

115TH CONGRESS
1ST SESSION

H. R. 2583

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

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2017

Mr. SCOTT of Virginia (for himself, Mr. RICHMOND, Mr. CRIST, Ms. NORTON, Mrs. WATSON COLEMAN, Mr. CONNOLLY, and Mr. BEYER) introduced the following bill; which was referred to the Committee on Financial Services

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 For purposes of this Act, the following definitions
9 shall apply:

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

3 (A) a State;

4 (B) a unit of general local government;

5 (C) an Indian tribe; or

6 (D) a regional entity comprised of entities
7 described in subparagraph (A), (B), or (C).

8 (2) NATIONAL CENTER.—The term “National
9 Center” means the National Research Center for
10 Resilience established under section 4.

11 (3) RESILIENCE.—The term “resilience” means
12 the ability to prepare and plan for, absorb, recover
13 from, and more successfully adapt to disasters,
14 chronic stresses, and acute shocks, including any
15 hurricane, tornado, storm, high water, recurrent
16 flooding, wind-driven water, tidal wave, tsunami,
17 earthquake, volcanic eruption, fire, landslide,
18 mudslide, snowstorm, or drought.

19 (4) RESILIENCE GRANT.—The term “resilience
20 grant” means a grant awarded under section 3.

21 (5) SECRETARY.—The term “Secretary” means
22 the Secretary of Housing and Urban Development.

23 (6) STATE; UNIT OF GENERAL LOCAL GOVERN-
24 MENT; INDIAN TRIBE.—The terms “State”, “unit of
25 general local government”, and “Indian tribe” have

1 the meanings given such terms in section 102 of the
2 Housing and Community Development Act of 1974
3 (42 U.S.C. 5302).

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

5 (a) **AUTHORITY.**—The Secretary of Housing and
6 Urban Development shall carry out a Community Resilience Grant Program under this section to provide assistance to communities for increasing resilience to chronic stresses and acute shocks, including improving long-term resilience of infrastructure and housing.

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

21 (c) **ELIGIBLE ACTIVITIES.**—

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

1 5305, 5308), but not including activities under para-
2 graphs (9) and (10) of such section 105(a).

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 Administrator of the
8 Environmental Protection Agency, and the Secretary
9 of Transportation before awarding a resilience grant
10 to ensure that there is no duplication of assistance
11 with respect to activities carried out with amounts
12 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 such funds will address long-term re-
12 siliance of infrastructure and housing.

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

15 (A) COMPETITION.—Resilience grants shall
16 be awarded on a competitive basis and the Sec-
17 retary shall establish and utilize a transparent,
18 reliable, and valid system for reviewing and
19 evaluating applications for resilience grants, in
20 accordance with section 102 of the Department
21 of Housing and Urban Development Reform
22 Act of 1989 (42 U.S.C. 3545).

23 (B) CRITERIA.—The Secretary shall estab-
24 lish, by notice, and utilize criteria for selecting

1 applications to be funded under this section,
2 which shall—

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

6 (ii) provide due consideration to other
7 enumerated factors, including the ability of
8 the plan for use of grant funds required
9 under paragraph (1)(B) to increase an ap-
10 plicant's resilience, and the capacity of the
11 applicant to successfully implement the ac-
12 tivities described in such plan;

13 (iii) provide that the Secretary shall
14 consider that an application that includes a
15 plan for use of grant funds that consists of
16 a resilience or mitigation plan previously
17 approved by another Federal agency, in-
18 cluding a hazard mitigation plan developed
19 under section 322 of the Robert T. Staf-
20 ford Disaster Relief and Emergency Assist-
21 ance Act (42 U.S.C. 5165), shall be suffi-
22 cient for purposes of paragraph (1)(B) if,
23 together with such plan, the applicant in-
24 cludes a detailed description regarding use

1 of all grant funds provided under this sec-
2 tion;

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

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

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

22 (g) ENVIRONMENTAL REVIEWS.—

23 (1) ASSUMPTION OF RESPONSIBILITIES.—

24 (A) IN GENERAL.—In order to ensure that
25 the policies of the National Environmental Pol-

1 icy Act of 1969 (42 U.S.C. 4321 et seq.), and
2 other provisions of law which further the pur-
3 poses of such Act (as specified in regulations
4 issued by the Secretary) are most effectively im-
5 plemented in connection with the expenditure of
6 funds under this section, and to assure to the
7 public undiminished protection of the environ-
8 ment, the Secretary, in lieu of the environ-
9 mental protection procedures otherwise applica-
10 ble, may under regulations provide for the re-
11 lease of funds for particular projects to recipi-
12 ents of resilience grants who assume all of the
13 responsibilities for environmental review, deci-
14 sionmaking, and action pursuant to such Act,
15 and such other provisions of law as the regula-
16 tions of the Secretary specify, that would apply
17 to the Secretary were the Secretary to under-
18 take such projects as Federal projects.

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

23 (2) SUBMISSION OF CERTIFICATION.—

24 (A) IN GENERAL.—The Secretary shall ap-
25 prove the release of funds for projects subject

1 to the procedures authorized by this subsection
2 only if, at least 15 days prior to such approval
3 and prior to any commitment of funds to such
4 projects other than for purposes authorized by
5 section 105(a)(12) of the Housing and Commu-
6 nity Development Act of 1974 (42 U.S.C.
7 5305(a)(12)), or for environmental studies, the
8 recipient of a resilience grant has submitted to
9 the Secretary a request for such release accom-
10 panied by a certification which meets the re-
11 quirements of paragraph (3).

12 (B) SATISFACTION OF ENVIRONMENTAL
13 LAWS.—The Secretary’s approval of any such
14 certification shall be deemed to satisfy the Sec-
15 retary’s responsibilities under the National En-
16 vironmental Policy Act of 1969 and such other
17 provisions of law as the regulations of the Sec-
18 retary specify insofar as those responsibilities
19 relate to the releases of funds for projects to be
20 carried out pursuant thereto which are covered
21 by such certification.

22 (3) REQUIREMENTS OF CERTIFICATION.—A
23 certification under the procedures authorized by this
24 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 who 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 and each provision of law specified in regu-
16 lations issued by the Secretary insofar as
17 the provisions of such Act or other such
18 provision of law apply pursuant to para-
19 graph (1) of this subsection; and

20 (ii) is authorized and consents on be-
21 half of the recipient of the resilience grant
22 and the certifying office to accept the ju-
23 risdiction of the Federal courts for the
24 purpose of enforcement of his responsibil-
25 ities as such an official.

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

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

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

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

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

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

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

24 (2) subject only to the availability of amounts
25 provided in appropriation Acts, make annual grants

1 of amounts made available pursuant to section
2 7(b)(1) for the establishment and operation of the
3 National Center.

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

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

9 (2) coordinate with any other relevant centers
10 and entities throughout the Federal Government on
11 efforts relating to improving community resilience:

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

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

21 (5) make grants under subsection (d) for Re-
22 gional Centers for Resilience.

23 (c) DISSEMINATION OF PROVEN PRACTICES.—The
24 Secretary shall collect information from the National Cen-
25 ter regarding its activities and research and shall develop,

1 manage, and regularly update an online site to dissemi-
2 nate proven practices for improving community resilience.

3 (d) GRANTS FOR REGIONAL CENTERS FOR RESIL-
4 IENCE.—

5 (1) GRANT PROGRAM.—The National Center
6 shall carry out a program to make grants to institu-
7 tions of higher education, or other non-profit organi-
8 zations, having a national reputation to establish a
9 Regional Center for Resilience in each of the 10 re-
10 gions of the Department of Housing and Urban De-
11 velopment, as that shall serve as regional research
12 partners with recipients of resilience grants that are
13 located in the same geographic region as such insti-
14 tution, in collaboration with the National Center.

15 (2) SUPPORT SERVICES.—A Regional Center
16 for Resilience receiving a grant under this section
17 shall use such grant amounts to—

18 (A) provide research support to recipients
19 of resilience grants, including support services
20 for data collection, general research, and anal-
21 ysis to assess the progress of activities carried
22 out with resilience grants;

23 (B) provide technical assistance to prospec-
24 tive applicants for, and recipients of, resilience
25 grants; and

1 (C) collaborate with and share information
2 with the National Center.

3 **SEC. 5. ANNUAL PROGRAMS REPORT.**

4 The Secretary shall annually submit to the Congress,
5 and make publicly available, a report on the programs car-
6 ried out under this Act, which shall evaluate the perform-
7 ance of such programs using the program performance
8 metrics established under Executive Order 13576 (76 Fed.
9 Reg. 35297), or any subsequent replacement executive
10 order.

11 **SEC. 6. GAO REPORTS.**

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

16 (b) REPORTS.—Not later than the expiration of the
17 2-year period beginning on the date of the enactment of
18 this Act, and every two years thereafter, the Comptroller
19 General shall submit to the Congress a report analyzing
20 and assessing the performance of the programs carried out
21 under this Act.

22 **SEC. 7. FUNDING.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this Act

1 \$1,000,000,000 for each of fiscal years 2018 through
2 2022.

3 (b) ALLOCATION.—Of any amounts appropriated for
4 each such fiscal year—

5 (1) 1.0 percent shall be available for grants
6 under section 4;

7 (2) 0.1 percent shall be available to the Office
8 of Community Planning and Development for nec-
9 essary costs, including information technology costs
10 and salaries and expenses, of administering and
11 overseeing funds made available for grants under
12 sections 3 and 4; and

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

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