

119TH CONGRESS
1ST SESSION

S. _____

To authorize the Federal Emergency Management Agency to waive certain requirements for property acquisition and structure demolition or relocation projects.

IN THE SENATE OF THE UNITED STATES

Mr. LANKFORD introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To authorize the Federal Emergency Management Agency to waive certain requirements for property acquisition and structure demolition or relocation projects.

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 “Expediting Hazard
5 Mitigation Assistance Projects Act”.

6 **SEC. 2. STREAMLINED PROCEDURES.**

7 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Emergency Management Agency.

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

6 (A) relating to—

7 (i) property acquisition and structure
8 demolition; or

9 (ii) relocation; and

10 (B) performed with assistance awarded
11 under—

12 (i) section 404 of the Robert T. Staf-
13 ford Disaster Relief and Emergency Assist-
14 ance Act (42 U.S.C. 5170c);

15 (ii) section 203 of the Robert T. Staf-
16 ford Disaster Relief and Emergency Assist-
17 ance Act (42 U.S.C. 5133); or

18 (iii) the flood mitigation assistance
19 program carried out under section 1366 of
20 the National Flood Insurance Act of 1968
21 (42 U.S.C. 4104c).

22 (b) PROPERTY ACQUISITION AND STRUCTURE DEMO-
23 LITION OR RELOCATION ASSISTANCE WAIVERS.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 with respect to a covered project, the Administrator

1 may waive or reduce any applicable environmental or
2 historic preservation requirements of—

3 (A) the National Environmental Policy Act
4 of 1969 (42 U.S.C. 4321 et seq.);

5 (B) division A of subtitle III of title 54,
6 United States Code (commonly referred to as
7 the “National Historic Preservation Act”);

8 (C) the Endangered Species Act of 1973
9 (16 U.S.C. 1531 et seq.);

10 (D) the Federal Water Pollution Control
11 Act (33 U.S.C. 1251 et seq.) (commonly re-
12 ferred to as the “Clean Water Act”);

13 (E) the Clean Air Act (42 U.S.C. 7401 et
14 seq.);

15 (F) the Act of March 3, 1899 (30 Stat.
16 1121, chapter 425; 33 U.S.C. 403 et seq.)
17 (commonly referred to as the “Rivers and Har-
18 bors Act of 1899”);

19 (G) Executive Order 11988 (42 Fed. Reg.
20 26951; relating to floodplain management);

21 (H) Executive Order 11990 (42 Fed. Reg.
22 26291; relating to the protection of wetlands);

23 (I) the Coastal Zone Management Act of
24 1972 (16 U.S.C. 1451 et seq.);

1 (J) the Costal Barrier Resources Act (16
2 U.S.C. 3501 et seq.);

3 (K) the Farmland Protection Policy Act (7
4 U.S.C. 4201 et seq.);

5 (L) the Comprehensive Environmental Re-
6 sponse, Compensation, and Liability Act of
7 1980 (42 U.S.C. 9601 et seq.);

8 (M) the Solid Waste Disposal Act (42
9 U.S.C. 6901 et seq.) (commonly referred to as
10 the “Resource Conservation and Recovery Act
11 of 1976”); or

12 (N) any other relevant environmental or
13 historic preservation requirement determined
14 appropriate by the Administrator.

15 (2) CONSULTATION; CONSIDERATIONS.—Before
16 waiving or reducing requirements for a covered
17 project under paragraph (1), the Administrator
18 shall—

19 (A) conduct a consultation, the duration of
20 which shall be not more than 30 days, with—

21 (i) appropriate State and local offi-
22 cials with jurisdiction over the area in
23 which the covered project is performed
24 with respect to the necessity of the waiver
25 or reduction; and

1 (ii) other individuals determined ap-
2 propriate by the Administrator; and

3 (B) consider—

4 (i) the covered project;

5 (ii) the recovery process for individ-
6 uals or communities responding to or pre-
7 paring for a major disaster;

8 (iii) whether the waiver or reduction
9 could cause serious environmental issues
10 that, in the absence of the waiver or reduc-
11 tion, would be reasonably foreseeable;

12 (iv) whether the property on which the
13 covered project is being performed is dam-
14 aged to an extent to which there is no
15 longer any historic preservation value;

16 (v) with respect to a covered project
17 being performed in an area a reasonable
18 distance from an area for which a review
19 under the National Environmental Policy
20 Act of 1969 (42 U.S.C. 4321 et seq.) or
21 division A of subtitle III of title 54, United
22 States Code has previously occurred,
23 whether the previous review is sufficient
24 for meeting the requirements of that Act
25 or that division; and

1 (vi) any other relevant factor.

2 (c) HAZARD MITIGATION.—Section 404(b)(1) of the
3 Robert T. Stafford Disaster Relief and Emergency Assist-
4 ance Act (42 U.S.C. 5170c(b)(1)) is amended by striking
5 “property acquisition and relocation assistance” and in-
6 serting “property acquisition and structure demolition or
7 relocation assistance”.

8 (d) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, and annually thereafter until the
10 date that is 5 years after the date of enactment of this
11 Act, the Administrator shall submit to the Committee on
12 Homeland Security and Governmental Affairs of the Sen-
13 ate and the Committee on Transportation and Infrastruc-
14 ture of the House of Representatives a report that in-
15 cludes, with respect to the 1-year period preceding the
16 date of the report—

17 (1) a summary of the reasons for waiving or re-
18 ducing requirements in accordance with subsection
19 (b)(1);

20 (2) the extent to which the authority to waive
21 or reduce requirements under subsection (b)(1) ex-
22 pedited or otherwise enhanced the property acquisi-
23 tion process of the Federal Emergency Management
24 Agency;

1 (3) whether the Administrator recommends ad-
2 ditional waiver authority from other statutory or
3 regulatory requirements relating to the environment
4 or historic preservation; and

5 (4) any other matter determined appropriate by
6 the Administrator.

7 (e) REGULATIONS.—The Administrator shall promul-
8 gate regulations to carry out this Act.