

[DISCUSSION DRAFT]

119TH CONGRESS
2D SESSION

H. R. _____

To amend section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish within the Building Resilient Infrastructure and Communities program a dedicated rural flood resilience supplemental allocation providing formula-based pass-through grants to rural communities through a set-aside from the Federal Emergency Management Agency Disaster Relief Fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HARRIGAN introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish within the Building Resilient Infrastructure and Communities program a dedicated rural flood resilience supplemental allocation providing formula-based pass-through grants to rural communities through a set-aside from the Federal Emergency Management Agency Disaster Relief Fund, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sustainable and Flood
3 Resilient Engineering for Rural Areas Act” or the “SAFE
4 Rural Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) Rural communities, Tribal lands, and terri-
8 tories face heightened vulnerabilities to flooding due
9 to limited local tax bases, aging infrastructure, isola-
10 tion, and unique geographic conditions.

11 (2) Hazard risk and impacts in rural commu-
12 nities, Tribal lands, and territories are made worse
13 by lower levels of capacity to apply for and admin-
14 ister hazard mitigation and preparedness grants,
15 and is further exacerbated when States also have
16 lower levels of capacity to assist such areas.

17 (3) The Federal Emergency Management Agen-
18 cy’s Disaster Relief Fund primarily focuses on post-
19 disaster recovery, leaving a gap in dedicated
20 predisaster investments tailored to rural and remote
21 areas.

22 (4) Targeted support for rural, Tribal, and ter-
23 ritorial flood mitigation and preparedness measur-
24 ably reduces long-term Federal disaster expendi-
25 tures.

1 **SEC. 3. MANDATORY PROGRAM.**

2 Section 203(b) of the Robert T. Stafford Disaster Re-
3 lief and Emergency Assistance Act (42 U.S.C. 5133(b))
4 is amended—

5 (1) by striking “may establish” and inserting
6 “shall carry out”;

7 (2) by striking “and local governments” and in-
8 serting “and Indian tribal governments”; and

9 (3) by striking “or local governments” and in-
10 serting “or Indian tribal governments”.

11 **SEC. 4. ALLOCATION OF FUNDS; STATE ADMINISTRATIVE**
12 **PLAN.**

13 Section 203 of the Robert T. Stafford Disaster Relief
14 and Emergency Assistance Act (42 U.S.C. 5133) is
15 amended by striking subsections (c) and (d) and inserting
16 the following:

17 “(c) ALLOCATION OF FUNDS.—

18 “(1) IN GENERAL.—The President shall provide
19 technical and financial assistance under this section
20 to eligible entities through the allocation in para-
21 graph (2).

22 “(2) FORMULA.—In providing financial assist-
23 ance under this section, the President shall dis-
24 tribute available funds for each fiscal year among el-
25 igible entities by formula as follows:

1 “(A) 50 percent of funds available under
2 this section in a fiscal year shall be divided
3 equally among all eligible entities.

4 “(B) 30 percent of funds available under
5 this section in a fiscal year shall be divided
6 among all eligible entities, with additional pref-
7 erence given to eligible entities with higher pop-
8 ulations and lower median incomes, using data
9 from the most recent decennial census.

10 “(C) The remaining funds available under
11 this section in a fiscal year shall be divided
12 among all eligible entities that have dem-
13 onstrated capacity to effectively manage Fed-
14 eral grant funds and advance hazard mitigation
15 priorities, as evidenced by—

16 “(i) adoption of a Federal Emergency
17 Management Agency-approved advanced
18 hazard mitigation plan using data provided
19 by States and from the Federal Emergency
20 Management Agency and the International
21 Code Council; or

22 “(ii) adoption of the 2 most recently
23 published editions of the International
24 Building Code, including all flood-related
25 provisions, using data provided by States

1 and from the Federal Emergency Manage-
2 ment Agency and the International Code
3 Council.

4 “(d) ELIGIBILITY.—

5 “(1) ELIGIBLE ENTITIES.—Entities eligible for
6 a grant under this section are the following:

7 “(A) States.

8 “(B) Indian tribal governments.

9 “(2) ADMINISTRATIVE PLAN REQUIREMENT.—A
10 State or Indian tribal government is eligible for
11 funds pursuant to subsection (c) if—

12 “(A) the State or Indian tribal government
13 submits to the President a plan under para-
14 graph (3); and

15 “(B) such plan is approved by the Presi-
16 dent.

17 “(3) PREDISASTER HAZARD MITIGATION AD-
18 MINISTRATIVE PLAN.—To be eligible for funds in a
19 fiscal year under this section, not later than October
20 1 of the preceding fiscal year, a State or Indian trib-
21 al government shall submit to the President a
22 predisaster hazard mitigation administrative plan
23 that describes—

1 “(A) the objectives of the State or Indian
2 tribal government and plan for distributing
3 funds as subgrants to eligible entities;

4 “(B) the process of the State or Indian
5 tribal government for facilitating a streamlined
6 subgrant application, including how the State
7 or Indian tribal government will—

8 “(i) ensure that the standard
9 subgrant application does not exceed 10
10 pages for project subgrants and 5 pages
11 for planning subgrants, exclusive of re-
12 quired attachments;

13 “(ii) provide plain-language applica-
14 tion instructions and, where practicable,
15 fillable electronic forms accessible without
16 specialized software;

17 “(iii) accept preapplication consulta-
18 tions in lieu of formal letters of intent;

19 “(iv) permit joint applications from 2
20 or more eligible entities for regional or wa-
21 tershed-scale projects;

22 “(v) include a model application and
23 annotated example for eligible entities with
24 limited grant management experience; and

1 “(vi) publish application scoring re-
2 sults and provide written summaries to ap-
3 plicants upon request; and

4 “(C) the commitment of the State or In-
5 dian tribal government to—

6 “(i) solicit, evaluate, and score appli-
7 cations, taking into account the criteria set
8 forth under this section;

9 “(ii) obligate funds within 12 months
10 of receipt;

11 “(iii) review applications and deter-
12 mine subgrantees within 6 months of re-
13 ceipt, except for small project subgrants
14 under subsection (m), and release funds to
15 subgrantees within 60 days of approval;

16 “(iv) issue subgrant agreements;

17 “(v) oversee program and fiscal per-
18 formance of subgrantees; and

19 “(vi) prevent duplication of Federal
20 benefits.

21 “(4) PLAN APPROVAL.—The President shall—

22 “(A) approve or disapprove each adminis-
23 trative plan submitted under paragraph (1) not
24 later than February 1 of the fiscal year for
25 which the plan is submitted; and

1 “(B) provide the funds allocated pursuant
2 to subsection (c) to each eligible State or Indian
3 tribal government on the first day of the fiscal
4 year following the fiscal year in which the plan
5 is submitted.”.

6 **SEC. 5. NATURE-BASED SOLUTIONS AS ELIGIBLE USES OF**
7 **ASSISTANCE.**

8 Section 203(e) of the Robert T. Stafford Disaster Re-
9 lief and Emergency Assistance Act (42 U.S.C. 5133(e))
10 is amended—

11 (1) by amending paragraph (1)(A) to read as
12 follows:

13 “(A) shall be used by States and Indian
14 tribal governments principally to implement
15 predisaster hazard mitigation measures that are
16 cost-effective and may include nature-based and
17 green infrastructure solutions such as—

18 “(i) floodplain and wetland restora-
19 tion, reconnection, or enhancement;

20 “(ii) living shorelines, bioengineered
21 streambank stabilization, and riparian
22 buffer establishment;

23 “(iii) retention and detention facilities
24 using natural or hybrid design approaches,

1 including constructed wetlands and bio-
2 retention systems;

3 “(iv) upland reforestation and water-
4 shed restoration to reduce runoff; and

5 “(v) any combination of structural
6 and nature-based approaches that achieves
7 measurable flood risk reduction; and”; and

8 (2) in paragraph (2) by striking “or local gov-
9 ernment” and inserting “or Indian tribal govern-
10 ment” each place it appears.

11 **SEC. 6. CRITERIA FOR MITIGATION ACTIVITIES.**

12 Section 203 of the Robert T. Stafford Disaster Relief
13 and Emergency Assistance Act (42 U.S.C. 5133) is fur-
14 ther amended by striking subsection (f) and inserting the
15 following:

16 “(f) CRITERIA FOR MITIGATION ACTIVITIES.—In de-
17 termining whether to carry out a project with funds pro-
18 vided under this section, the recipient of funds shall take
19 into account—

20 “(1) project need and risk reduction potential;

21 “(2) short- and long-term community benefits
22 and sustainability;

23 “(3) cost-effectiveness and budget clarity;

24 “(4) collaboration with State, Tribal, regional,
25 or watershed authorities;

1 “(5) environmental and landscape impacts, in-
2 cluding the use of nature based or green infrastruc-
3 ture approaches where feasible;

4 “(6) long-term operational feasibility;

5 “(7) applicant capacity and the degree to which
6 the project design reflects local knowledge and com-
7 munity-identified priorities, with allowance for lim-
8 ited technical sophistication in application materials
9 from first-time applicants, low-capacity applicants,
10 and small and rural applicants; and

11 “(8) whether a project is located in—

12 “(A) an area with high or very high hazard
13 potential, elevated risk, or meeting vulnerability
14 criteria;

15 “(B) a low-income community; or

16 “(C) a community affected by a major dis-
17 aster within the preceding 10 years.”.

18 **SEC. 7. SAFE RURAL PROGRAM.**

19 Section 203 of the Robert T. Stafford Disaster Relief
20 and Emergency Assistance Act (42 U.S.C. 5133) is fur-
21 ther amended by striking subsection (g) and inserting the
22 following:

23 “(g) SAFE RURAL PROGRAM.—

24 “(1) SAFE RURAL FUND.—

1 “(A) ESTABLISHMENT.—The President
2 shall establish a fund to be known as the SAFE
3 Rural Fund (in this subsection referred to as
4 the ‘Fund’).

5 “(B) FUNDING.—In addition to any
6 amounts appropriated to the Fund, the Presi-
7 dent shall deposit into the fund 2 percent of all
8 amounts appropriated to the Disaster Relief
9 Fund during each fiscal year in order to carry
10 out the SAFE rural program established under
11 paragraph (2).

12 “(C) SEPARATE ACCOUNTING.—Amounts
13 deposited in the Fund shall be separately ac-
14 counted for and may not be commingled with
15 other funds made available for the program
16 under this section or used for purposes other
17 than the purposes authorized under this sub-
18 section.

19 “(D) AVAILABILITY.—Funds made avail-
20 able under this paragraph shall remain avail-
21 able until expended.

22 “(2) SAFE RURAL PROGRAM.—The President
23 shall establish a Sustainable and Flood Resilient En-
24 gineering for Rural Areas program (in this section
25 referred to as the ‘SAFE rural program’) to provide

1 for a dedicated rural flood resilience supplemental
2 allocation that provides formula-based pass-through
3 grants to States and Indian Tribal governments for
4 projects in rural communities.

5 “(3) FORMULA CALCULATION.—

6 “(A) IN GENERAL.—The President shall
7 develop an allocation formula for funds pro-
8 vided to the Fund that—

9 “(i) is based on a comprehensive
10 dataset and is not based on large datasets
11 with known and significant gaps in local
12 data, including the National Risk Index;

13 “(ii) provides each State and Indian
14 Tribal government eligible under this sec-
15 tion with not less than the lesser of
16 \$5,000,000 or an amount equal to 1 per-
17 cent of the amounts available under this
18 subsection for each fiscal year; and

19 “(iii) takes into consideration the size,
20 amount, and degree of need of priority
21 areas described in paragraph (6)(A) within
22 the State or Indian Tribal government
23 area, as determined by the Administrator.

24 “(B) MAXIMUM ALLOCATION.—Notwith-
25 standing subparagraph (A)(ii), no State or In-

1 dian Tribal government may receive under this
2 paragraph for a fiscal year more than the lesser
3 of—

4 “(i) 15 percent of the total amount
5 available under this subsection for the fis-
6 cal year; or

7 “(ii) \$150,000,000

8 “(4) PASS-THROUGH REQUIREMENTS.—

9 “(A) MANDATORY PASS-THROUGH.—

10 “(i) MINIMUM PASS-THROUGH.—Each
11 recipient of allocated funds under this sub-
12 section shall distribute all allocated funds
13 as subgrants to eligible entities, except as
14 provided in clauses (ii) and (iii).

15 “(ii) ADMINISTRATIVE RETENTION.—
16 Not more than 5 percent of allocated funds
17 may be retained by recipient for grantee
18 administration, outreach, technical assist-
19 ance, and monitoring.

20 “(iii) COMMUNITY ASSISTANCE PRO-
21 GRAM SET-ASIDE.—Amounts described in
22 paragraph (8) shall be set aside from the
23 amounts deposited into the Fund to carry
24 out such paragraph.

1 “(B) TIMELY OBLIGATION.—Subgrants
2 shall be obligated by a recipient within 12
3 months of the receipt of funds.

4 “(C) GRANTEE RESPONSIBILITIES.—Each
5 State or Indian Tribal government receiving
6 funds under this subsection shall—

7 “(i) issue subgrant agreements;

8 “(ii) oversee program and fiscal per-
9 formance of subgrantees; and

10 “(iii) prevent duplication of Federal
11 benefits.

12 “(D) TRIBAL ELIGIBILITY THROUGH
13 STATE PASS-THROUGH.—Indian Tribal Govern-
14 ments within the geographic boundary of a
15 State may elect to apply for subgrants from
16 such State.

17 “(5) ELIGIBLE USES OF FUNDS.—

18 “(A) IN GENERAL.—Subgrants provided
19 under this subsection may be used for—

20 “(i) construction or restoration of
21 flood-resilient public infrastructure, includ-
22 ing bridges, culverts, drainage systems, lev-
23 ees, stormwater controls, and coastal de-
24 fenses;

1 “(ii) mitigation projects that reduce
2 flood risk to critical facilities, transpor-
3 tation networks, utilities, agricultural-
4 based businesses and farmsteads, and
5 homes;

6 “(iii) nature-based and green infra-
7 structure solutions, including—

8 “(I) floodplain and wetland res-
9 toration, reconnection, or enhance-
10 ment;

11 “(II) living shorelines, bioengi-
12 neered streambank stabilization, and
13 riparian buffer establishment;

14 “(III) retention and detention fa-
15 cilities using natural or hybrid design
16 approaches, including constructed
17 wetlands and bioretention systems;

18 “(IV) upland reforestation and
19 watershed restoration to reduce run-
20 off; and

21 “(V) any combination of struc-
22 tural and nature-based approaches
23 that achieves measurable flood risk re-
24 duction;

1 “(iv) subgrantee management costs,
2 not to exceed 5 percent of the subgrant
3 award; and

4 “(v) projects that address natural
5 hazards identified as a significant risk in
6 the State’s hazard mitigation plan sub-
7 mitted under section 322.

8 “(B) OPERATIONS AND MAINTENANCE
9 PLANNING REQUIREMENT.—

10 “(i) REQUIREMENT.—As a condition
11 of receiving a subgrant under clause (i) or
12 (ii) of subparagraph (A), an eligible entity
13 shall submit an operations and mainte-
14 nance plan demonstrating—

15 “(I) the responsible party or par-
16 ties for long-term maintenance of the
17 funded project;

18 “(II) estimated annual mainte-
19 nance costs and the funding source or
20 mechanism for meeting those costs;

21 “(III) a maintenance schedule
22 and inspection protocol; and

23 “(IV) a contingency plan for
24 emergency repair.

1 “(ii) TEMPLATE.—The Administrator
2 shall develop a standardized, one-page op-
3 erations and maintenance plan template
4 for use by eligible entities with limited ad-
5 ministrative capacity.

6 “(iii) CAP—MIT ASSISTANCE.—CAP—
7 MIT grants under paragraph (8) may be
8 used to assist eligible entities in preparing
9 operations and maintenance plans required
10 under this paragraph.

11 “(iv) WAIVER.—The Administrator
12 may waive the requirement of clause (i) for
13 preparedness projects under subparagraph
14 (A)(iii).

15 “(C) ADDITIONAL USES.—A territorial
16 government may use funds awarded under this
17 subsection for projects addressing island-spe-
18 cific hydrology, coastal erosion, storm surge, or
19 infrastructure vulnerabilities.

20 “(6) SUBGRANT PRIORITIES AND COST SHAR-
21 ING.—

22 “(A) FLOOD RESILIENCE AND HAZARD
23 MITIGATION PLANS.—

24 “(i) IN GENERAL.—Subgrants under
25 this subsection may support—

1 “(I) development or updating of
2 community flood resilience plans; and

3 “(II) implementation of projects
4 included in such plans.

5 “(ii) PLANNING INCLUSIONS.—Plan-
6 ning in Tribal and territorial communities
7 may incorporate indigenous knowledge,
8 cultural site preservation, or island-specific
9 risk assessments.

10 “(B) COST SHARING.—

11 “(i) IN GENERAL.—Except as pro-
12 vided in clause (ii)—

13 “(I) planning subgrants shall re-
14 quire a non-Federal share of not less
15 than 10 percent; and

16 “(II) project subgrants shall re-
17 quire a non-Federal share of not less
18 than 25 percent.

19 “(ii) WAIVER AUTHORITY.—The Ad-
20 ministrator may reduce or waive the cost-
21 sharing requirement under clause (i) for
22 underserved or economically distressed
23 rural, Tribal, or territorial communities.

24 “(7) COMMUNITY ASSISTANCE PROGRAM.—

1 “(A) IN GENERAL.—The Administrator
2 shall provide to each State and Indian Tribal
3 government eligible under this paragraph a
4 grant of an amount not less than \$1,000,000
5 and not more than \$5,000,000 annually.

6 “(B) ELIGIBILITY CRITERIA.—To be eligi-
7 ble to receive a CAP–MIT grant, a State or In-
8 dian Tribal government shall develop and main-
9 tain a capable State hazard mitigation program
10 responsible for—

11 “(i) administering pre- and post-dis-
12 aster hazard mitigation programs of the
13 Federal Emergency Management Agency;

14 “(ii) assisting communities with the
15 preparation and submission of hazard miti-
16 gation grant program applications, includ-
17 ing applications for flood mitigation assist-
18 ance, other hazard mitigation programs,
19 and community development block grant
20 program, and programs administered by
21 the Natural Resources Conservation Serv-
22 ice, National Oceanic and Atmospheric Ad-
23 ministration, Department of Interior, and
24 the United States Army Corps of Engi-
25 neers;

1 “(iii) developing and implementing as-
2 sistance approaches to ensure a focus on
3 rural and small communities that might
4 otherwise be precluded from participating
5 in Federal hazard mitigation grant pro-
6 grams;

7 “(iv) offering technical assistance to
8 communities for developing and updating
9 hazard mitigation plans;

10 “(v) developing pre- and post-disaster
11 hazard mitigation strategies and resilience
12 activities of the State or Indian Tribal gov-
13 ernment; and

14 “(vi) such additional components as
15 the President may determine.

16 “(C) ANNUAL DISTRIBUTION.—The Presi-
17 dent shall award CAP–MIT grants to States
18 and Indian Tribal governments on a consistent,
19 annual basis, notwithstanding any other appli-
20 cation for or receipt of pre- or post-disaster
21 mitigation assistance, to ensure continuity of
22 State and territorial hazard mitigation capacity.

23 “(8) COMPLIANCE AND OVERSIGHT.—

1 “(A) SUBGRANTEE RESPONSIBILITIES.—
2 An eligible entity receiving funds under this
3 subsection shall—

4 “(i) use funds solely for approved pur-
5 poses;

6 “(ii) submit quarterly performance
7 and financial reports to the applicable
8 State, Indian Tribal Government, or the
9 Administrator, as appropriate;

10 “(iii) maintain accurate and complete
11 records; and

12 “(iv) permit inspection by the State,
13 Indian Tribal Government, or the Adminis-
14 trator.

15 “(B) FEDERAL OVERSIGHT.—The Admin-
16 istrator may audit any recipient or subgrantee
17 receiving funds under this subsection as nec-
18 essary to ensure compliance.

19 “(C) REPAYMENT.—The Administrator
20 may require repayment of funds that—

21 “(i) are used for unauthorized pur-
22 poses;

23 “(ii) remain unexpended within the
24 performance period; or

1 “(iii) are determined to have been
2 awarded or expended in violation of pro-
3 gram requirements.

4 “(9) ADMINISTRATION.—

5 “(A) IMPLEMENTING GUIDANCE.—Not
6 later than 180 days after the date of enactment
7 of this subsection, the Administrator shall issue
8 implementing guidance, allocation formulas, ap-
9 plication instructions, and reporting require-
10 ments for the program established under this
11 subsection, consistent with the requirements ap-
12 plicable to the program established under sub-
13 section (b). Such guidance shall make any nec-
14 essary changes and advise States on how to
15 streamline subgrantee application processes, in-
16 cluding to—

17 “(i) ensure that the standard
18 subgrant application does not exceed 10
19 pages for project subgrants and 5 pages
20 for planning subgrants, exclusive of re-
21 quired attachments;

22 “(ii) provide plain-language applica-
23 tion instructions and, where practicable,
24 fillable electronic forms accessible without
25 specialized software;

1 “(iii) authorize States and Indian
2 tribal governments to accept preapplication
3 consultations in lieu of formal letters of in-
4 tent;

5 “(iv) permit joint applications from
6 two or more eligible entities for regional or
7 watershed-scale projects; and

8 “(v) include a model application and
9 annotated example for eligible entities with
10 limited grant management experience.

11 “(B) COORDINATION.—The President shall
12 coordinate with State, Tribal, territorial, re-
13 gional, and local emergency management and
14 floodplain management agencies, as well as
15 State Chief Resilience Offices, in administering
16 this subsection.

17 “(C) RELATION TO OTHER BRIC
18 AWARDS.—Amounts provided under this sub-
19 section shall be in addition to, and not in lieu
20 of, amounts otherwise made available to States,
21 territories, and Indian tribal governments under
22 this section.

23 “(10) REPORTING TO CONGRESS.—The Presi-
24 dent shall submit to Congress an annual report de-
25 scribing—

1 “(A) the amount of each allocation of
2 funds provided under this subsection;

3 “(B) project types and categories funded
4 under this subsection;

5 “(C) measurable outcomes, including risk
6 reduction, enhanced preparedness, and Federal
7 cost savings attributable to funded projects;

8 “(D) participation by Indian Tribal Gov-
9 ernments and territorial governments; and

10 “(E) recommendations for improvements
11 to rural, Tribal, and territorial flood resilience
12 programs.

13 “(11) DEFINITIONS.—In this subsection:

14 “(A) CAP-MIT GRANT.—The term ‘CAP-
15 MIT grant’ means a community assistance pro-
16 gram grant for statewide hazard mitigation ac-
17 tivities provided under paragraph (8).

18 “(B) ELIGIBLE ENTITY.—The term ‘eligi-
19 ble entity’ means—

20 “(i) a county with a population of
21 50,000 or fewer;

22 “(ii) a municipality with a population
23 of 10,000 or fewer;

24 “(iii) a county that exceeds the popu-
25 lation threshold in clause (i) if—

1 “(I) the county’s population den-
2 sity does not exceed 35 persons per
3 square mile; or

4 “(II) the county contains no in-
5 corporated municipality with a popu-
6 lation exceeding 10,000 and the coun-
7 ty seat has a population not exceeding
8 25,000;

9 “(iv) a local government described in
10 section 102(8)(B) with a population not
11 exceeding the thresholds in clauses (i), (ii),
12 or (iii); or

13 “(v) a Tribal organization acting on
14 behalf of one or more local governments
15 described in clause (iv).

16 “(C) FLOOD-PRONE AREA.—

17 “(i) IN GENERAL.—The term ‘flood-
18 prone area’ means an area that—

19 “(I) lies within the 1-percent-an-
20 nual-chance (100-year) or 0.2-percent-
21 annual-chance (500-year) floodplain
22 as designated by Federal the Emer-
23 gency Management Agency under the
24 National Flood Insurance Program, or
25 is otherwise designated as flood-prone

1 by State, local, or other authorities,
2 including dam failure inundation
3 zones;

4 “(II) has experienced 2 or more
5 damaging flood events within the pre-
6 ceding 15 years, as documented by a
7 disaster declaration under this Act,
8 insurance loss records, State or local
9 damage assessments, or equivalent
10 documentation; or

11 “(III) is identified as having sig-
12 nificant flood risk by—

13 “(aa) a Federal, State, terri-
14 torial, local, or Tribal hazard
15 mitigation plan or risk assess-
16 ment;

17 “(bb) a State or local flood-
18 plain management study or engi-
19 neering analysis;

20 “(cc) dam failure or levee
21 breach inundation mapping pre-
22 pared by a State dam safety or
23 levee safety program;

24 “(dd) hydrologic and hy-
25 draulic modeling conducted or ac-

1 cepted by a Federal or State
2 agency, including the Army
3 Corps of Engineers, Natural Re-
4 sources Conservation Service, or
5 a State water resources agency;

6 “(ee) stormwater master
7 plans, watershed studies, or
8 drainage system assessments
9 adopted by a local government;
10 or

11 “(ff) flood risk data from
12 emerging methodologies, includ-
13 ing privately produced datasets
14 and climate-adjusted modeling,
15 accepted by the Administrator as
16 meeting standards for scientific
17 reliability, to be established by
18 the Administrator in imple-
19 menting guidance issued under
20 paragraph (10)(A).

21 “(ii) GUIDANCE.—The Administrator
22 shall issue guidance specifying minimum
23 documentation standards for qualifying
24 under clause (i)(III) not later than 180
25 days after the date of enactment of this

1 subsection, and shall update such guidance
2 not less than every 5 years to reflect ad-
3 vances in flood risk science.

4 “(D) PREPAREDNESS PROJECT.—The
5 term ‘preparedness project’ includes—

6 “(i) evacuation sheltering plans and
7 emergency action plans, updates, and
8 drills;

9 “(ii) interoperable emergency commu-
10 nication systems and flood warning sys-
11 tems;

12 “(iii) emergency operations center
13 construction or upgrades;

14 “(iv) acquisition of response equip-
15 ment or protective supplies;

16 “(v) resilience improvements to des-
17 ignated emergency shelters;

18 “(vi) updates to local codes and
19 standards that protect against current and
20 future flood hazards;

21 “(vii) development of flood hazard
22 data where it is outdated or does not cur-
23 rently exist; and

1 “(viii) staffing, training, or retention
2 of emergency management and floodplain
3 management personnel.

4 “(E) TERRITORIAL GOVERNMENT.—The
5 term ‘territorial government’ means the govern-
6 ment of the Commonwealth of Puerto Rico,
7 Guam, the Commonwealth of the Northern
8 Mariana Islands, the United States Virgin Is-
9 lands, or American Samoa.”.

10 **SEC. 8. CONFORMING AMENDMENT REGARDING COST-**
11 **SHARED MITIGATION ACTIVITIES.**

12 Section 203(h) of the Robert T. Stafford Disaster
13 Relief and Emergency Assistance Act (42 U.S.C. 5133(h))
14 is amended—

15 (1) in paragraph (1) by striking “mitigation ac-
16 tivities approved by the President” and inserting
17 “mitigation projects funded under this section”; and

18 (2) in paragraph (2) by striking “the President
19 may contribute up to” and inserting “the Federal
20 share of a project carried out with funds provided
21 under this section may be up to”.

22 **SEC. 9. BRIC SET-ASIDE.**

23 Section 203(i) of the Robert T. Stafford Disaster Re-
24 lief and Emergency Assistance Act (42 U.S.C. 5133(i))

1 is amended by striking paragraph (1) and inserting the
2 following:

3 “(1) IN GENERAL.—The President shall set
4 aside an amount equal to 10 percent of the aggregate
5 amount of appropriations to the Disaster Relief
6 Fund from the previous fiscal year in order to provide
7 technical and financial assistance under this
8 section.”.

9 **SEC. 10. SMALL PROJECT SET-ASIDE AND STREAMLINED**
10 **TRACK.**

11 Section 203 of the Robert T. Stafford Disaster Relief
12 and Emergency Assistance Act (42 U.S.C. 5133) is further
13 amended by adding at the end the following:

14 “(m) SMALL PROJECT SET-ASIDE AND STREAM-
15 LINED TRACK.—

16 “(1) SET-ASIDE.—Of amounts made available
17 for grants under this section for a fiscal year, including
18 amounts made available under subsection
19 (g), each State and Indian tribal government shall
20 reserve not less than 15 percent of its annual allocation
21 for small project subgrants as described in this
22 subsection.

23 “(2) ELIGIBILITY.—A small project subgrant is
24 a subgrant for a single project with a total cost of
25 not more than \$500,000, including projects for—

1 “(A) culvert replacement, upsizing, or re-
2 moval;

3 “(B) roadway drainage crossing improve-
4 ments;

5 “(C) small-scale stormwater conveyance or
6 retention infrastructure;

7 “(D) stream crossing and ford stabiliza-
8 tion; and

9 “(E) other small flood mitigation improve-
10 ments or improvements to reduce risk to other
11 hazards as determined by the President.

12 “(3) STREAMLINED APPLICATION.—States and
13 Indian tribal governments shall develop a stream-
14 lined application form and review process for small
15 project subgrants that—

16 “(A) does not require a benefit-cost anal-
17 ysis for projects with a total cost of less than
18 \$200,000;

19 “(B) limits application materials to a
20 project description, site map, cost estimate, and
21 attestation of eligibility; and

22 “(C) requires a State or Indian tribal gov-
23 ernments decision within 60 days of receipt of
24 a complete application.

1 “(4) CARRYOVER.—Unexpended small project
2 set-aside funds in any fiscal year shall be available
3 in the subsequent fiscal year for any eligible
4 subgrant under this subsection.”.

5 **SEC. 11. REGULATIONS.**

6 Not later than 180 days after the date of enactment
7 of this Act, the President shall issue such regulations as
8 are necessary to carry out this Act and the amendments
9 made by this Act.

10 **SEC. 12. CONFORMING AMENDMENT TO THE DISASTER RE-**
11 **LIEF FUND.**

12 The Administrator of the Federal Emergency Man-
13 agement Agency shall transfer to the SAFE Rural Fund
14 established under section 203(f) of the Robert T. Stafford
15 Disaster Relief and Emergency Assistance Act, as added
16 by this Act, an amount equal to 2 percent of amounts in
17 the Disaster Relief Fund as of the date of enactment of
18 this Act.