

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**

**S. 1877**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hazard Eligibility and  
5 Local Projects Act”.

6 **SEC. 2. AUTHORITY TO BEGIN IMPLEMENTATION OF AC-**  
7 **QUISITION AND DEMOLITION ASSISTANCE**  
8 **PROJECTS.**

9 (a) DEFINITIONS.—In this section:

10 (1) ADMINISTRATOR.—The term “Adminis-  
11 trator” means the Administrator of the Federal  
12 Emergency Management Agency.

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

3           (A) is an acquisition and demolition  
4 project for which an entity began implementa-  
5 tion, including planning or construction, before  
6 or after requesting assistance for the project  
7 under a hazard mitigation assistance program;  
8 and

9           (B) qualifies for a categorical exclusion  
10 under the National Environmental Policy Act (?  
11 42 U.S.C. 4321 et seq.).

12           (3) HAZARD MITIGATION ASSISTANCE PRO-  
13 GRAM.—The term “hazard mitigation assistance  
14 program” means—

15           (A) any grant program authorized under  
16 section 203 of the Robert T. Stafford Disaster  
17 Relief and Emergency Assistance Act (42  
18 U.S.C. 5133);

19           (B) the hazard mitigation grant program  
20 authorized under section 404 of the Robert T.  
21 Stafford Disaster Relief and Emergency Assist-  
22 ance Act (42 U.S.C. 5170c); and

23           (C) the flood mitigation assistance pro-  
24 gram authorized under section 1366 of the Na-

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

3            (b) ELIGIBILITY FOR ASSISTANCE FOR COVERED  
4 PROJECTS.—

5            (1) IN GENERAL.—An entity seeking assistance  
6            under a hazard mitigation assistance program may  
7            be eligible to receive that assistance for a covered  
8            project if—

9            (A) the entity—

10            (i) complies with all other eligibility  
11            requirements of the hazard mitigation as-  
12            sistance program for acquisition or demoli-  
13            tion projects, including extinguishing all  
14            incompatible encumbrances; and

15            (ii) complies with all Federal require-  
16            ments for the covered project; and

17            (B) the Administrator determines that the  
18            covered project—

19            (i) qualifies for a categorical exclusion  
20            under the National Environmental Policy  
21            Act of 1968 (42 U.S.C. 4321 et seq.);

22            (ii) is compliant with applicable flood-  
23            plain management and protection of wet-  
24            land regulations and criteria; and

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

5                   (2) COSTS INCURRED.—An entity seeking as-  
6                   sistance under a hazard mitigation assistance pro-  
7                   gram shall be responsible for any project costs in-  
8                   curred by the entity for a covered project if the cov-  
9                   ered project is not awarded, or is determined to be  
10                  ineligible for, assistance.

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

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

18                         (1) how many applicants used the authority;

19                         (2) how many applicants using the authority  
20                         successfully obtained a grant;

21                         (3) how many applicants were not able to suc-  
22                         cessfully obtain a grant;

23                         (4) the reasons applicants were not able to ob-  
24                         tain a grant; and

1           (5) the extent to which applicants using the au-  
2           thority were able to comply with all necessary Fed-  
3           eral environmental, historic preservation, and other  
4           related laws and regulations.

5           (e) TERMINATION.—The authority provided under  
6 this Act shall cease to be effective on the date that is 3  
7 years after the date of enactment of this Act.