

115TH CONGRESS
1ST SESSION

H. R. 4455

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve mitigation assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2017

Mr. DENHAM (for himself and Mr. CAPUANO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve mitigation assistance, 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 “Supporting Mitigation
5 Activities and Resiliency Targets for Rebuilding Act” or
6 the “SMART Rebuilding Act”.

1 **SEC. 2. FEDERAL COST-SHARE ADJUSTMENTS FOR REPAIR,**
2 **RESTORATION, AND REPLACEMENT OF DAM-**
3 **AGED FACILITIES.**

4 Section 406(b) of the Robert T. Stafford Disaster Re-
5 lief and Emergency Assistance Act (42 U.S.C. 5172(b))
6 is amended by inserting after paragraph (2) the following:

7 “(3) INCREASED FEDERAL SHARE.—

8 “(A) INCENTIVE MEASURES.—The Presi-
9 dent may provide incentives to a State or Tribal
10 government to invest in measures that increase
11 readiness for, and resilience from, a major dis-
12 aster by recognizing such investments through
13 a sliding scale that increases the minimum Fed-
14 eral share to not more than 85 percent. Such
15 measures may include—

16 “(i) the adoption of a mitigation plan
17 approved under section 322;

18 “(ii) investments in disaster relief, in-
19 surance, and emergency management pro-
20 grams;

21 “(iii) encouraging the adoption and
22 enforcement of nationally recognized de-
23 sign standards that establish minimum ac-
24 ceptable criteria for the design, construc-
25 tion, and maintenance of eligible facilities
26 for the purpose of protecting the health,

1 safety, and general welfare of the build-
2 ings’ users against disasters;

3 “(iv) facilitating participation in the
4 community rating system; and

5 “(v) funding mitigation projects or
6 granting tax incentives for projects that re-
7 duce risk.

8 “(B) COMPREHENSIVE GUIDANCE.—Not
9 later than 1 year after the date of enactment of
10 this paragraph, the President, acting through
11 the Administrator, shall issue comprehensive
12 guidance to States and Tribal governments re-
13 garding the measures and investments that will
14 be recognized for the purpose of increasing the
15 Federal share under this section.

16 “(C) REPORT.—One year after the
17 issuance of the guidance required by subpara-
18 graph (B), the Administrator shall submit to
19 the Committee on Transportation and Infra-
20 structure of the House of Representatives and
21 the Committee on Homeland Security and Gov-
22 ernmental Affairs of the Senate a report re-
23 garding the analysis of the Federal cost shares
24 paid under this section.”.

1 **SEC. 3. NATIONAL PUBLIC INFRASTRUCTURE PREDISAS-**
2 **TER HAZARD MITIGATION.**

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

6 (1) in subsection (c) by inserting “Public” after
7 “the National”;

8 (2) in subsection (e)(1)(B)—

9 (A) by striking “or” at the end of clause
10 (ii);

11 (B) by striking the period at the end of
12 clause (iii) and inserting “; or”; and

13 (C) by adding at the end the following:

14 “(iv) to establish and carry out en-
15 forcement activities to implement nation-
16 ally recognized design standards that es-
17 tablish minimum acceptable criteria for the
18 design, construction, and maintenance of
19 eligible facilities for the purpose of pro-
20 tecting the health, safety, and general wel-
21 fare of the buildings’ users against disas-
22 ters.”;

23 (3) in subsection (f)—

24 (A) in paragraph (1) by inserting “for
25 mitigation activities that are cost effective”
26 after “competitive basis”;

1 (B) by adding at the end the following:

2 “(3) REDISTRIBUTION OF UNOBLIGATED
3 AMOUNTS.—The President shall—

4 “(A) withdraw amounts of financial assist-
5 ance made available to a State (including
6 amounts made available to local governments of
7 a State) under paragraph (2) that remain unob-
8 ligated by the end of the third fiscal year after
9 the fiscal year for which the amounts were allo-
10 cated; and

11 “(B) in the subsequent fiscal year, add the
12 funds to the financial assistance available to be
13 awarded on a competitive basis referred to in
14 paragraph (1).”;

15 (4) in subsection (g)—

16 (A) in paragraph (9) by striking “and” at
17 the end;

18 (B) by redesignating paragraph (10) as
19 paragraph (12); and

20 (C) by adding after paragraph (9) the fol-
21 lowing:

22 “(10) the extent to which the State or local
23 government has facilitated the adoption and enforce-
24 ment of nationally recognized design standards that
25 establish criteria for the design, construction, and

1 maintenance of eligible facilities for the purpose of
2 protecting the health, safety, and general welfare of
3 the buildings' users against disasters;

4 “(11) the extent to which the assistance will
5 fund activities that increase the level of resiliency;
6 and”;

7 (5) by striking subsection (i) and inserting the
8 following:

9 “(i) NATIONAL PUBLIC INFRASTRUCTURE
10 PREDISASTER MITIGATION FUND.—

11 “(1) ESTABLISHMENT.—The President may es-
12 tablish in the Treasury of the United States a sepa-
13 rate account called the National Public Infrastruc-
14 ture Predisaster Mitigation Fund (in this section re-
15 ferred to as the ‘Predisaster Mitigation Fund’),
16 which shall be used exclusively to carry out this sec-
17 tion, with amounts in such account to be available
18 until expended unless otherwise provided.

19 “(2) TRANSFERS TO PREDISASTER MITIGATION
20 FUND.—

21 “(A) IN GENERAL.—There shall be depos-
22 ited in the Predisaster Mitigation Fund with re-
23 spect to each disaster declared on or after Au-
24 gust 1, 2017, an additional amount equal to 6

1 percent of the estimated aggregate amount of
2 grants to be made pursuant to section 406.

3 “(B) ESTIMATED AGGREGATE AMOUNT.—
4 Not later than 180 days after each major dis-
5 aster declaration, the estimated aggregate
6 amount of grants to be deposited in such Fund
7 shall be determined and need not be reduced,
8 increased, or changed due to variations in esti-
9 mates.”; and

10 (6) by striking subsection (m).

11 **SEC. 4. ELIGIBILITY FOR CODE IMPLEMENTATION AND EN-**
12 **FORCEMENT.**

13 Section 406(a)(2) of the Robert T. Stafford Disaster
14 Relief and Emergency Assistance Act (42 U.S.C.
15 5172(a)(2)) is amended—

16 (1) by striking “and” at the end of subpara-
17 graph (B);

18 (2) by striking the period at the end of sub-
19 paragraph (C) and inserting “; and”; and

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

21 “(D) base and overtime wages for extra
22 hires to facilitate the implementation and en-
23 forcement of adopted building codes for a pe-
24 riod of not more than 180 days after the major
25 disaster is declared.”.

1 **SEC. 5. ADDITIONAL MITIGATION ACTIVITIES.**

2 (a) HAZARD MITIGATION CLARIFICATION.—Section
3 404(a) of the Robert T. Stafford Disaster Relief and
4 Emergency Assistance Act (42 U.S.C. 5170c(a)) is
5 amended by striking the first sentence and inserting the
6 following: “The President may contribute not more than
7 75 percent of the cost of hazard mitigation measures
8 which the President has determined are cost-effective and
9 which substantially reduce the risk of, or increase resil-
10 ience to, future damage, hardship, loss, or suffering in any
11 area affected by a major disaster.”.

12 (b) ELIGIBLE COST.—Section 406(e)(1)(A) of the
13 Robert T. Stafford Disaster Relief and Emergency Assist-
14 ance Act (42 U.S.C. 5172(e)(1)(A)) is amended—

15 (1) in the matter preceding clause (i), by insert-
16 ing after “section” the following: “for disasters de-
17 clared on or after August 1, 2017, or disasters
18 where a cost estimate has not yet been finalized for
19 a project”;

20 (2) in clause (i), by striking “and”;

21 (3) in clause (ii)—

22 (A) by striking “codes, specifications, and
23 standards” and inserting “the latest nationally
24 recognized design codes, specifications and
25 standards that establish minimum acceptable
26 criteria for the design, construction, and main-

1 tenance of facilities for the purposes of pro-
2 tecting the health, safety, and general welfare
3 of a facility’s users against disasters”;

4 (B) by striking “applicable at the time at
5 which the disaster occurred”; and

6 (C) by striking the period at the end and
7 inserting “; and”; and

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

9 “(iii) in a manner that allows the fa-
10 cility to meet the definition of resilient de-
11 veloped pursuant this subsection.”.

12 (c) NEW RULES.—Section 406(e) of the Robert T.
13 Stafford Disaster Relief and Emergency Assistance Act
14 (42 U.S.C. 5172(e)) is amended by adding at the end the
15 following:

16 “(5) NEW RULES.—

17 “(A) IN GENERAL.—Not later than 18
18 months after the date of enactment of this
19 paragraph, the President, acting through the
20 Administrator of the Federal Emergency Man-
21 agement Agency, shall issue a final rulemaking
22 that defines the terms ‘resilient’ and ‘resiliency’
23 for purposes of this subsection.

24 “(B) GUIDANCE.—Not later than 90 days
25 after the date on which the Administrator

1 issues the final rulemaking under this para-
2 graph, the Administrator shall issue any nec-
3 essary guidance related to the rulemaking.

4 “(C) REPORT.—Not later than 2 years
5 after the date of enactment of this paragraph,
6 the Administrator shall submit to Congress a
7 report summarizing the regulations and guid-
8 ance issued pursuant to this paragraph.”.

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