

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. UNSPENT FUNDS.**

2 (a) REDISTRIBUTION OF UNCLAIMED AMOUNTS.—

3 Section 404 of the Robert T. Stafford Disaster Relief and
4 Emergency Assistance Act (42 U.S.C. 5170c) is amend-
5 ed—

6 (1) by redesignating subsections (f) and (g) as
7 subsections (g) and (h), respectively; and

8 (2) by inserting after subsection (e) the fol-
9 lowing:

10 “(f) REDISTRIBUTION OF UNCLAIMED OR UNOBLI-
11 GATED AMOUNTS.—The President may—

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

21 “(2) transfer the financial assistance withdrawn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

24 (b) APPLICABILITY.—The amendment made by sub-
25 section (a) shall apply to any major disaster declared by
26 the President under the Robert T. Stafford Disaster Relief

1 and Emergency Assistance Act on or after November 23,
2 1988.

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

4 Section 203(i) of the Robert T. Stafford Disaster Re-
5 lief and Emergency Assistance Act (42 U.S.C. 5133) is
6 amended by striking “6 percent” and inserting “15 per-
7 cent”.

8 **SEC. 4. NONPROFIT FACILITIES.**

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

12 (1) in subsection (b) by striking “and local gov-
13 ernments” and inserting “, local governments, and
14 private nonprofit facilities”;

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

18 (3) in subsection (d)—

19 (A) in paragraph (1)(A) by striking “local
20 governments” and inserting “local governments
21 and private nonprofit facilities”; and

22 (B) in paragraph (2)—

23 (i) by striking “local governments” in
24 each place it appears and inserting “local

1 governments or private nonprofit facili-
2 ties”; and

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

7 (C) in paragraph (3) by inserting “or pri-
8 vate nonprofit facilities” after “any local gov-
9 ernments of the State”;
10 (4) in subsection (e)—

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

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

18 (5) in subsection (f)—

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

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

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

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

6 (a) IN GENERAL.—Section 203(f) of the Robert T.
7 Stafford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5133(m)) is amended—

9 (1) by redesignating paragraph (3) as para-
10 graph (4); and

11 (2) by inserting after paragraph (2) the fol-
12 lowing:

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

1 and residential structures that may be eligible for
 2 assistance under this Act. In any fiscal year in
 3 which requests for assistance for such activities do
 4 not total at least 10 percent of assistance under this
 5 section, any remaining funds may be used as addi-
 6 tional assistance for the purposes of paragraph
 7 (1).”.

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

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

15 **SEC. 6. RESILIENT INFRASTRUCTURE.**

16 (a) USE OF ASSISTANCE.—Subsection (g) of section
 17 404 of the Robert T. Stafford Disaster Relief and Emer-
 18 gency Assistance Act (42 U.S.C. 5170c(g)) (as redesign-
 19 nated by section 2) is amended—

20 (1) in paragraph (12)—

21 (A) by inserting “, wildfire, and ice storm”
 22 after “windstorm”;

23 (B) by striking “including replacing” and
 24 inserting the following: “including—

25 “(A) replacing”;

1 (C) in subparagraph (A) (as so des-
2 ignated)—

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

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

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

8 “(B) the installation of fire-resistant wires
9 and infrastructure and the undergrounding of
10 wires;”;

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

12 (3) by striking paragraph (14) and inserting
13 the following:

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

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

21 “(16) retrofitting or hardening electric grid in-
22 frastructure to comply with the latest published
23 strength standards or industry best practices for re-
24 siliency, including standards and practices relating

1 to the strength of utility poles in high wind areas,
2 regardless of height; and

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

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

14 (1) by inserting “and tsunami” after “earth-
15 quake” each place it appears;

16 (2) in paragraph (2) by striking “and” at the
17 end;

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

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

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

1 **SEC. 7. RESIDENTIAL RETROFIT AND RESILIENCE PILOT**
2 **PROGRAM.**

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

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

17 (c) TIMELINE.—The Administrator shall establish
18 the demonstration program under this section not later
19 than 1 year after the date of enactment of this Act and
20 the program shall terminate on September 30, 2025.

21 (d) REPORT.—Not later than 4 years after the date
22 of enactment of this Act, the Administrator shall submit
23 to the Committee on Transportation and Infrastructure
24 of the House of Representatives and the Committee on
25 Homeland Security and Governmental Affairs of the Sen-
26 ate a report that includes—

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

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

11 (3) any identified implementation challenges
12 and recommendations for improvements to the pilot
13 program.

14 (e) RESIDENTIAL RESILIENT RETROFITS DE-
15 FINED.—

16 (1) IN GENERAL.—In this section, the term
17 “residential resilient retrofits” means a project
18 that—

19 (A) is designed to increase the resilience of
20 an existing home or residence using mitigation
21 measures which the administrator determines
22 reduce damage and impacts from natural dis-
23 aster hazards and risks that are most likely to
24 occur in the area where the home is located;
25 and

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

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

18 (A) elevations of homes and elevations of
19 utilities within and around structures to miti-
20 gate damages;

21 (B) floodproofing measures;

22 (C) the construction of tornado safe rooms;

23 (D) seismic retrofits;

24 (E) wildfire retrofit and mitigation meas-
25 ures;

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

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

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