

115TH CONGRESS  
1ST SESSION

# S. 1224

To authorize the Secretary of Housing and Urban Development to carry out a Community Resilience Grant Program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 24, 2017

Mr. KAINE introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To authorize the Secretary of Housing and Urban Development to carry out a Community Resilience Grant Program, 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 “Building Up Infra-  
5 structure and Limiting Disasters through Resilience Act  
6 of 2017” or the “BUILD Resilience Act of 2017”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-  
10 ty” means—

- 1 (A) a State;
- 2 (B) a unit of general local government;
- 3 (C) an Indian tribe; or
- 4 (D) a regional entity comprised of entities
- 5 described in subparagraph (A), (B), or (C).

6 (2) NATIONAL CENTER.—The term “National

7 Center” means the National Research Center for

8 Resilience established under section 4.

9 (3) RESILIENCE.—The term “resilience” means

10 the ability to prepare and plan for, absorb, recover

11 from, and more successfully adapt to disasters,

12 chronic stresses, and acute shocks, including any

13 hurricane, tornado, storm, high water, recurrent

14 flooding, wind-driven water, tidal wave, tsunami,

15 earthquake, volcanic eruption, fire, landslide,

16 mudslide, snowstorm, or drought.

17 (4) RESILIENCE GRANT.—The term “resilience

18 grant” means a grant awarded under section 3.

19 (5) SECRETARY.—The term “Secretary” means

20 the Secretary of Housing and Urban Development.

21 (6) STATE; UNIT OF GENERAL LOCAL GOVERN-

22 MENT; INDIAN TRIBE.—The terms “State”, “unit of

23 general local government”, and “Indian tribe” have

24 the meanings given those terms in section 102 of the

1       Housing and Community Development Act of 1974  
2       (42 U.S.C. 5302).

3       **SEC. 3. COMMUNITY RESILIENCE GRANT PROGRAM.**

4       (a) **AUTHORITY.**—The Secretary shall carry out a  
5       Community Resilience Grant Program under this section  
6       to provide assistance to communities for increasing resil-  
7       ience to chronic stresses and acute shocks, including im-  
8       proving long-term resilience of infrastructure and housing.

9       (b) **GRANTEES.**—The Secretary shall award grants  
10      under this section on a competitive basis, as provided  
11      under section 102 of the Department of Housing and  
12      Urban Development Reform Act of 1989 (42 U.S.C.  
13      3545), to eligible entities within whose boundaries or jurisdic-  
14      tions are located any area for which a major disaster  
15      was declared under section 401 of the Robert T. Stafford  
16      Disaster Relief and Emergency Assistance Act (42 U.S.C.  
17      5170) during the 5-year period ending on the date on  
18      which the eligible entity submits an application for such  
19      a grant.

20      (c) **ELIGIBLE ACTIVITIES.**—

21              (1) **IN GENERAL.**—Amounts from a resilience  
22      grant may be used only for activities authorized  
23      under section 105 or 108 of the Housing and Com-  
24      munity Development Act of 1974 (42 U.S.C. 5305

1 and 5308), except for activities under paragraph (9)  
2 or (10) of subsection (a) of such section 105.

3 (2) CONSULTATION.—The Secretary shall con-  
4 sult with the Administrator of the Federal Emer-  
5 gency Management Agency, the Chief of Engineers  
6 and Commanding General of the United States  
7 Army Corps of Engineers, the Secretary of Trans-  
8 portation, and the Administrator of the Environ-  
9 mental Protection Agency before awarding a resil-  
10 ience grant to ensure that there is no duplication of  
11 assistance with respect to activities carried out with  
12 amounts provided from a resilience grant.

13 (d) MATCHING REQUIREMENT.—

14 (1) IN GENERAL.—The Secretary shall require  
15 each recipient of a resilience grant to supplement  
16 the amounts of the grant with an amount of funds  
17 from non-Federal sources that is not less than 50  
18 percent of the amount of the resilience grant.

19 (2) FORM OF NON-FEDERAL SHARE.—Supple-  
20 mental funds provided under paragraph (1) may in-  
21 clude any non-monetary, in-kind contributions in  
22 connection with activities carried out under the plan  
23 approved under subsection (e) for the grant recipi-  
24 ent.

1 (e) APPLICATION; SELECTION; SELECTION CRITERIA;  
2 PLANS.—

3 (1) APPLICATIONS.—

4 (A) REQUIREMENT.—The Secretary shall  
5 provide for eligible entities to submit applica-  
6 tions for resilience grants.

7 (B) PLANS FOR USE OF GRANT FUNDS.—  
8 The Secretary shall require each application for  
9 a resilience grant to include a plan detailing the  
10 proposed use of all grant funds, including how  
11 the use of those funds will address long-term  
12 resilience of infrastructure and housing.

13 (2) REVIEW AND SELECTION; CRITERIA FOR SE-  
14 LECTION.—

15 (A) COMPETITION.—The Secretary shall  
16 establish and utilize a transparent, reliable, and  
17 valid system for reviewing and evaluating appli-  
18 cations for resilience grants, in accordance with  
19 section 102 of the Department of Housing and  
20 Urban Development Reform Act of 1989 (42  
21 U.S.C. 3545).

22 (B) CRITERIA.—The Secretary shall estab-  
23 lish, by notice, and utilize criteria for selecting  
24 applications to be funded under this section,  
25 which shall—

1 (i) be based primarily on a determina-  
2 tion of greatest need, as that term is de-  
3 fined by the Secretary;

4 (ii) provide due consideration to other  
5 enumerated factors, including—

6 (I) the ability of the plan for use  
7 of grant funds required under para-  
8 graph (1)(B) to increase an appli-  
9 cant’s resilience; and

10 (II) the capacity of the applicant  
11 to successfully implement the activi-  
12 ties described in that plan;

13 (iii) require the Secretary to consider  
14 an application that includes a plan for use  
15 of grant funds that consists of a resilience  
16 or mitigation plan previously approved by  
17 another Federal agency, including a miti-  
18 gation plan approved under section 322 of  
19 the Robert T. Stafford Disaster Relief and  
20 Emergency Assistance Act (42 U.S.C.  
21 5165), to be sufficient for purposes of  
22 paragraph (1)(B) if, together with the  
23 plan, the applicant includes a detailed de-  
24 scription of the use of all grant funds pro-  
25 vided under this section;

1 (iv) give consideration to the need for  
2 resilience grants to be awarded to eligible  
3 entities in each region of the United  
4 States; and

5 (v) give consideration to applicants  
6 whose plans submitted under paragraph  
7 (1)(B) propose innovative approaches to  
8 increasing community resilience to extreme  
9 weather, including increasing long-term re-  
10 siliance of infrastructure and housing and  
11 economic resilience.

12 (f) ADMINISTRATION; TREATMENT AS CDBG  
13 FUNDS.—Except as otherwise provided by this Act,  
14 amounts appropriated, revenues generated, or amounts  
15 otherwise made available to eligible entities under this sec-  
16 tion shall be treated as though those funds were commu-  
17 nity development block grant funds made available under  
18 title I of the Housing and Community Development Act  
19 of 1974 (42 U.S.C. 5301 et seq.).

20 (g) ENVIRONMENTAL REVIEWS.—

21 (1) ASSUMPTION OF RESPONSIBILITIES.—

22 (A) IN GENERAL.—In order to ensure that  
23 the policies of the National Environmental Pol-  
24 icy Act of 1969 (42 U.S.C. 4321 et seq.) and  
25 any other provisions of law that further the

1 purposes of that Act (as specified in regulations  
2 issued by the Secretary) are most effectively im-  
3 plemented in connection with the expenditure of  
4 funds under this section, and to assure to the  
5 public undiminished protection of the environ-  
6 ment, the Secretary, in lieu of the environ-  
7 mental protection procedures otherwise applica-  
8 ble, may by regulation provide for the release of  
9 funds for particular projects to recipients of re-  
10 siliience grants that assume all of the respon-  
11 sibilities for environmental review, decision-  
12 making, and action pursuant to that Act, and  
13 any other provisions of law that the regulations  
14 of the Secretary specify, that would apply to the  
15 Secretary were the Secretary to undertake those  
16 projects as Federal projects.

17 (B) CONSULTATION.—The Secretary shall  
18 issue regulations to carry out this paragraph  
19 only after consultation with the Council on En-  
20 vironmental Quality.

21 (2) SUBMISSION OF CERTIFICATION.—

22 (A) IN GENERAL.—The Secretary shall ap-  
23 prove the release of funds for projects subject  
24 to the procedures authorized under this sub-  
25 section only if, not later than 15 days before



1 the approval and before any commitment of  
2 funds to those projects other than for purposes  
3 authorized under section 105(a)(12) of the  
4 Housing and Community Development Act of  
5 1974 (42 U.S.C. 5305(a)(12)) or for environ-  
6 mental studies, the recipient of a resilience  
7 grant has submitted to the Secretary a request  
8 for such release accompanied by a certification  
9 that meets the requirements under paragraph  
10 (3).

11 (B) SATISFACTION OF ENVIRONMENTAL  
12 LAWS.—If the Secretary approves a certification  
13 described in subparagraph (A), that approval  
14 shall be deemed to satisfy the responsibilities of  
15 the Secretary under the National Environ-  
16 mental Policy Act of 1969 (42 U.S.C. 4321 et  
17 seq.) and any other provisions of law that the  
18 regulations of the Secretary specify, insofar as  
19 those responsibilities relate to the releases of  
20 funds for projects to be carried out pursuant to  
21 those releases that are covered by the certifi-  
22 cation.

23 (3) REQUIREMENTS OF CERTIFICATION.—A  
24 certification under the procedures authorized by this  
25 subsection shall—

1 (A) be in a form acceptable to the Sec-  
2 retary;

3 (B) be executed by the chief executive offi-  
4 cer or other officer of the recipient of a resil-  
5 ience grant that is qualified under regulations  
6 of the Secretary;

7 (C) specify that the recipient of the resil-  
8 ience grant has fully carried out its responsibil-  
9 ities as described under paragraph (1) of this  
10 subsection; and

11 (D) specify that the certifying officer—

12 (i) consents to assume the status of a  
13 responsible Federal official under the Na-  
14 tional Environmental Policy Act of 1969  
15 (42 U.S.C. 4321 et seq.) and each provi-  
16 sion of law specified in regulations issued  
17 by the Secretary insofar as the provisions  
18 of that Act or other such provisions of law  
19 apply pursuant to paragraph (1) of this  
20 subsection; and

21 (ii) is authorized and consents on be-  
22 half of the recipient of the resilience grant  
23 and the certifying office to accept the ju-  
24 risdiction of the Federal courts for the

1                   purpose of enforcement of the officer’s re-  
2                   sponsibilities as such an official.

3                   (4) GRANTS TO STATES.—In the case of a resil-  
4                   ience grant made to a State—

5                   (A) the State shall perform the actions of  
6                   the Secretary described in paragraph (2); and

7                   (B) the performance of those actions shall  
8                   be deemed to satisfy the Secretary’s responsibil-  
9                   ities referred to in subparagraph (B) of that  
10                  paragraph.

11                  (5) IMPLEMENTATION.—The Secretary shall  
12                  implement this subsection in a manner consistent  
13                  with the implementation of section 104(g) of the  
14                  Housing and Community Development Act of 1974  
15                  (42 U.S.C. 5304(g)).

16 **SEC. 4. NATIONAL RESEARCH CENTER FOR RESILIENCE.**

17                  (a) ESTABLISHMENT.—The Secretary, acting  
18                  through the Office of Policy Development and Research,  
19                  shall—

20                  (1) select, on a competitive basis, a single non-  
21                  profit organization having a national reputation for  
22                  expertise in resilience research and capacity building  
23                  to develop a National Research Center for Resil-  
24                  ience; and

1           (2) subject only to the availability of amounts  
2 provided in appropriation Acts, make annual grants  
3 of amounts made available under section 7(b)(1) for  
4 the establishment and operation of the National  
5 Center.

6           (b) ACTIVITIES.—The National Center shall—

7           (1) collaborate with institutions of higher edu-  
8 cation as partners to create a best practices sharing  
9 network to support the programs and activities car-  
10 ried out using resilience grants;

11           (2) coordinate with any other relevant centers  
12 or entities of the Federal Government on efforts re-  
13 lating to improving community resilience;

14           (3) collect and disseminate research and other  
15 information about evidence-based and promising  
16 practices related to resilience to inform the efforts of  
17 research partners and to support the programs and  
18 activities carried out using resilience grants;

19           (4) increase the public’s knowledge and under-  
20 standing of effective practices to improve regional  
21 and community resilience throughout the United  
22 States; and

23           (5) make grants under subsection (d) for Re-  
24 gional Centers for Resilience.

1 (c) DISSEMINATION OF PROVEN PRACTICES.—The  
2 Secretary shall—

3 (1) collect information from the National Cen-  
4 ter regarding its activities and research; and

5 (2) develop, manage, and regularly update a  
6 public website to disseminate proven practices for  
7 improving community resilience.

8 (d) GRANTS FOR REGIONAL CENTERS FOR RESIL-  
9 IENCE.—

10 (1) GRANT PROGRAM.—The National Center  
11 shall carry out a program to make grants to institu-  
12 tions of higher education, or other non-profit organi-  
13 zations, having a national reputation to establish a  
14 Regional Center for Resilience in each of the 10 re-  
15 gions of the Department of Housing and Urban De-  
16 velopment, which shall each serve as regional re-  
17 search partners with recipients of resilience grants  
18 that are located in the same geographic region as  
19 the institution, in collaboration with the National  
20 Center.

21 (2) SUPPORT SERVICES.—A Regional Center  
22 for Resilience receiving grants under this section  
23 shall use the grant amounts to—

24 (A) provide research support to recipients  
25 of resilience grants, including support services

1 for data collection, general research, and anal-  
2 ysis to assess the progress of activities carried  
3 out using resilience grants;

4 (B) provide technical assistance to prospec-  
5 tive applicants for, and recipients of, resilience  
6 grants; and

7 (C) collaborate and share information with  
8 the National Center.

9 **SEC. 5. ANNUAL PROGRAMS REPORT.**

10 The Secretary shall annually submit to Congress, and  
11 make publicly available, a report on the programs carried  
12 out under this Act, which shall evaluate the performance  
13 of those programs using the program performance metrics  
14 established under Executive Order 13576 (76 Fed. Reg.  
15 35297; relating to delivering an efficient, effective, and ac-  
16 countable government) or any subsequent replacement ex-  
17 ecutive order.

18 **SEC. 6. GAO REPORTS.**

19 (a) ACCESS TO INFORMATION.—The Comptroller  
20 General of the United States shall have access to all infor-  
21 mation regarding and generated by the programs carried  
22 out under this Act.

23 (b) REPORTS.—Not later than 2 years after the date  
24 of enactment of this Act, and every 2 years thereafter,  
25 the Comptroller General shall submit to Congress a report

1 analyzing and assessing the performance of the programs  
2 carried out under this Act.

3 **SEC. 7. FUNDING.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to carry out this Act  
6 \$1,000,000,000 for each of fiscal years 2018 through  
7 2022.

8 (b) ALLOCATION.—Of any amounts appropriated to  
9 carry out this Act for a fiscal year—

10 (1) 1.0 percent shall be available for grants  
11 under section 4;

12 (2) 0.1 percent shall be available to the Office  
13 of Community Planning and Development for nec-  
14 essary costs, including information technology costs  
15 and salaries and expenses, of administering and  
16 overseeing funds made available for grants under  
17 sections 3 and 4; and

18 (3) the remainder shall be available for resil-  
19 ience grants under section 3.

○