 ments of the State”.

16 (4) in subsection (e)—

17 (A) in paragraph (1)(A) by striking “and
18 local governments” and inserting “, local govern-
19 ments, and private nonprofit facilities”; and

20 (B) in paragraph (2) by striking “or local
21 government” in each place it appears and insert-
22 ing “, local government, or private nonprofit fa-
23 cility”;

24 (5) in subsection (f)—

1 (A) in paragraph (2) by inserting “or pri-
2 vate nonprofit facilities located in the State”
3 after “local governments of the State”; and

4 (B) in paragraph (3)(A) by inserting “or
5 private nonprofit facilities located in the State”
6 after “local governments of a State”; and

7 (6) in subsection (g) by striking “or local govern-
8 ment” in each place it appears and inserting “, local
9 government, or private nonprofit facility”.

10 **SEC. 5. BUILDING CODE IMPLEMENTATION AND ENFORCE-**
11 **MENT SET ASIDE.**

12 (a) *IN GENERAL.*—Section 203(f) of the Robert T.
13 *Stafford Disaster Relief and Emergency Assistance Act* (42
14 *U.S.C. 5133(m)*) is amended—

15 (1) by redesignating paragraph (3) as para-
16 graph (4); and

17 (2) by inserting after paragraph (2) the fol-
18 lowing:

19 “(3) *BUILDING CODE IMPLEMENTATION AND EN-*
20 *FORCEMENT SET-ASIDE.*—Of the amounts made avail-
21 *able under this section for any given year, the Ad-*
22 *ministrator may use not less than 10 percent to carry*
23 *out eligible activities that further the implementation*
24 *and enforcement of the latest published editions of rel-*
25 *evant consensus-based codes, specifications, and*

1 standards, including any amendments made by State,
2 local, Tribal, or territorial governments to such codes,
3 specifications, and standards, that incorporate the
4 latest hazard-resistant designs and establish min-
5 imum acceptable criteria for the design, construction,
6 and maintenance of facilities and residential struc-
7 tures that may be eligible for assistance under this
8 Act. In any fiscal year in which requests for assist-
9 ance for such activities do not total at least 10 per-
10 cent of assistance under this section, any remaining
11 funds may be used as additional assistance for the
12 purposes of paragraph (1).”.

13 (b) *LATEST PUBLISHED EDITIONS.*—Section 203(m)
14 of the Robert T. Stafford Disaster Relief and Emergency
15 Assistance Act (42 U.S.C. 5133(m)) is amended by insert-
16 ing “, (f)(3),” after “subsections (e)(1)(B)(iv)”.

17 (c) *CONFORMING AMENDMENT.*—Section 1234 of the
18 Disaster Recovery Reform Act of 2018 (42 U.S.C. 5133
19 note) is amended by striking subsection (d).

20 **SEC. 6. RESILIENT INFRASTRUCTURE.**

21 (a) *USE OF ASSISTANCE.*—Subsection (g) of section
22 404 of the Robert T. Stafford Disaster Relief and Emer-
23 gency Assistance Act (42 U.S.C. 5170c(g)) (as redesignated
24 by section 2) is amended—

25 (1) in paragraph (12)—

1 (A) by inserting “, wildfire, and ice storm”
2 after “windstorm”;

3 (B) by striking “including replacing” and
4 inserting the following: “including—
5 “(A) replacing”;

6 (C) in subparagraph (A) (as so des-
7 ignated)—

8 (i) by inserting “, wildfire,” after “ex-
9 tremes wind”; and

10 (ii) by adding “and” after the semi-
11 colon at the end; and

12 (D) by adding at the end the following:

13 “(B) the installation of fire-resistant wires
14 and infrastructure and the undergrounding of
15 wires;”;

16 (2) in paragraph (13) by striking “and”; and

17 (3) by striking paragraph (14) and inserting the
18 following:

19 “(14) replacing water systems that have been
20 burned, caused contamination, or are at risk from
21 wildfire impacts with resilient, non-combustible mate-
22 rials;

23 “(15) repairing, replacing, or retrofitting infra-
24 structure damaged by ice storms to be resilient to the
25 impacts of such storms;

1 “(16) retrofitting or hardening electric grid in-
2 frastructure to comply with the latest published
3 strength standards or industry best practices for resil-
4 iency, including standards and practices relating to
5 the strength of utility poles in high wind areas, re-
6 gardless of height; and

7 “(17) implementing technologies to improve in-
8 frastructure monitoring and distribution for the pur-
9 pose of reducing risk and avoiding future disaster im-
10 pacts and, notwithstanding other requirements related
11 to cost-effectiveness, to avoid any unintended con-
12 sequences under this section and section 203.”.

13 (b) *USE OF ASSISTANCE FOR EARTHQUAKE HAZ-*
14 *ARDS.—Subsection (h) of section 404 of the Robert T. Staf-*
15 *ford Disaster Relief and Emergency Assistance Act (42*
16 *U.S.C. 5170c(h)) (as redesignated by section 2) is amend-*
17 *ed—*

18 (1) by inserting “and tsunami” after “earth-
19 quake” each place it appears (including in the sub-
20 section heading);

21 (2) in paragraph (2) by striking “and” at the
22 end;

23 (3) in paragraph (3) by striking the period at
24 the end and inserting “; and”; and

25 (4) by adding at the end the following:

1 “(4) *planning, design, or construction of vertical*
2 *evacuation structures in designated and mapped tsu-*
3 *nami danger areas or hazard zones.*”.

4 **SEC. 7. RESIDENTIAL RETROFIT AND RESILIENCE PILOT**
5 **PROGRAM.**

6 (a) *ESTABLISHMENT.*—*The Administrator of the Fed-*
7 *eral Emergency Management Agency shall carry out a resi-*
8 *dential resilience pilot program through the program estab-*
9 *lished under section 203 of the Robert T. Stafford Disaster*
10 *Relief and Emergency Assistance Act (42 U.S.C. 5133) to*
11 *make available assistance to State and local governments*
12 *for the purpose of providing grants to individuals for resi-*
13 *dential resilience retrofits.*

14 (b) *AMOUNT OF FUNDS.*—*The Administrator may use*
15 *not more than 10 percent of the assistance made available*
16 *to applicants on an annual basis under section 203 of the*
17 *Robert T. Stafford Disaster Relief and Emergency Assist-*
18 *ance Act (42 U.S.C. 5133) to provide assistance under this*
19 *section.*

20 (c) *TIMELINE.*—*The Administrator shall establish the*
21 *demonstration program under this section not later than*
22 *1 year after the date of enactment of this Act and the pro-*
23 *gram shall terminate on September 30, 2025.*

24 (d) *REPORT.*—*Not later than 4 years after the date*
25 *of enactment of this Act, the Administrator shall submit*

1 *to the Committee on Transportation and Infrastructure of*
2 *the House of Representatives and the Committee on Home-*
3 *land Security and Governmental Affairs of the Senate a*
4 *report that includes—*

5 (1) *a summary of the grant awards and projects*
6 *carried out under this section;*

7 (2) *a detailed compilation of results achieved by*
8 *the grant awards and projects carried out under this*
9 *section, including the number of homes receiving ret-*
10 *rofits, the types and average costs of retrofits, demo-*
11 *graphic information for participants in the program,*
12 *and estimate avoidance in disaster impacts and Fed-*
13 *eral disaster payments as a result of the grant invest-*
14 *ments; and*

15 (3) *any identified implementation challenges*
16 *and recommendations for improvements to the pilot*
17 *program.*

18 *(e) RESIDENTIAL RESILIENT RETROFITS DEFINED.—*

19 (1) *IN GENERAL.—In this section, the term “resi-*
20 *dential resilient retrofits” means a project that—*

21 (A) *is designed to increase the resilience of*
22 *an existing home or residence using mitigation*
23 *measures which the administrator determines re-*
24 *duce damage and impacts from natural disaster*

1 *hazards and risks that are most likely to occur*
2 *in the area where the home is located; and*

3 *(B) to the extent applicable, are consistent*
4 *with the 2 most recently published editions of*
5 *relevant consensus-based codes, specifications,*
6 *and standards, including any amendments made*
7 *by State, local, tribal, or territorial governments*
8 *to such codes, specifications, and standards that*
9 *incorporate the latest hazard-resistant designs*
10 *and establish criteria for the design, construc-*
11 *tion, and maintenance of residential structures*
12 *and facilities that may be eligible for assistance*
13 *under the Robert T. Stafford Disaster Relief and*
14 *Emergency Assistance Act (42 U.S.C. 5121 et*
15 *seq.) for the purpose of protecting the health,*
16 *safety, and general welfare of the buildings' users*
17 *against disasters.*

18 *(2) INCLUSION.—In this section, the term “resi-*
19 *dential resilient retrofits” includes—*

20 *(A) elevations of homes and elevations of*
21 *utilities within and around structures to miti-*
22 *gate damages;*

23 *(B) floodproofing measures;*

24 *(C) the construction of tornado safe rooms;*

25 *(D) seismic retrofits;*

1 (E) wildfire retrofit and mitigation meas-
2 ures;

3 (F) wind retrofits, including roof replace-
4 ments, hurricane straps, and tie-downs; and

5 (G) any other measures that meet the re-
6 quirements of paragraph (1), as determined by
7 the Administrator.

8 **SEC. 8. BUY AMERICA FOR NONEMERGENCY PROJECTS.**

9 (a) *IN GENERAL.*—For the purposes of this rule-
10 making, to ensure that the United States has the productive
11 capability to respond quickly to emergencies and natural
12 disasters with a strong domestic industrial base being in
13 the public interest, the Administrator of the Federal Emer-
14 gency Management Agency shall require, as a condition of
15 any financial assistance provided by the Agency on a non-
16 emergency basis after promulgation of regulations pursuant
17 to subsection (c) for a construction project with a cost of
18 at least \$1,000,000, that the steel and iron used in the
19 project be produced in the United States.

20 (b) *WAIVER.*—

21 (1) *IN GENERAL.*—The Administrator may pro-
22 vide a waiver of the requirements in subsection (a) if
23 the Administrator finds—

1 (A) that the application of such subsection
2 would be inconsistent with the public interest,
3 including causing unreasonable project delays;

4 (B) that such steel and iron are not pro-
5 duced in the United States in sufficient and rea-
6 sonably available quantities and of a satisfactory
7 quality; or

8 (C) that inclusion of domestic material will
9 increase the cost of the overall project contract by
10 more than 25 percent.

11 (2) *PUBLIC INPUT.*—If the Administrator re-
12 ceives a request for a waiver under this subsection, the
13 Administrator shall make available to the public, on
14 an informal basis, a copy of the request and informa-
15 tion available to the Administrator concerning the re-
16 quest, and shall allow for informal public input on
17 the request for at least 15 days prior to making a
18 finding based on the request.

19 (3) *PUBLICATION OF REQUEST.*—The Adminis-
20 trator shall make the request and accompanying in-
21 formation available by electronic means, including on
22 the official public website of the Federal Emergency
23 Management Agency.

24 (c) *RULEMAKING.*—Not later than 18 months after the
25 date of enactment of this Act, the President, acting through

1 *the Administrator of the Federal Emergency Management*
2 *Agency, shall conduct and complete a rulemaking to estab-*
3 *lish what considerations shall be used by the Administrator*
4 *to assess whether a waiver request made pursuant to sub-*
5 *section (b)(1)(A) is in the public interest. Such criteria*
6 *shall include both a calculation considering domestically*
7 *produced steel and iron and a calculation with non-domes-*
8 *tically produced steel and iron for construction projects*
9 *which require a Benefit-Cost Analysis in order to qualify*
10 *for financial assistance.*

11 *(d) ADJUSTMENT.—The amount in subsection (a) shall*
12 *be adjusted annually to reflect changes in the Consumer*
13 *Price Index for All Urban Consumers published by the De-*
14 *partment of Labor.*

15 **SEC. 9. REIMBURSEMENT OF INTEREST PAYMENTS RE-**
16 **LATED TO PUBLIC ASSISTANCE.**

17 *(a) IN GENERAL.—Title IV of the Robert T. Stafford*
18 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
19 *5170 et seq.) is amended by adding at the end the following:*

20 **“SEC. 431. REIMBURSEMENT OF INTEREST PAYMENTS RE-**
21 **LATED TO PUBLIC ASSISTANCE.**

22 *“(a) IN GENERAL.—For purposes of assistance under*
23 *this title, the President shall provide financial assistance*
24 *at the applicable Federal share to a State or local govern-*

1 *ment, electric cooperative, or nonprofit organization as re-*
2 *imbursement for qualifying interest.*

3 “(b) *DEFINITIONS.*—*In this section, the following defi-*
4 *initions apply:*

5 “(1) *QUALIFYING INTEREST.*—*The term ‘quali-*
6 *fying interest’ means, with respect to a qualifying*
7 *loan, the lesser of—*

8 “(A) *the actual interest paid to a lender for*
9 *such qualifying loan; and*

10 “(B) *the interest that would have been paid*
11 *to a lender if such qualifying loan had an inter-*
12 *est rate equal to the prime rate most recently*
13 *published on the Federal Reserve Statistical Re-*
14 *lease on selected interest rates.*

15 “(2) *QUALIFYING LOAN.*—*The term ‘qualifying*
16 *loan’ means a loan—*

17 “(A) *obtained by a State or local govern-*
18 *ment, electric cooperative, or nonprofit organiza-*
19 *tion; and*

20 “(B) *of which not less than 90 percent of*
21 *the proceeds are used to fund activities for which*
22 *such State or local government, electric coopera-*
23 *tive, or nonprofit organization receives assistance*
24 *under this Act after the date on which such loan*
25 *is disbursed.”.*

1 “(2) *FEDERAL FUNDING.*—*All Federal funding*
2 *provided pursuant to this section shall be applied to-*
3 *ward the Federal share of a federally authorized*
4 *water resources development project described in*
5 *paragraph (1).*

6 “(3) *NON-FEDERAL MATCH.*—*All non-Federal*
7 *matching funds required pursuant to this section*
8 *shall be applied toward the non-Federal share of a*
9 *federally authorized water resources development*
10 *project described in paragraph (1).*

11 “(4) *TOTAL FEDERAL SHARE.*—*Funding pro-*
12 *vided pursuant to this section may not exceed the*
13 *total Federal share for a federally authorized water*
14 *resources development project described in paragraph*
15 *(1).*

16 “(5) *RULE OF CONSTRUCTION.*—*Nothing in this*
17 *subsection may be construed to affect—*

18 “(A) *the cost-share requirement of a hazard*
19 *mitigation measure under this section;*

20 “(B) *the eligibility criteria for a hazard*
21 *mitigation measure under this section;*

22 “(C) *the cost share requirements of a feder-*
23 *ally authorized water resources development*
24 *project described in paragraph (1); and*

1 “(D) the responsibilities of a non-Federal
2 interest with respect to such project, including
3 those related to the provision of lands, easements,
4 rights-of-way, dredge material disposal areas,
5 and necessary relocations.

6 “(6) *LIMITATION.*—If a federally authorized
7 water resources development project of the Army
8 Corps of Engineers is constructed with funding pro-
9 vided under this subsection, no further Federal fund-
10 ing shall be provided for construction of such a
11 project.”.

12 **SEC. 11. GAO REPORT TO CONGRESS ON CHALLENGES**
13 **UNDER PUBLIC ASSISTANCE ALTERNATIVE**
14 **PROCEDURES.**

15 (a) *IN GENERAL.*—The Comptroller General of the
16 United States shall conduct a study on the challenges to
17 States and Territories of the United States in obtaining as-
18 sistance under section 428 of the Robert T. Stafford Disaster
19 Relief and Emergency Assistance Act (42 U.S.C. 5189f).

20 (b) *CONTENTS.*—In conducting the study described in
21 subsection (a), the Comptroller General shall study the chal-
22 lenges for assistance described in subsection (a) faced by the
23 following:

1 (1) *Rural areas, as such term is defined in sec-*
2 *tion 423 of the Robert T. Stafford Disaster Relief and*
3 *Emergency Assistance Act (42 U.S.C. 5189a).*

4 (2) *Small impoverished communities, as such*
5 *term is defined in section 203 of such Act.*

6 (3) *Other communities, areas, or individuals*
7 *that the Comptroller General determines pertinent.*

8 (c) *REPORT TO CONGRESS.—Not later than 1 year*
9 *after the date of enactment of this Act, the Comptroller Gen-*
10 *eral shall submit to Congress a report describing the results*
11 *of the study required under subsection (a).*

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