

Public Law 117–332
117th Congress

An Act

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

Jan. 5, 2023
[H.R. 1917]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

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

Hazard
Eligibility and
Local Projects
Act.
42 USC 5170c
note.

**SEC. 2. AUTHORITY TO BEGIN IMPLEMENTATION OF ACQUISITION AND
DEMOLITION ASSISTANCE PROJECTS.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the
Administrator of the Federal Emergency Management Agency.

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

(A) is an acquisition and demolition project for which
an entity began implementation, including planning or
construction, before or after requesting assistance for the
project under a hazard mitigation assistance program; and

(B) qualifies for a categorical exclusion under the
National Environmental Policy Act of 1969 (42 U.S.C.
4321 et seq.).

(3) HAZARD MITIGATION ASSISTANCE PROGRAM.—The term
“hazard mitigation assistance program” means—

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

(B) the hazard mitigation grant program authorized
under section 404 of the Robert T. Stafford Disaster Relief
and Emergency Assistance Act (42 U.S.C. 5170c); and

(C) the flood mitigation assistance program authorized
under section 1366 of the National Flood Insurance Act
of 1968 (42 U.S.C. 4104c).

(b) ELIGIBILITY FOR ASSISTANCE FOR COVERED PROJECTS.—

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

(A) the entity—

(i) complies with all other eligibility requirements
of the hazard mitigation assistance program for
acquisition or demolition projects, including extin-
guishing all incompatible encumbrances; and

Determination.

(ii) complies with all Federal requirements for the covered project; and

(B) the Administrator determines that the covered project—

(i) qualifies for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(ii) is compliant with applicable floodplain management and protection of wetland regulations and criteria; and

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

(2) COSTS INCURRED.—An entity seeking assistance under a hazard mitigation assistance program shall be responsible for any project costs incurred by the entity for a covered project if the covered project is not awarded, or is determined to be ineligible for, assistance.

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

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

(1) how many applicants used the authority;

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

(3) how many applicants were not able to successfully obtain a grant;

(4) the reasons applicants were not able to obtain a grant; and

(5) the extent to which applicants using the authority were able to comply with all necessary Federal environmental, historic preservation, and other related laws and regulations.

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

Approved January 5, 2023.

LEGISLATIVE HISTORY—H.R. 1917 (S. 1877):

HOUSE REPORTS: No. 117–170, Pt. 1 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 117–205 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 1877.

CONGRESSIONAL RECORD:

Vol. 167 (2021): Nov. 3, 4, considered and passed House.

Vol. 168 (2022): Dec. 14, considered and passed Senate, amended.

Dec. 21, House concurred in Senate amendment.