

Calendar No. 557

117TH CONGRESS
2D SESSION**S. 1877****[Report No. 117-205]**

To modify eligibility requirements for certain hazard mitigation assistance programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

Mr. TILLIS (for himself, Mr. BURR, Mr. CORNYN, Mr. CRUZ, Mr. LANKFORD, Mr. WARNOCK, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

NOVEMBER 17, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]**A BILL**

To modify eligibility requirements for certain hazard mitigation assistance programs, 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 “Hazard Eligibility and
5 Local Projects Act”.

1 **SEC. 2. AUTHORITY TO BEGIN IMPLEMENTATION OF AC-**
 2 **QUISITION OR RELOCATION PROJECTS.**

3 **(a) ELIGIBILITY FOR ASSISTANCE FOR INITIATED**
 4 **PROJECTS.—**

5 **(1) IN GENERAL.**—Notwithstanding any other
 6 provision of law, an entity seeking assistance under
 7 a hazard mitigation assistance program shall be eli-
 8 gible to receive such assistance for a covered project
 9 if the entity—

10 **(A)** complies with all other eligibility re-
 11 quirements of the hazard mitigation assistance
 12 program for acquisition or relocation projects;
 13 including extinguishing all incompatible encum-
 14 brances; and

15 **(B)** complies with all Federal requirements
 16 for the project.

17 **(2) COSTS INCURRED.**—An entity seeking as-
 18 sistance under a hazard mitigation assistance pro-
 19 gram shall be responsible for any project costs in-
 20 curred by the entity for a covered project if the cov-
 21 ered project is not awarded, or is determined to be
 22 ineligible for, assistance.

23 **(b) DEFINITIONS.**—In this section:

24 **(1) COVERED PROJECT.**—The term “covered
 25 project” means—

(A) an acquisition or relocation project for which an entity began implementation prior to grant award under a hazard mitigation assistance program; and

(B) a project for which an entity initiated planning or construction before or after requesting assistance for the project under a hazard mitigation assistance program qualifying for a categorical exemption under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) HAZARD MITIGATION ASSISTANCE PROGRAM.—The term “hazard mitigation assistance program” means—

(A) the predisaster hazard mitigation grant program authorized under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133);

(B) the hazard mitigation grant program authorized under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c); and

(C) the flood mitigation assistance program authorized under section 1366 of the Na-

1 tional Flood Insurance Act of 1968 (42 U.S.C.
2 4104e).

3 (c) ~~APPLICABILITY.~~—This section shall apply to
4 funds appropriated on or after the date of enactment of
5 this Act.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Hazard Eligibility and*
8 *Local Projects Act”.*

9 **SEC. 2. AUTHORITY TO BEGIN IMPLEMENTATION OF ACQUI-**
10 **SITION AND DEMOLITION ASSISTANCE**
11 **PROJECTS.**

12 (a) *DEFINITIONS.*—In this section:

13 (1) *ADMINISTRATOR.*—The term “Adminis-
14 trator” means the Administrator of the Federal
15 Emergency Management Agency.

16 (2) *COVERED PROJECT.*—The term “covered
17 project” means a project that—

18 (A) *is an acquisition and demolition project*
19 *for which an entity began implementation, in-*
20 *cluding planning or construction, before or after*
21 *requesting assistance for the project under a haz-*
22 *ard mitigation assistance program; and*

23 (B) *qualifies for a categorical exclusion*
24 *under the National Environmental Policy Act of*
25 *1969 (? 42 U.S.C. 4321 et seq.).*

1 (3) *HAZARD MITIGATION ASSISTANCE PRO-*
 2 *GRAM.*—*The term “hazard mitigation assistance pro-*
 3 *gram” means—*

4 (A) *any grant program authorized under*
 5 *section 203 of the Robert T. Stafford Disaster*
 6 *Relief and Emergency Assistance Act (42 U.S.C.*
 7 *5133);*

8 (B) *the hazard mitigation grant program*
 9 *authorized under section 404 of the Robert T.*
 10 *Stafford Disaster Relief and Emergency Assist-*
 11 *ance Act (42 U.S.C. 5170c); and*

12 (C) *the flood mitigation assistance program*
 13 *authorized under section 1366 of the National*
 14 *Flood Insurance Act of 1968 (42 U.S.C. 4104c).*

15 (b) *ELIGIBILITY FOR ASSISTANCE FOR COVERED*
 16 *PROJECTS.*—

17 (1) *IN GENERAL.*—*An entity seeking assistance*
 18 *under a hazard mitigation assistance program may*
 19 *be eligible to receive that assistance for a covered*
 20 *project if—*

21 (A) *the entity—*

22 (i) *complies with all other eligibility*
 23 *requirements of the hazard mitigation as-*
 24 *sistance program for acquisition or demoli-*

tion projects, including extinguishing all incompatible encumbrances; and

(ii) complies with all Federal requirements for the covered project; and

(B) the Administrator determines that the covered project—

(i) qualifies for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(ii) is compliant with applicable floodplain management and protection of wetland regulations and criteria; and

(iii) does not require consultation under any other environmental or historic preservation law or regulation or involve any extraordinary circumstances.

(2) *COSTS INCURRED.*—An entity seeking assistance under a hazard mitigation assistance program shall be responsible for any project costs incurred by the entity for a covered project if the covered project is not awarded, or is determined to be ineligible for, assistance.

(c) *APPLICABILITY.*—This Act shall apply to covered projects started on or after the date of enactment of this Act.

1 (d) *REPORT.*—Not later than 180 days after the date
2 of enactment of this Act, and annually thereafter for 3
3 years, the Administrator shall submit to Congress a report
4 on use of the authority under this Act, including—

5 (1) *how many applicants used the authority;*

6 (2) *how many applicants using the authority*
7 *successfully obtained a grant;*

8 (3) *how many applicants were not able to suc-*
9 *cessfully obtain a grant;*

10 (4) *the reasons applicants were not able to ob-*
11 *tain a grant; and*

12 (5) *the extent to which applicants using the au-*
13 *thority were able to comply with all necessary Federal*
14 *environmental, historic preservation, and other re-*
15 *lated laws and regulations.*

16 (e) *TERMINATION.*—The authority provided under this
17 Act shall cease to be effective on the date that is 3 years
18 after the date of enactment of this Act.

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