

Suspend the Rules and Pass the Bill, H.R. 5689, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
1ST SESSION

H. R. 5689

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Resilient Assistance
3 for Mitigation for Environmentally Resilient Infrastruc-
4 ture and Construction by Americans Act” or the “Resil-
5 ient AMERICA Act”.

6 **SEC. 2. PREDISASTER HAZARD MITIGATION.**

7 Section 203(i) of the Robert T. Stafford Disaster Re-
8 lief and Emergency Assistance Act (42 U.S.C. 5133) is
9 amended by striking “equal to 6 percent” and inserting
10 “equal to not more than 15 percent”.

11 **SEC. 3. NONPROFIT FACILITIES.**

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

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

18 (2) in subsection (c) by striking “or local gov-
19 ernment” in each place it appears and inserting “,
20 local government, or private nonprofit facility”;

21 (3) in subsection (d)—

22 (A) in paragraph (1)(A) by striking “local
23 governments” and inserting “local governments
24 and private nonprofit facilities”;

25 (B) in paragraph (2)—

1 (i) by striking “local governments” in
2 each place it appears and inserting “local
3 governments or private nonprofit facili-
4 ties”; and

5 (ii) in subparagraph (B) by striking
6 “local government” and inserting “local
7 government or private nonprofit facility”;
8 and

9 (C) in paragraph (3) by inserting “or pri-
10 vate nonprofit facilities” after “any local gov-
11 ernments of the State”.

12 (4) in subsection (e)—

13 (A) in paragraph (1)(A) by striking “and
14 local governments” and inserting “, local gov-
15 ernments, and private nonprofit facilities”; and

16 (B) in paragraph (2) by striking “or local
17 government” in each place it appears and in-
18 serting “, local government, or private nonprofit
19 facility”;

20 (5) in subsection (f)—

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

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

4 (6) in subsection (g) by striking “or local gov-
5 ernment” in each place it appears and inserting “,
6 local government, or private nonprofit facility”.

7 **SEC. 4. BUILDING CODE IMPLEMENTATION AND ENFORCE-**
8 **MENT SET ASIDE.**

9 (a) IN GENERAL.—Section 203(f) of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5133(m)) is amended—

12 (1) by redesignating paragraph (3) as para-
13 graph (4); and

14 (2) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) BUILDING CODE IMPLEMENTATION AND
17 ENFORCEMENT SET-ASIDE.—Of the amounts made
18 available under this section for any given year, the
19 Administrator may use not less than 10 percent to
20 carry out eligible activities that further the imple-
21 mentation and enforcement of the latest published
22 editions of relevant consensus-based codes, specifica-
23 tions, and standards, including any amendments
24 made by State, local, Tribal, or territorial govern-
25 ments to such codes, specifications, and standards,

1 that incorporate the latest hazard-resistant designs
2 and establish minimum acceptable criteria for the
3 design, construction, and maintenance of facilities
4 and residential structures that may be eligible for
5 assistance under this Act. In any fiscal year in
6 which requests for assistance for such activities do
7 not total at least 10 percent of assistance under this
8 section, any remaining funds may be used as addi-
9 tional assistance for the purposes of paragraph
10 (1).”.

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

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

18 **SEC. 5. RESILIENT INFRASTRUCTURE.**

19 (a) USE OF ASSISTANCE.—Subsection (g) of section
20 404 of the Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5170c(g)) (as redesign-
22 nated by section 2) is amended—

23 (1) in paragraph (12)—

24 (A) by inserting “, wildfire, and ice storm”

25 after “windstorm”;

1 (B) by striking “including replacing” and
2 inserting the following: “including—

3 “(A) replacing”;

4 (C) in subparagraph (A) (as so des-
5 ignated)—

6 (i) by inserting “, wildfire,” after “ex-
7 treme wind”; and

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

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

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

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

15 (3) by striking paragraph (14) and inserting
16 the following:

17 “(14) replacing water systems that have been
18 burned, caused contamination, or are at risk from
19 wildfire impacts with resilient, non-combustible ma-
20 terials;

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

24 “(16) retrofitting or hardening electric grid in-
25 frastructure to comply with the latest published

1 strength standards or industry best practices for re-
2 siliency, including standards and practices relating
3 to the strength of utility poles in high wind areas,
4 regardless of height; and

5 “(17) implementing technologies to improve in-
6 frastructure monitoring and distribution for the pur-
7 pose of reducing risk and avoiding future disaster
8 impacts and, notwithstanding other requirements re-
9 lated to cost-effectiveness, to avoid any unintended
10 consequences under this section and section 203.”.

11 (b) USE OF ASSISTANCE FOR EARTHQUAKE HAZ-
12 ARDS.—Subsection (h) of section 404 of the Robert T.
13 Stafford Disaster Relief and Emergency Assistance Act
14 (42 U.S.C. 5170c(h)) (as redesignated by section 2) is
15 amended—

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

19 (2) in paragraph (2) by striking “and” at the
20 end;

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

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

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

4 **SEC. 6. RESIDENTIAL RETROFIT AND RESILIENCE PILOT**
5 **PROGRAM.**

6 (a) **ESTABLISHMENT.**—The Administrator of the
7 Federal Emergency Management Agency shall carry out
8 a residential resilience pilot program through the program
9 established under section 203 of the Robert T. Stafford
10 Disaster Relief and Emergency Assistance Act (42 U.S.C.
11 5133) to make available assistance to State and local gov-
12 ernments for the purpose of providing grants to individ-
13 uals for residential resilience retrofits.

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

20 (c) **TIMELINE.**—The Administrator shall establish
21 the demonstration program under this section not later
22 than 1 year after the date of enactment of this Act and
23 the program 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
2 of the House of Representatives and the Committee on
3 Homeland Security and Governmental Affairs of the Sen-
4 ate a report that includes—

5 (1) a summary of the grant awards and
6 projects 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 in-
14 vestments; and

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

18 (e) RESIDENTIAL RESILIENT RETROFITS DE-
19 FINED.—

20 (1) IN GENERAL.—In this section, the term
21 “residential resilient retrofits” means a project
22 that—

23 (A) is designed to increase the resilience of
24 an existing home or residence using mitigation
25 measures which the administrator determines

1 reduce damage and impacts from natural dis-
2 aster hazards and risks that are most likely to
3 occur in the area where the home is located;
4 and

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

20 (2) INCLUSION.—In this section, the term “res-
21 idential resilient retrofits” includes—

22 (A) elevations of homes and elevations of
23 utilities within and around structures to miti-
24 gate damages;

25 (B) floodproofing measures;

- 1 (C) the construction of tornado safe rooms;
- 2 (D) seismic retrofits;
- 3 (E) wildfire retrofit and mitigation meas-
- 4 ures;
- 5 (F) wind retrofits, including roof replace-
- 6 ments, hurricane straps, and tie-downs; and
- 7 (G) any other measures that meet the re-
- 8 quirements of paragraph (1), as determined by
- 9 the Administrator.

10 **SEC. 7. BUY AMERICA FOR NONEMERGENCY PROJECTS.**

11 (a) IN GENERAL.—For the purposes of this rule-

12 making, to ensure that the United States has the produc-

13 tive capability to respond quickly to emergencies and nat-

14 ural disasters with a strong domestic industrial base being

15 in the public interest, the Administrator of the Federal

16 Emergency Management Agency shall require, as a condi-

17 tion of any financial assistance provided by the Agency

18 on a nonemergency basis after promulgation of regulations

19 pursuant to subsection (c) for a construction project with

20 a cost of at least \$1,000,000, that the steel and iron used

21 in the project be produced in the United States.

22 (b) WAIVER.—

23 (1) IN GENERAL.—The Administrator may pro-

24 vide a waiver of the requirements in subsection (a)

25 if 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
6 reasonably available quantities and of a satis-
7 factory quality; or

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

11 (2) PUBLIC INPUT.—If the Administrator re-
12 ceives a request for a waiver under this subsection,
13 the Administrator shall make available to the public,
14 on an informal basis, a copy of the request and in-
15 formation available to the Administrator concerning
16 the request, and shall allow for informal public input
17 on the request for at least 15 days prior to making
18 a 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
25 the date of enactment of this Act, the President, acting

1 through the Administrator of the Federal Emergency
2 Management Agency, shall conduct and complete a rule-
3 making to establish what considerations shall be used by
4 the Administrator to assess whether a waiver request
5 made pursuant to subsection (b)(1)(A) is in the public in-
6 terest. Such criteria shall include both a calculation con-
7 sidering domestically produced steel and iron and a cal-
8 culation with non-domestically produced steel and iron for
9 construction projects which require a Benefit-Cost Anal-
10 ysis in order to qualify for financial assistance.

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

15 **SEC. 8. 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 fol-
20 lowing:

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

23 “(a) IN GENERAL.—For purposes of assistance under
24 this title, the President shall provide financial assistance
25 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
4 definitions 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
9 for such qualifying loan; and

10 “(B) the interest that would have been
11 paid to a lender if such qualifying loan had an
12 interest rate equal to the prime rate most re-
13 cently published on the Federal Reserve Statis-
14 tical Release 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 organi-
19 zation; and

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

1 (b) **RULE OF APPLICABILITY.**—Any qualifying inter-
2 est (as such term is defined in section 431 of the Robert
3 T. Stafford Disaster Relief and Emergency Assistance
4 Act, as added by this section) incurred by a State or local
5 government, electric cooperative, or nonprofit organization
6 in the 5 years preceding the date of enactment of this Act
7 shall be treated as eligible for financial assistance for pur-
8 poses of such section 431.

9 **SEC. 9. FUNDING OF A FEDERALLY AUTHORIZED WATER**
10 **RESOURCES DEVELOPMENT PROJECT.**

11 Section 203 of the Robert T. Stafford Disaster Relief
12 and Emergency Assistance Act (42 U.S.C. 5133) is fur-
13 ther amended by adding at the end the following:

14 “(n) **FUNDING OF A FEDERALLY AUTHORIZED**
15 **WATER RESOURCES DEVELOPMENT PROJECT.**—

16 “(1) **IN GENERAL.**—Notwithstanding section
17 312 of the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act (42 U.S.C. 5155) and its
19 implementing regulations, assistance provided under
20 this section may be used to fund activities author-
21 ized for construction within the scope of a federally
22 authorized water resources development project of
23 the Army Corps of Engineers if such activities are
24 also eligible activities under this section.

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 para-
15 graph (1).

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

18 “(A) the cost-share requirement of a haz-
19 ard 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 fed-
23 erally 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, ease-
4 ments, rights-of-way, dredge material disposal
5 areas, 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
10 funding shall be provided for construction of such a
11 project.”.

12 **SEC. 10. 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
18 assistance under section 428 of the Robert T. Stafford
19 Disaster Relief and Emergency Assistance Act (42 U.S.C.
20 5189f).

21 (b) CONTENTS.—In conducting the study described
22 in subsection (a), the Comptroller General shall study the
23 challenges for assistance described in subsection (a) faced
24 by the following:

1 (1) Rural areas, as such term is defined in sec-
2 tion 423 of the Robert T. Stafford Disaster Relief
3 and 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
10 General shall submit to Congress a report describing the
11 results of the study required under subsection (a).

12 **SEC. 11. APPLICABILITY.**

13 The amendments made by sections 2, 4(a), 8, and
14 9, and the provisions under section 6, shall only apply to
15 amounts appropriated on or after the date of enactment
16 of this Act.