

Calendar No. 479

117TH CONGRESS
2D SESSION**S. 3875****[Report No. 117-141]**

To require the President to develop and maintain products that show the risk of natural hazards across the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2022

Mr. PETERS (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 7, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the President to develop and maintain products that show the risk of natural hazards across the United States, 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 “Community Disaster
5 Resilience Zones Act of 2022”.

1 **SEC. 2. FINDINGS.**

2 Section 101(b) of the Robert T. Stafford Disaster Re-
 3 lief and Emergency Assistance Act (42 U.S.C. 5121(b))
 4 is amended—

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

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

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

10 “(7) identifying and improving the climate and
 11 natural hazard resilience of vulnerable commu-
 12 nities.”.

13 **SEC. 3. NATURAL DISASTER RISK ASSESSMENT.**

14 (a) IN GENERAL.—Title II of the Robert T. Stafford
 15 Disaster Relief and Emergency Assistance Act (42 U.S.C.
 16 5131 et seq.) is amended by adding at the end the fol-
 17 lowing:

18 **“SEC. 206. NATURAL DISASTER RISK ASSESSMENT.**

19 **“(a) DEFINITIONS.—**In this section:

20 **“(1) COMMUNITY DISASTER RESILIENCE**
 21 **ZONE.—**The term ‘community disaster resilience

22 **zone’** means a census tract designated by the Presi-

23 **dent** under subsection (d)(1).

24 **“(2) ELIGIBLE ENTITY.—**The term ‘eligible en-

25 **tity’** means—

26 **“(A) a State;**

1 “(B) an Indian tribal government; or

2 “(C) a local government.

3 “(b) PRODUCTS.—The President shall continue to
4 maintain a natural disaster assessment program that de-
5 velops and maintains products that—

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

7 “(2) show the risk of natural hazards across
8 the United States, such as—

9 “(A) the National Risk Index or a suc-
10 cessor product; or

11 “(B) a natural disaster hazard risk assess-
12 ment and mapping tool that is complementary
13 to the National Risk Index.

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

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

18 “(2) include ratings and data for—

19 “(A) loss exposure, including population
20 equivalence, buildings, and agriculture;

21 “(B) social vulnerability;

22 “(C) community resilience; and

23 “(D) any other element determined by the
24 President.

1 “(d) COMMUNITY DISASTER RESILIENCE ZONES
2 DESIGNATION.—

3 “(1) IN GENERAL.—Not later than 30 days
4 after the date on which the President makes the up-
5 date and enhancement required under subsection
6 (c)(4), and not less frequently than every 5 years
7 thereafter, the President shall identify and designate
8 community disaster resilience zones, which shall
9 be—

10 “(A) the 50 census tracts assigned the
11 highest individual hazard risk ratings under
12 paragraph (2); and

13 “(B) subject to paragraph (3), in each
14 State, not less than 1 percent of census tracts
15 that are assigned a high risk rating under para-
16 graph (2).

17 “(2) RISK RATINGS.—In carrying out para-
18 graph (1), the President shall use census tract risk
19 ratings that, with respect to a product maintained
20 under subsection (b)—

21 “(A) are derived from the product;

22 “(B) reflect whether a census tract has
23 been assigned, under the product—

1 “(i) high levels of individual hazard
2 risk ratings based on an assessment of the
3 intersection of—

4 “(I) loss to population equiva-
5 lence;

6 “(II) buildings value; and

7 “(III) agriculture value; and

8 “(ii) high social vulnerability ratings
9 and low community resilience ratings; and
10 “(C) reflect the principal natural hazard
11 risks identified for the census tract under the
12 product.

13 “(3) GEOGRAPHIC BALANCE.—In identifying
14 and designating the community disaster resilience
15 zones described in paragraph (1)(B)—

16 “(A) for the purpose of achieving geo-
17 graphic balance, when applicable, the President
18 shall consider making designations in coastal,
19 inland, urban, suburban, and rural areas; and

20 “(B) the President shall include census
21 tracts on Tribal lands located within a State.

22 “(e) REVIEW AND UPDATE.—Not later than 180
23 days after the date of enactment of the Community Dis-
24 aster Resilience Zones Act of 2022, and not less frequently
25 than every 5 years thereafter, the President shall—

1 “(1) review the underlying methodology of any
2 product that is a natural disaster hazard risk assess-
3 ment;

4 “(2) consider including additional data in any
5 product that is a natural disaster hazard risk assess-
6 ment, such as—

7 “(A) the most recent census tract data;

8 “(B) data from the American Community
9 Survey of the Bureau of the Census, a suc-
10 cessor survey, a similar survey, or another data
11 source, including data by census tract on hous-
12 ing characteristics and income;

13 “(C) information relating to development,
14 improvements, and hazard mitigation measures;

15 “(D) natural disaster risk assessment in-
16 sights on climate change and past and future
17 natural hazard risk; and

18 “(E) other information relevant to
19 prioritizing areas that have—

20 “(i) high risk levels of—

21 “(I) natural hazard loss expo-
22 sure, including population equivalence,
23 buildings, infrastructure, and agri-
24 culture; and

25 “(H) social vulnerability; and

1 “(ii) low levels of community resil-
2 ience;

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

6 ~~“(4) update and enhance the products main-~~
7 tained under subsection (b); as necessary.

8 ~~“(f) NATURAL DISASTER HAZARD RISK ASSESS-~~
9 MENT INSIGHTS.—In determining the information to be
10 included in the natural disaster hazard risk assessment
11 insights described in subsection (e)(2)(D), the President
12 shall consult with, at a minimum—

13 ~~“(1) the Secretary of Homeland Security and~~
14 the Administrator of the Federal Emergency Man-
15 agement Agency;

16 ~~“(2) the Secretary of Agriculture and the Chief~~
17 of the Forest Service;

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

23 ~~“(4) the Secretary of Defense and the Com-~~
24 manding Officer of the United States Army Corps of
25 Engineers;

1 ~~“(5) the Administrator of the Environmental~~
 2 ~~Protection Agency;~~

3 ~~“(6) the Secretary of the Interior and the Di-~~
 4 ~~rector of the United States Geological Survey;~~

5 ~~“(7) the Secretary of Housing and Urban De-~~
 6 ~~velopment; and~~

7 ~~“(8) the Director of the Federal Housing Fi-~~
 8 ~~nance Agency.~~

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

15 ~~“(h) RESILIENCE OR MITIGATION PROJECT PLAN-~~
 16 ~~NING ASSISTANCE.—~~

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

23 ~~“(2) PURPOSE.—The purpose of assistance pro-~~
 24 ~~vided under paragraph (1) shall be to carry out ac-~~
 25 ~~tivities in preparation for a resilience or mitigation~~

1 project or seek an evaluation and certification under
 2 subsection (i)(2) for a resilience or mitigation
 3 project before the date on which permanent work of
 4 the resilience or mitigation project begins.

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

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

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

17 “(2) EVALUATION AND CERTIFICATION.—

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

1 ~~“(i) meets or exceeds consensus-based~~
 2 ~~codes, specifications, and standards;~~

3 ~~“(ii) is designed to reduce injuries,~~
 4 ~~loss of life, and damage and destruction of~~
 5 ~~property, such as damage to critical serv-~~
 6 ~~ices and facilities; and~~

7 ~~“(iii) substantially reduces the risk of,~~
 8 ~~or increases resilience to, future damage,~~
 9 ~~hardship, loss, or suffering.~~

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

15 ~~“(3) PROJECTS CAUSING DISPLACEMENT.—~~

16 ~~With respect to a resilience or mitigation project cer-~~
 17 ~~tified under paragraph (2)(B) that involves the dis-~~
 18 ~~placement of a resident from any habitable housing~~
 19 ~~unit, the entity performing the resilience or mitiga-~~
 20 ~~tion project shall, to the extent practicable as deter-~~
 21 ~~mined by the President, provide the resident the op-~~
 22 ~~tion to have a suitable and comparable housing unit~~
 23 ~~in the same local community under terms that are~~
 24 ~~similar to the terms of the habitable housing unit~~
 25 ~~from which the resident is displaced.~~

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 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Community Disaster*
 10 *Resilience Zones Act of 2022”.*

11 **SEC. 2. FINDINGS.**

12 *Section 101(b) of the Robert T. Stafford Disaster Relief*
 13 *and Emergency Assistance Act (42 U.S.C. 5121(b)) is*
 14 *amended—*

15 *(1) in paragraph (5), by striking “and” at the*
 16 *end;*

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

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

20 *“(7) identifying and improving the climate and*
 21 *natural hazard resilience of vulnerable communities.”.*

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

23 *(a) IN GENERAL.—Title II of the Robert T. Stafford*
 24 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
 25 *5131 et seq.) is amended by adding at the end the following:*

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

2 “(a) *DEFINITIONS.—In this section:*

3 “(1) *COMMUNITY DISASTER RESILIENCE ZONE.—*

4 *The term ‘community disaster resilience zone’ means*
 5 *a census tract designated by the President under sub-*
 6 *section (d)(1).*

7 “(2) *ELIGIBLE ENTITY.—The term ‘eligible enti-*
 8 *ty’ means—*

9 “(A) *a State;*

10 “(B) *an Indian tribal government; or*

11 “(C) *a local government.*

12 “(b) *PRODUCTS.—The President shall continue to*
 13 *maintain a natural hazard assessment program that devel-*
 14 *ops and maintains products that—*

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

16 “(2) *define natural hazard risk across the United*
 17 *States.*

18 “(c) *FEATURES.—The products maintained under sub-*
 19 *section (b) shall, for lands within States and areas under*
 20 *the jurisdiction of Indian tribal governments—*

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

22 “(2) *include ratings and data for—*

23 “(A) *loss exposure, including population*
 24 *equivalence, buildings, and agriculture;*

25 “(B) *social vulnerability;*

26 “(C) *community resilience; and*

1 “(D) any other element determined by the
2 President.

3 “(d) COMMUNITY DISASTER RESILIENCE ZONES DES-
4 IGNATION.—

5 “(1) IN GENERAL.—Not later than 30 days after
6 the date on which the President makes the update and
7 enhancement required under subsection (e)(4), and
8 not less frequently than every 5 years thereafter, the
9 President shall identify and designate community
10 disaster resilience zones, which shall be—

11 “(A) the 50 census tracts assigned the high-
12 est individual hazard risk ratings; and

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

16 “(2) RISK RATINGS.—In carrying out paragraph
17 (1), the President shall use census tract risk ratings
18 derived from a product maintained under subsection
19 (b) that—

20 “(A) reflect—

21 “(i) high levels of individual hazard
22 risk ratings based on an assessment of the
23 intersection of—

24 “(I) loss to population equiva-
25 lence;

1 “(II) building value; and

2 “(III) agriculture value;

3 “(ii) high social vulnerability ratings

4 and low community resilience ratings; and

5 “(iii) any other elements determined

6 by the President; and

7 “(B) reflect the principal natural hazard

8 risks identified for the respective census tracts.

9 “(3) GEOGRAPHIC BALANCE.—In identifying

10 and designating the community disaster resilience

11 zones described in paragraph (1)(B)—

12 “(A) for the purpose of achieving geographic

13 balance, when applicable, the President shall

14 consider making designations in coastal, inland,

15 urban, suburban, and rural areas; and

16 “(B) the President shall include census

17 tracts on Tribal lands located within a State.

18 “(4) DURATION.—The designation of a commu-

19 nity disaster resilience zone under paragraph (1)

20 shall be effective for a period of not less than 5 years.

21 “(e) REVIEW AND UPDATE.—Not later than 180 days

22 after the date of enactment of the Community Disaster Re-

23 silience Zones Act of 2022, and not less frequently than

24 every 5 years thereafter, the President shall—

1 “(1) with respect to any product that is a nat-
2 ural hazard risk assessment—

3 “(A) review the underlying methodology of
4 the product; and

5 “(B) receive public input on the method-
6 ology and data used for the product;

7 “(2) consider including additional data in any
8 product that is a natural hazard risk assessment,
9 such as—

10 “(A) the most recent census tract data;

11 “(B) data from the American Community
12 Survey of the Bureau of the Census, a successor
13 survey, a similar survey, or another data source,
14 including data by census tract on housing char-
15 acteristics and income;

16 “(C) information relating to development,
17 improvements, and hazard mitigation measures;

18 “(D) data that assesses past and future loss
19 exposure, including analysis on the effects of a
20 changing climate on future loss exposure;

21 “(E) data from the Resilience Analysis and
22 Planning Tool of the Federal Emergency Man-
23 agement Agency; and

24 “(F) other information relevant to
25 prioritizing areas that have—

1 “(i) *high risk levels of—*

2 “(I) *natural hazard loss exposure,*
 3 *including population equivalence,*
 4 *buildings, infrastructure, and agri-*
 5 *culture; and*

6 “(II) *social vulnerability; and*

7 “(ii) *low levels of community resil-*
 8 *ience;*

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

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

14 “(f) *NATURAL HAZARD RISK ASSESSMENT IN-*
 15 *SIGHTS.—In determining additional data to include in*
 16 *products that are natural hazard risk assessments under*
 17 *subsection (e)(2), the President shall consult with, at a min-*
 18 *imum—*

19 “(1) *the Administrator of the Federal Emergency*
 20 *Management Agency;*

21 “(2) *the Secretary of Agriculture and the Chief*
 22 *of the Forest Service;*

23 “(3) *the Secretary of Commerce, the Adminis-*
 24 *trator of the National Oceanic and Atmospheric Ad-*
 25 *ministration, the Director of the Bureau of the Cen-*

1 *sus, and the Director of the National Institute of*
 2 *Standards and Technology;*

3 *“(4) the Secretary of Defense and the Com-*
 4 *manding Officer of the United States Army Corps of*
 5 *Engineers;*

6 *“(5) the Administrator of the Environmental*
 7 *Protection Agency;*

8 *“(6) the Secretary of the Interior and the Direc-*
 9 *tor of the United States Geological Survey;*

10 *“(7) the Secretary of Housing and Urban Devel-*
 11 *opment; and*

12 *“(8) the Director of the Federal Housing Finance*
 13 *Agency.*

14 *“(g) COMMUNITY DISASTER RESILIENCE ZONE.—With*
 15 *respect to financial assistance provided under section 203(i)*
 16 *to perform a resilience or mitigation project within, or that*
 17 *primarily benefits, a community disaster resilience zone,*
 18 *the President may increase the amount of the Federal share*
 19 *described under section 203(h) to not more than 90 percent*
 20 *of the total cost of the resilience or mitigation project.*

21 *“(h) RESILIENCE OR MITIGATION PROJECT PLANNING*
 22 *ASSISTANCE.—*

23 *“(1) IN GENERAL.—The President may provide*
 24 *financial, technical, or other assistance under this*
 25 *title to an eligible entity that plans to perform a re-*

1 *silience or mitigation project within, or that pri-*
 2 *marily benefits, a community disaster resilience zone.*

3 “(2) *PURPOSE.*—*The purpose of assistance pro-*
 4 *vided under paragraph (1) shall be to carry out ac-*
 5 *tivities in preparation for a resilience or mitigation*
 6 *project or seek an evaluation and certification under*
 7 *subsection (i)(2) for a resilience or mitigation project*
 8 *before the date on which permanent work of the resil-*
 9 *ience or mitigation project begins.*

10 “(3) *APPLICATION.*—*If required by the President,*
 11 *an eligible entity seeking assistance under paragraph*
 12 *(1) shall submit an application in accordance with*
 13 *subsection (i)(1).*

14 “(4) *FUNDING.*—*In providing assistance under*
 15 *paragraph (1), the President may use amounts set*
 16 *aside under section 203(i).*

17 “(i) *COMMUNITY DISASTER RESILIENCE ZONE*
 18 *PROJECT APPLICATIONS.*—

19 “(1) *IN GENERAL.*—*If required by the President*
 20 *or other Federal law, an eligible entity shall submit*
 21 *to the President an application at such time, in such*
 22 *manner, and containing or accompanied by such in-*
 23 *formation as the President may reasonably require.*

24 “(2) *EVALUATION AND CERTIFICATION.*—

1 “(A) *IN GENERAL.*—Not later than 120
 2 days after the date on which an eligible entity
 3 submits an application under paragraph (1), the
 4 President shall evaluate the application to deter-
 5 mine whether the resilience or mitigation project
 6 that the entity plans to perform within, or that
 7 primarily benefits, a community disaster resil-
 8 ience zone—

9 “(i) *meets or exceeds hazard-resistant,*
 10 *consensus-based codes, specifications, and*
 11 *standards;*

12 “(ii) *is designed to reduce injuries, loss*
 13 *of life, and damage and destruction of prop-*
 14 *erty, such as damage to critical services and*
 15 *facilities; and*

16 “(iii) *substantially reduces the risk of,*
 17 *or increases resilience to, future damage,*
 18 *hardship, loss, or suffering.*

19 “(B) *CERTIFICATION.*—If the President de-
 20 termines that an application submitted under
 21 paragraph (1) meets the criteria described in
 22 subparagraph (A), the President shall certify the
 23 proposed resilience or mitigation project.

24 “(C) *EFFECT OF CERTIFICATION.*—The cer-
 25 tification of a proposed resilience or mitigation

1 *project under subparagraph (B) shall not be con-*
 2 *strued to exempt the resilience or mitigation*
 3 *project from the requirements of any other law.*

4 *“(3) PROJECTS CAUSING DISPLACEMENT.—With*
 5 *respect to a resilience or mitigation project certified*
 6 *under paragraph (2)(B) that involves the displace-*
 7 *ment of a resident from any occupied housing unit,*
 8 *the entity performing the resilience or mitigation*
 9 *project shall—*

10 *“(A) provide, at the option of the resident,*
 11 *a suitable and habitable housing unit that is,*
 12 *with respect to the housing unit from which the*
 13 *resident is displaced—*

14 *“(i) of a comparable size;*

15 *“(ii) located in the same local commu-*
 16 *nity or a community with reduced hazard*
 17 *risk; and*

18 *“(iii) offered under similar costs, con-*
 19 *ditions, and terms;*

20 *“(B) ensure that property acquisitions re-*
 21 *sulting from the displacement and made in con-*
 22 *nection with the resilience or mitigation*
 23 *project—*

1 “(i) are deed restricted in perpetuity to
2 preclude future property uses not relating to
3 mitigation or resilience; and

4 “(ii) are the result of a voluntary deci-
5 sion by the resident; and

6 “(C) plan for robust public participation in
7 the resilience or mitigation project.”.

8 (b) *NATIONAL RISK INDEX FUNDING.*—Nothing in sec-
9 tion 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 from
13 using amounts available to maintain and update the Na-
14 tional 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.

Calendar No. 479

117TH CONGRESS
2D Session

S. 3875

[Report No. 117-141]

A BILL

To require the President to develop and maintain products that show the risk of natural hazards across the United States, and for other purposes.

SEPTEMBER 7, 2022

Reported with an amendment