

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

S. 3875

To require the President to develop and maintain products that show the risk of natural hazards across the United States, 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 following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Disaster
5 Resilience Zones Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Section 101(b) of the Robert T. Stafford Disaster Relief and
8 Emergency Assistance Act (42 U.S.C. 5121(b))
9 is amended—

10 (1) in paragraph (5), by striking “and” at the
11 end;

1 (2) in paragraph (6), by adding “; and” at the
2 end; and

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

4 “(7) identifying and improving the climate and
5 natural hazard resilience of vulnerable commu-
6 nities.”.

7 **SEC. 3. NATURAL HAZARD RISK ASSESSMENT.**

8 (a) IN GENERAL.—Title II of the Robert T. Stafford
9 Disaster Relief and Emergency Assistance Act (42 U.S.C.
10 5131 et seq.) is amended by adding at the end the fol-
11 lowing:

12 **“SEC. 206. NATURAL HAZARD RISK ASSESSMENT.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) COMMUNITY DISASTER RESILIENCE
15 ZONE.—The term ‘community disaster resilience
16 zone’ means a census tract designated by the Presi-
17 dent under subsection (d)(1).

18 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means—

20 “(A) a State;

21 “(B) an Indian tribal government; or

22 “(C) a local government.

23 “(b) PRODUCTS.—The President shall continue to
24 maintain a natural hazard assessment program that devel-
25 ops and maintains products that—

1 “(1) are available to the public; and

2 “(2) define natural hazard risk across the
3 United States.

4 “(c) FEATURES.—The products maintained under
5 subsection (b) shall, for lands within States and areas
6 under the jurisdiction of Indian tribal governments—

7 “(1) show the risk of natural hazards; and

8 “(2) include ratings and data for—

9 “(A) loss exposure, including population
10 equivalence, buildings, and agriculture;

11 “(B) social vulnerability;

12 “(C) community resilience; and

13 “(D) any other element determined by the
14 President.

15 “(d) COMMUNITY DISASTER RESILIENCE ZONES
16 DESIGNATION.—

17 “(1) IN GENERAL.—Not later than 30 days
18 after the date on which the President makes the up-
19 date and enhancement required under subsection
20 (e)(4), and not less frequently than every 5 years
21 thereafter, the President shall identify and designate
22 community disaster resilience zones, which shall
23 be—

24 “(A) the 50 census tracts assigned the
25 highest individual hazard risk ratings; and

1 “(B) subject to paragraph (3), in each
2 State, not less than 1 percent of census tracts
3 that are assigned high individual risk ratings.

4 “(2) RISK RATINGS.—In carrying out para-
5 graph (1), the President shall use census tract risk
6 ratings derived from a product maintained under
7 subsection (b) that—

8 “(A) reflect—

9 “(i) high levels of individual hazard
10 risk ratings based on an assessment of the
11 intersection of—

12 “(I) loss to population equiva-
13 lence;

14 “(II) buildings value; and

15 “(III) agriculture value;

16 “(ii) high social vulnerability ratings
17 and low community resilience ratings; and

18 “(iii) any other elements determined
19 by the President; and

20 “(B) reflect the principal natural hazard
21 risks identified for the respective census tracts.

22 “(3) GEOGRAPHIC BALANCE.—In identifying
23 and designating the community disaster resilience
24 zones described in paragraph (1)(B)—

1 “(B) data from the American Community
2 Survey of the Bureau of the Census, a suc-
3 cessor survey, a similar survey, or another data
4 source, including data by census tract on hous-
5 ing characteristics and income;

6 “(C) information relating to development,
7 improvements, and hazard mitigation measures;

8 “(D) data that assesses past and future
9 loss exposure, including analysis on the effects
10 of a changing climate on future loss exposure;

11 “(E) data from the Resilience Analysis and
12 Planning Tool of the Federal Emergency Man-
13 agement Agency; and

14 “(F) other information relevant to
15 prioritizing areas that have—

16 “(i) high risk levels of—

17 “(I) natural hazard loss expo-
18 sure, including population equivalence,
19 buildings, infrastructure, and agri-
20 culture; and

21 “(II) social vulnerability; and

22 “(ii) low levels of community resil-
23 ience;

1 “(3) make publicly available any changes in
2 methodology or data used to inform an update to a
3 product maintained under subsection (b); and

4 “(4) update and enhance the products main-
5 tained under subsection (b), as necessary.

6 “(f) NATURAL HAZARD RISK ASSESSMENT IN-
7 SIGHTS.—In determining additional data to include in
8 products that are natural hazard risk assessments under
9 subsection (e)(2), the President shall consult with, at a
10 minimum—

11 “(1) the Administrator of the Federal Emer-
12 gency Management Agency;

13 “(2) the Secretary of Agriculture and the Chief
14 of the Forest Service;

15 “(3) the Secretary of Commerce, the Adminis-
16 trator of the National Oceanic and Atmospheric Ad-
17 ministration, the Director of the Bureau of the Cen-
18 sus, and the Director of the National Institute of
19 Standards and Technology;

20 “(4) the Secretary of Defense and the Com-
21 manding Officer of the United States Army Corps of
22 Engineers;

23 “(5) the Administrator of the Environmental
24 Protection Agency;

1 “(6) the Secretary of the Interior and the Di-
2 rector of the United States Geological Survey;

3 “(7) the Secretary of Housing and Urban De-
4 velopment; and

5 “(8) the Director of the Federal Housing Fi-
6 nance Agency.

7 “(g) COMMUNITY DISASTER RESILIENCE ZONE.—
8 With respect to financial assistance provided under section
9 203(i) to perform a resilience or mitigation project within,
10 or that primarily benefits, a community disaster resilience
11 zone, the President may increase the amount of the Fed-
12 eral share described under section 203(h).

13 “(h) RESILIENCE OR MITIGATION PROJECT PLAN-
14 NING ASSISTANCE.—

15 “(1) IN GENERAL.—The President may provide
16 financial, technical, or other assistance under this
17 title to an eligible entity that plans to perform a re-
18 silience or mitigation project within, or that pri-
19 marily benefits, a community disaster resilience
20 zone.

21 “(2) PURPOSE.—The purpose of assistance pro-
22 vided under paragraph (1) shall be to carry out ac-
23 tivities in preparation for a resilience or mitigation
24 project or seek an evaluation and certification under
25 subsection (i)(2) for a resilience or mitigation

1 project before the date on which permanent work of
2 the resilience or mitigation project begins.

3 “(3) APPLICATION.—If required by the Presi-
4 dent, an eligible entity seeking assistance under
5 paragraph (1) shall submit an application in accord-
6 ance with subsection (i)(1).

7 “(4) FUNDING.—In providing assistance under
8 paragraph (1), the President may use amounts set
9 aside under section 203(i).

10 “(i) COMMUNITY DISASTER RESILIENCE ZONE
11 PROJECT APPLICATIONS.—

12 “(1) IN GENERAL.—If required by the Presi-
13 dent or other Federal law, an eligible entity shall
14 submit to the President an application at such time,
15 in such manner, and containing or accompanied by
16 such information as the President may reasonably
17 require.

18 “(2) EVALUATION AND CERTIFICATION.—

19 “(A) IN GENERAL.—Not later than 120
20 days after the date on which an eligible entity
21 submits an application under paragraph (1),
22 the President shall evaluate the application to
23 determine whether the resilience or mitigation
24 project that the entity plans to perform within,

1 or that primarily benefits, a community disaster
2 resilience zone—

3 “(i) meets or exceeds hazard-resistant,
4 consensus-based codes, specifications, and
5 standards;

6 “(ii) is designed to reduce injuries,
7 loss of life, and damage and destruction of
8 property, such as damage to critical serv-
9 ices and facilities; and

10 “(iii) substantially reduces the risk of,
11 or increases resilience to, future damage,
12 hardship, loss, or suffering.

13 “(B) CERTIFICATION.—If the President
14 determines that an application submitted under
15 paragraph (1) meets the criteria described in
16 subparagraph (A), the President shall certify
17 the proposed resilience or mitigation project.

18 “(C) EFFECT OF CERTIFICATION.—The
19 certification of a proposed resilience or mitiga-
20 tion project under subparagraph (B) shall not
21 be construed to exempt the resilience or mitiga-
22 tion project from the requirements of any other
23 law.

24 “(3) PROJECTS CAUSING DISPLACEMENT.—

25 With respect to a resilience or mitigation project cer-

1 tified under paragraph (2)(B) that involves the dis-
2 placement of a resident from any occupied housing
3 unit, the entity performing the resilience or mitiga-
4 tion project shall—

5 “(A) provide, at the option of the resident,
6 a suitable and habitable housing unit that is,
7 with respect to the housing unit from which the
8 resident is displaced—

9 “(i) of a comparable size;

10 “(ii) located in the same local commu-
11 nity or a community with reduced hazard
12 risk; and

13 “(iii) offered under similar costs, con-
14 ditions, and terms;

15 “(B) ensure that property acquisitions re-
16 sulting from the displacement and made in con-
17 nection with the resilience or mitigation
18 project—

19 “(i) are deed restricted in perpetuity
20 to preclude future property uses not relat-
21 ing to mitigation or resilience; and

22 “(ii) are the result of a voluntary de-
23 cision by the resident; and

24 “(C) plan for robust public participation in
25 the resilience or mitigation project.

1 “(4) FLOOD PROTECTION PROJECTS.—With re-
2 spect to a resilience or mitigation project certified
3 under paragraph (2)(B) that is a flood protection
4 project under the jurisdiction of the United States
5 Army Corps of Engineers, the flood protection
6 project shall meet or exceed flood protection stand-
7 ards of the Army Corps of Engineers.”.

8 (b) NATIONAL RISK INDEX FUNDING.—Nothing in
9 section 206 of the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act, as added by subsection (a) of
11 this section, shall be construed to prohibit the Adminis-
12 trator of the Federal Emergency Management Agency
13 from using amounts available to maintain and update the
14 National Risk Index until the earlier of—

15 (1) the date on which those amounts are trans-
16 ferred to another source; and

17 (2) 3 years after the date of enactment of this
18 Act.