SEC. 1640. PROMOTING RESILIENT OPERATIONS FOR
TRANSFORMATIVE, EFFICIENT, AND COST-
SAVING TRANSPORTATION (PROTECT) GRANT
PROGRAM.

(a) In general.—Chapter 1 of title 23, United
States Code, is amended by adding at the end the fol-
lowing:

“§ 174. Promoting Resilient Operations for Trans-
formative, Efficient, and Cost-saving
Transportation (PROTECT) grant pro-
gram

“(a) Definitions.—In this section:

“(1) Emergency event.—The term ‘emer-
gency event’ means a natural disaster or cata-
strophic failure or an imminent natural disaster or
catastrophic failure resulting in—

“(A) an emergency declared by the Gov-
ernor of the State in which the disaster or fail-
ure occurred or will occur; or
“(B) an emergency or disaster declared by
the President pursuant to the Robert T. Staff-
ford Disaster Relief and Emergency Assistance
Act (42 U.S.C. 5121 et seq.).
“(2) EVACUATION ROUTE.—The term ‘evacu-
ation route’ means a transportation route or system
that—
“(A) is owned, operated, or maintained by
a Federal, State, Indian Tribe, or local govern-
ment or a private entity;
“(B) is used—
“(i) to transport the public away from
emergency events; or
“(ii) to transport emergency respond-
ers and recovery resources; and
“(C) is designated by the eligible entity
with jurisdiction over the area in which the
route is located for the purposes described in
subparagraph (B).
“(3) PROGRAM.—The term ‘program’ means
the grant program established under subsection
(b)(1).
“(4) RESILIENCE IMPROVEMENT.—The term
‘resilience improvement’ means the use of materials
or structural or nonstructural techniques, including
natural infrastructure—
“(A) that allow a project—
“(i) to better anticipate, prepare for, and adapt to changing conditions and to withstand and respond to disruptions; or
“(ii) to be better able to continue to serve the primary function of the project during and after weather events and natural disasters for the expected life of the project; or
“(B) that—
“(i) reduce the cost, magnitude and duration of impacts of current and future weather events and natural disasters to a project; or
“(ii) have the absorptive capacity, adaptive capacity, and recoverability to decrease project vulnerability to current and future weather events or natural disasters.
“(b) ESTABLISHMENT.—
“(1) IN GENERAL.—The Secretary shall establish a grant program, to be known as the ‘Promoting Resilient Operations for Transformative, Efficient,
and Cost-saving Transportation grant program’ or the ‘PROTECT grant program’.

“(2) PURPOSE.—The purpose of the program is to provide grants for resilience improvements through—

“(A) formula funding distributed to States;

“(B) competitive planning grants to enable communities to assess vulnerabilities to current and future weather events and natural disasters and changing conditions, including sea level rise, and plan infrastructure improvements and emergency response strategies to address those vulnerabilities; and

“(C) competitive resilience improvement grants to protect—

“(i) infrastructure assets by making the assets more resilient to current and future weather events and natural disasters, including severe storms, flooding, tornados, drought, levee and dam failures, wildfire, landslides, sea level rise, extreme weather, including extreme temperature, and earthquakes;

“(ii) communities through resilience improvements and strategies that allow for
the continued operation or rapid recovery of surface transportation systems that—

“(I) serve critical local, regional, and national needs, including evacuation routes; and

“(II) provide access or service to hospitals and other medical or emergency service facilities, major employers, critical manufacturing centers, ports and intermodal facilities, utilities, and Federal facilities;

“(iii) coastal infrastructure, such as a tide gate, that is at long-term risk to sea level rise; and

“(iv) natural infrastructure that protects and enhances surface transportation assets while improving ecosystem conditions, including culverts that ensure adequate flows in rivers and estuarine systems.

“(c) FORMULA AWARDS.—

“(1) DISTRIBUTION OF FUNDS TO STATES.—

“(A) IN GENERAL.—For each fiscal year, the Secretary shall distribute among the States the amounts made available to carry out this
subsection for that fiscal year in accordance
with subparagraph (B).

“(B) DISTRIBUTION.—The amount for
each State shall be determined by multiplying
the total amount made available to carry out
this subsection for the applicable fiscal year by
the ratio that—

“(i) the total base apportionment for
the State under section 104(e); bears to
“(ii) the total base apportionments for
all States under section 104(e).

“(2) ELIGIBLE ACTIVITIES.—

“(A) IN GENERAL.—Except as provided in
subparagraph (B), a State shall use funds made
available under paragraph (1) to carry out ac-
tivities eligible under subparagraph (A), (B), or
(C) of subsection (d)(4).

“(B) PLANNING SET-ASIDE.—Of the
amounts made available to each State under
paragraph (1) for each fiscal year, not less than
2 percent shall be for activities described in
subsection (d)(3).

“(3) REQUIREMENTS.—

“(A) PROJECTS IN CERTAIN AREAS.—If a
project under this subsection is carried out, in
whole or in part, within a base floodplain, the State shall—

“(i) identify the base floodplain in which the project is to be located and disclose that information to the Secretary; and

“(ii) indicate to the Secretary whether the State plans to implement 1 or more components of the risk mitigation plan under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) with respect to the area.

“(B) ELIGIBILITIES.—A State shall use funds made available under paragraph (1) for—

“(i) a highway project eligible for assistance under this title;

“(ii) a public transportation facility or service eligible for assistance under chapter 53 of title 49; or

“(iii) a facility or service for intercity rail passenger transportation (as defined in section 24102 of title 49).

“(C) SYSTEM RESILIENCE.—A project carried out by a State with funds made available
under this subsection may include, consistent with State hazard mitigation plans, the use of natural infrastructure or the construction or modification of storm surge, flood protection, or aquatic ecosystem restoration elements that are functionally connected to a transportation improvement, such as—

“(i) increasing marsh health and total area adjacent to a highway right-of-way to promote additional flood storage;

“(ii) upgrades to and installation of culverts designed to withstand 100-year flood events;

“(iii) upgrades to and installation of tide gates to protect highways; and

“(iv) upgrades to and installation of flood gates to protect tunnel entrances.

“(D) Federal cost share.—

“(i) In general.—Except as provided in subsection (f)(1), the Federal share of the cost of a project carried out using funds made available under paragraph (1) shall not exceed 80 percent of the total project cost.
“(ii) NON-FEDERAL SHARE.—A State may use Federal funds other than Federal funds made available under this subsection to meet the non-Federal cost share requirement for a project under this subsection.

“(E) ELIGIBLE PROJECT COSTS.—

“(i) IN GENERAL.—Except as provided in clause (ii), eligible project costs for activities carried out by a State with funds made available under paragraph (1) may include the costs of—

“(I) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

“(II) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improv-
ing system performance, and operational improvements.

“(ii) Eligible Planning Costs.—In the case of a planning activity described in subsection (d)(3) that is carried out by a State with funds made available under paragraph (1), eligible costs may include development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, other preconstruction activities, and other activities consistent with carrying out the purposes of subsection (d)(3).

“(F) Limitations.—In carrying out this subsection, a State—

“(i) may use not more than 25 percent of the amounts made available under this subsection for the construction of new capacity so long as such inclusion is cost-effective and is directly related to the underlying project; and

“(ii) may use not more than 10 percent of the amounts made available under
this subsection for activities described in
subparagraph (E)(i)(I).

“(d) COMPETITIVE AWARDS.—

“(1) IN GENERAL.—In addition to funds dis-
dtributed to States under subsection (c)(1), the Sec-
retary shall provide grants on a competitive basis
under this subsection to eligible entities described in
paragraph (2).

“(2) ELIGIBLE ENTITIES.—The Secretary may
make a grant under this subsection to any of the fol-
owing:

“(A) A State or political subdivision of a
State.

“(B) A metropolitan planning organiza-
tion.

“(C) A unit of local government.

“(D) A special purpose district or public
authority with a transportation function, includ-
ing a port authority.

“(E) An Indian tribe (as defined in section
207(m)(1)).

“(F) A Federal land management agency
that applies jointly with a State or group of
States.
“(G) A multi-State or multijurisdictional group of entities described in subparagraphs (A) through (F).

“(3) PLANNING GRANTS.—Using funds made available for purposes under this subsection, the Secretary shall provide planning grants to eligible entities for the purpose of—

“(A) in the case of a State or metropolitan planning organization, developing a resilience improvement plan under subsection (f)(2);

“(B) resilience planning, predesign, design, or the development of data tools to simulate transportation disruption scenarios, including vulnerability assessments;

“(C) technical capacity building by the eligible entity to facilitate the ability of the eligible entity to assess the vulnerabilities of the infrastructure assets and community response strategies of the eligible entity under current conditions and a range of potential future conditions; or

“(D) evacuation planning and preparation.

“(4) RESILIENCE GRANTS.—

“(A) RESILIENCE IMPROVEMENT GRANTS.—
“(i) IN GENERAL.—Using funds made available for purposes under this subsection, the Secretary shall provide resilience improvement grants to eligible entities to carry out 1 or more eligible activities under clause (ii).

“(ii) ELIGIBLE ACTIVITIES.—

“(I) IN GENERAL.—An eligible entity may use a resilience improvement grant under this subparagraph for 1 or more construction activities to enable an existing surface transportation infrastructure asset to withstand or reduce the costs and impact of 1 or more elements of a weather event or natural disaster, or to increase the resilience of surface transportation infrastructure from the costs and impacts of changing conditions, such as sea level rise, flooding, extreme weather events, and other natural disasters.

“(II) INCLUSIONS.—An activity eligible to be carried out under this subparagraph includes—
“(aa) resurfacing, restoration, rehabilitation, reconstruction, replacement, improvement, or realignment of an existing surface transportation facility eligible for assistance under this title;

“(bb) the incorporation of natural infrastructure;

“(cc) the upgrade of an existing surface transportation facility to meet or exceed Federal Highway Administration approved design standards;

“(dd) the installation of mitigation measures that prevent the intrusion of floodwaters into surface transportation systems;

“(ee) strengthening systems that remove rainwater from surface transportation facilities;

“(ff) a resilience project that addresses identified vulnerabilities described in the resilience improvement plan of the eligible entity, if applicable;
“(gg) relocating roadways in a base floodplain to higher ground above projected flood elevation levels, or away from slide prone areas;

“(hh) stabilizing slide areas or slopes;

“(ii) installing riprap;

“(jj) lengthening or raising bridges to increase waterway openings, including to respond to extreme weather;

“(kk) deepening channels to prevent flooding;

“(ll) increasing the size or number of drainage structures;

“(mm) installing seismic retrofits on bridges;

“(nn) adding scour protection at bridges;

“(oo) adding scour, stream stability, coastal, and other hydraulic countermeasures, including spur dikes; and

“(pp) installing seismic retrofits on bridges;
“(pp) any other protective features, including natural infra-
structure, as determined by the Secretary.

“(iii) PRIORITY.—The Secretary shall prioritize a resilience improvement grant to an eligible entity if—

“(I) the Secretary determines—

“(aa) the benefits of the eligible activity proposed to be carried out by the eligible entity exceed the costs of the activity; and

“(bb) there is a need to address the vulnerabilities of infrastructure assets of the eligible entity with a high risk of, and impacts associated with, failure due to the impacts of weather events, natural disasters, or changing conditions, such as sea level rise and increased flood risk; or

“(II) the eligible activity proposed to be carried out by the eligible entity is included in the applicable re-
silence improvement plan under sub-section (f)(2).

“(B) COMMUNITY RESILIENCE AND EVACUATION ROUTE GRANTS.—

“(i) IN GENERAL.—Using funds made available for purposes under this sub-section, the Secretary shall provide community resilience and evacuation route grants to eligible entities to carry out 1 or more eligible activities under clause (ii).

“(ii) ELIGIBLE ACTIVITIES.—An eligible entity may use a community resilience and evacuation route grant under this subparagraph for 1 or more projects that strengthen and protect evacuation routes that are essential for providing and supporting evacuations caused by emergency events, including a project that—

“(I) is an eligible activity under subparagraph (A)(ii), if that eligible activity will improve an evacuation route;

“(II) ensures the ability of the evacuation route to provide safe passage during an evacuation and re-
duces the risk of damage to evacuation routes as a result of future emergency events, including restoring or replacing existing evacuation routes that are in poor condition or not designed to meet the anticipated demand during an emergency event, and including steps to protect routes from mud, rock, or other debris slides;

“(III) if the Secretary determines that existing evacuation routes are not sufficient to adequately facilitate evacuations, including the transportation of emergency responders and recovery resources, expands the capacity of evacuation routes to swiftly and safely accommodate evacuations, including installation of—

“(aa) communications and intelligent transportation system equipment and infrastructure;

“(bb) counterflow measures;

or

“(cc) shoulders;

“(IV) is for the construction of—
“(aa) new or redundant evacuation routes, if the Secretary determines that existing evacuation routes are not sufficient to adequately facilitate evacuations, including the transportation of emergency responders and recovery resources; or

“(bb) sheltering facilities that are functionally connected to an eligible project;

“(V) is for the acquisition of evacuation route or traffic incident management equipment, vehicles, or signage; or

“(VI) will ensure access or service to critical destinations, including hospitals and other medical or emergency service facilities, major employers, critical manufacturing centers, ports and intermodal facilities, utilities, and Federal facilities.

“(iii) PRIORITY.—The Secretary shall prioritize community resilience and evacuation route grants under this subpara-
graph for eligible activities that are cost-effective, as determined by the Secretary, taking into account—

“(I) current and future vulnerabilities to an evacuation route due to future occurrence or recurrence of emergency events that are likely to occur in the geographic area in which the evacuation route is located; and

“(II) projected changes in development patterns, demographics, and extreme weather events based on the best available evidence and analysis.

“(iv) CONSULTATION.—In providing grants for community resilience and evacuation routes under this subparagraph, the Secretary shall consult with the Administrator of the Federal Emergency Management Agency, who shall provide technical assistance to the Secretary and to eligible entities.

“(C) AT-RISK COASTAL INFRASTRUCTURE GRANTS.—
“(i) **DEFINITION OF COASTAL STATE.**—In this subparagraph, the term ‘coastal State’ means—

“(I) a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes;

“(II) the United States Virgin Islands;

“(III) Guam;

“(IV) American Samoa;

“(V) the Commonwealth of the Northern Mariana Islands; and

“(VI) Puerto Rico.

“(ii) **GRANTS.**—Using funds made available for purposes under this subsection, the Secretary shall provide at-risk coastal infrastructure grants to eligible entities in coastal States to carry out 1 or more eligible activities under clause (iii).

“(iii) **ELIGIBLE ACTIVITIES.**—An eligible entity may use an at-risk coastal infrastructure grant under this subparagraph for strengthening, stabilizing, hard-
ening, elevating, relocating, or otherwise enhancing the resilience of highway and non-rail infrastructure, including bridges, roads, pedestrian walkways, and bicycle lanes, and associated infrastructure, such as culverts and tide gates, that are subject to, or face increased long-term future risks of, a weather event, a natural disaster, or changing conditions, including coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

“(iv) CRITERIA.—The Secretary shall provide at-risk coastal infrastructure grants under this subparagraph for a project—

“(I) that addresses the risks from a current or future weather event or natural disaster, including coastal flooding, coastal erosion, wave action, storm surge, or sea level rise; and
“(II) that reduces long-term infrastructure costs by avoiding larger future maintenance or rebuilding costs.

“(v) COASTAL BENEFITS.—In addition to the criteria under clause (iv), for the purpose of providing at-risk coastal infrastructure grants under this subparagraph, the Secretary shall evaluate the extent to which a project will provide—

“(I) access to coastal homes, businesses, communities, and other critical infrastructure, including access by first responders and other emergency personnel; or

“(II) access to a designated evacuation route.

“(5) GRANT REQUIREMENTS.—

“(A) SOLICITATIONS FOR GRANTS.—In providing grants under this subsection, the Secretary shall conduct a transparent and competitive national solicitation process to select eligible projects to receive grants under paragraph (3) and subparagraphs (A), (B), and (C) of paragraph (4).
“(B) APPLICATIONS.—

“(i) IN GENERAL.—To be eligible to receive a grant under paragraph (3) or subparagraph (A), (B), or (C) of paragraph (4), an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines to be necessary.

“(ii) PROJECTS IN CERTAIN AREAS.—

If a project is proposed to be carried out by the eligible entity, in whole or in part, within a base floodplain, the eligible entity shall—

“(I) as part of the application, identify the floodplain in which the project is to be located and disclose that information to the Secretary; and

“(II) indicate in the application whether, if selected, the eligible entity will implement 1 or more components of the risk mitigation plan under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assist-
ance Act (42 U.S.C. 5165) with re-
spect to the area.

“(C) ELIGIBILITIES.—The Secretary may
make a grant under paragraph (3) or subpara-
graph (A), (B), or (C) of paragraph (4) only
for—

“(i) a highway project eligible for as-
sistance under this title;

“(ii) a public transportation facility or
service eligible for assistance under chapter
53 of title 49; or

“(iii) a facility or service for intercity
rail passenger transportation (as defined in
section 24102 of title 49).

“(D) SYSTEM RESILIENCE.—A project for
which a grant is provided under paragraph (3)
or subparagraph (A), (B), or (C) of paragraph
(4) may include the use of natural infrastruc-
ture or the construction or modification of
storm surge, flood protection, or aquatic eco-
system restoration elements that the Secretary
determines are functionally connected to a
transportation improvement, such as—
“(i) increasing marsh health and total area adjacent to a highway right-of-way to promote additional flood storage;

“(ii) upgrades to and installation of culverts designed to withstand 100-year flood events;

“(iii) upgrades to and installation of tide gates to protect highways; and

“(iv) upgrades to and installation of flood gates to protect tunnel entrances.

“(E) FEDERAL COST SHARE.—

“(i) PLANNING GRANT.—The Federal share of the cost of a planning activity carried out using a planning grant under paragraph (3) shall be 100 percent.

“(ii) RESILIENCE GRANTS.—

“(I) IN GENERAL.—Except as provided in subclause (II) and subsection (f)(1), the Federal share of the cost of a project carried out using a grant under subparagraph (A), (B), or (C) of paragraph (4) shall not exceed 80 percent of the total project cost.
“(II) TRIBAL PROJECTS.—On the determination of the Secretary, the Federal share of the cost of a project carried out using a grant under subparagraph (A), (B), or (C) of paragraph (4) by an Indian tribe (as defined in section 207(m)(1)) may be up to 100 percent.

“(iii) NON-FEDERAL SHARE.—The eligible entity may use Federal funds other than Federal funds provided under this subsection to meet the non-Federal cost share requirement for a project carried out with a grant under this subsection.

“(F) ELIGIBLE PROJECT COSTS.—

“(i) RESILIENCE GRANT PROJECTS.—Eligible project costs for activities funded with a grant under subparagraph (A), (B), or (C) of paragraph (4) may include the costs of—

“(I) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineer-
ing and design work, and other
preconstruction activities; and

“(II) construction, reconstruction, rehabilitation, and acquisition of
real property (including land related
to the project and improvements to
land), environmental mitigation, con-
struction contingencies, acquisition of
equipment directly related to impro-
ing system performance, and oper-
ational improvements.

“(ii) PLANNING GRANTS.—Eligible
project costs for activities funded with a
grant under paragraph (3) may include the
costs of development phase activities, in-
cluding planning, feasibility analysis, rev-
ue forecasting, environmental review,
preliminary engineering and design work,
other preconstruction activities, and other
activities consistent with carrying out the
purposes of that paragraph.

“(G) LIMITATIONS.—An eligible entity
that receives a grant under subparagraph (A),
(B), or (C) of paragraph (4)—
“(i) may use not more than 25 percent of the amount of the grant for the construction of new capacity so long as such inclusion is cost-effective and is directly related to the underlying project; and

“(ii) may use not more than 10 percent of the amount of the grant for activities described in subparagraph (F)(i)(I).

“(H) DISTRIBUTION OF GRANTS.—

“(i) IN GENERAL.—Subject to the availability of funds, an eligible entity may request and the Secretary may distribute funds for a grant under this subsection on a multiyear basis, as the Secretary determines to be necessary.

“(ii) RURAL SET-ASIDE.—Of the amounts made available to carry out this subsection for each fiscal year, the Secretary shall use not less than 25 percent for grants for projects located in areas that are outside an urbanized area with a population of over 200,000.

“(iii) TRIBAL SET-ASIDE.—Of the amounts made available to carry out this
subsection for each fiscal year, the Secretary shall use not less than 2 percent for grants to Indian tribes (as defined in section 207(m)(1)).

“(iv) REALLOCATION.—For any fiscal year, if the Secretary determines that the amount described in clause (ii) or (iii) will not be fully utilized for the grant described in that clause, the Secretary may reallocate the unutilized funds to provide grants to other eligible entities under this subsection.

“(e) CONSULTATION.—In carrying out the program, the Secretary shall—

“(1) consult with the Assistant Secretary of the Army for Civil Works, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and the Secretary of Commerce; and

“(2) solicit technical support from the Administrator of the Federal Emergency Management Agency.

“(f) RESILIENCE IMPROVEMENT PLAN AND LOWER NON-FEDERAL SHARE.—

“(1) FEDERAL SHARE REDUCTIONS.—

“(A) IN GENERAL.—A State that receives funds under subsection (e) or an eligible entity
that receives a grant under subsection (d) shall have the non-Federal share of a project carried out with the funds or grant, as applicable, reduced by an amount described in subparagraph (B) if the State or eligible entity meets the applicable requirements under that subparagraph.

“(B) AMOUNT OF REDUCTIONS.—

“(i) RESILIENCE IMPROVEMENT PLAN.—Subject to clause (iii), the amount of the non-Federal share of the costs of a project carried out with funds under subsection (c) or a grant under subsection (d) shall be reduced by 7 percentage points if—

“(I) in the case of a State or an eligible entity that is a State or a metropolitan planning organization, the State or eligible entity has—

“(aa) developed a resilience improvement plan in accordance with this subsection; and

“(bb) prioritized the project on that resilience improvement plan; and
“(II) in the case of an eligible entity not described in subclause (I), the eligible entity is located in a State or an area served by a metropolitan planning organization that has—

“(aa) developed a resilience improvement plan in accordance with this subsection; and

“(bb) prioritized the project on that resilience improvement plan.

“(ii) INCORPORATION OF RESILIENCE IMPROVEMENT PLAN IN OTHER PLANNING.—Subject to clause (iii), the amount of the non-Federal share of the cost of a project carried out with funds under subsection (c) or a grant under subsection (d) shall be reduced by 3 percentage points if—

“(I) in the case of a State or an eligible entity that is a State or a metropolitan planning organization, the resilience improvement plan developed in accordance with this subsection has been incorporated into the
metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable; and

“(II) in the case of an eligible entity not described in subclause (I), the eligible entity is located in a State or an area served by a metropolitan planning organization that incorporated a resilience improvement plan into the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable.

“(iii) LIMITATIONS.—

“(I) MAXIMUM REDUCTION.—A State or eligible entity may not receive a reduction under this paragraph of more than 10 percentage points for any single project carried out with funds under subsection (c) or a grant under subsection (d).

“(II) NO NEGATIVE NON-FEDERAL SHARE.—A reduction under this paragraph shall not reduce the non-
Federal share of the costs of a project carried out with funds under subsection (c) or a grant under subsection (d) to an amount that is less than zero.

“(2) PLAN CONTENTS.—A resilience improvement plan referred to in paragraph (1)—

“(A) shall be for the immediate and long-range planning activities and investments of the State or metropolitan planning organization with respect to resilience;

“(B) shall demonstrate a systemic approach to transportation system resilience and be consistent with and complementary of the State and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165);

“(C) shall—

“(i) include a risk-based assessment of vulnerabilities of transportation assets and systems to current and future extreme weather events and natural disasters, including severe storms, flooding, tornados, drought, levee and dam failures, wildfire,
landslides, sea level rise, extreme weather events, including extreme temperatures, and earthquakes;

“(ii) designate evacuation routes and strategies, including multimodal facilities, designated with consideration for individuals without access to personal vehicles;

“(iii) plan for response to anticipated emergencies, including plans for the mobility of—

“(I) emergency response personnel and equipment; and

“(II) access to emergency services, including for vulnerable or disadvantaged populations;

“(iv) describe the resilience improvement policies, including strategies, land-use and zoning changes, investments in natural infrastructure, or performance measures that will inform the transportation investment decisions of the State or metropolitan planning organization with the goal of increasing resilience;

“(v) include an investment plan that—
“(I) includes a list of priority projects; and

“(II) describes how funds provided by a grant under the program would be invested and matched, which shall not be subject to fiscal constraint requirements; and

“(vi) use science and data and indicate the source of data and methodologies; and

“(D) shall, as appropriate—

“(i) include a description of how the plan will improve the ability of the State or metropolitan planning organization—

“(I) to respond promptly to the impacts of weather events and natural disasters; and

“(II) to be prepared for changing conditions, such as sea level rise and increased flood risk;

“(ii) describe the codes, standards, and regulatory framework, if any, adopted and enforced to ensure resilience improvements within the impacted area of pro-
posed projects included in the resilience improvement plan;

“(iii) consider the benefits of combining hard infrastructure assets, and natural infrastructure, through coordinated efforts by the Federal Government and the States;

“(iv) assess the resilience of other community assets, including buildings and housing, emergency management assets, and energy, water, and communication infrastructure;

“(v) use a long-term planning period; and

“(vi) include such other information as the eligible entity considers appropriate.

“(3) NO NEW PLANNING REQUIREMENTS.—Nothing in this section requires a metropolitan planning organization or a State to develop a resilience improvement plan or to include a resilience improvement plan under the metropolitan transportation plan under section 134 or the long-range statewide transportation plan under section 135, as applicable, of the metropolitan planning organization or State.

“(g) MONITORING.—
“(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary, in consultation with the officials described in subsection (e), shall—

“(A) establish, for the purpose of evaluating the effectiveness and impacts of projects carried out under the program—

“(i) subject to paragraph (2), transportation and any other metrics as the Secretary determines to be necessary; and

“(ii) procedures for monitoring and evaluating projects based on those metrics; and

“(B) select a representative sample of projects to evaluate based on the metrics and procedures established under subparagraph (A).

“(2) NOTICE.—Before adopting any metrics described in paragraph (1), the Secretary shall—

“(A) publish the proposed metrics in the Federal Register; and

“(B) provide to the public an opportunity for comment on the proposed metrics.

“(h) REPORTS.—

“(1) REPORTS FROM ELIGIBLE ENTITIES.—Not later than 1 year after the date on which a project
carried out under the program is completed, the en-
tity that carried out the project shall submit to the
Secretary a report on the results of the project and
the use of the funds received under the program.

“(2) Reports to Congress.—

“(A) Annual reports.—The Secretary
shall submit to the Committee on Transport-
tation and Infrastructure of the House of Rep-
resentatives and the Committee on Environ-
ment and Public Works of the Senate, and pub-
lish on the website of the Department of Trans-
portation, an annual report that describes the
implementation of the program during the pre-
ceding calendar year, including—

“(i) each project for which a grant
was provided under the program;

“(ii) information relating to project
applications received;

“(iii) the manner in which the con-
sultation requirements were implemented
under this section;

“(iv) recommendations to improve the
administration of the program, including
whether assistance from additional or
fewer agencies to carry out the program is appropriate;

“(v) the period required to disburse grant funds to recipients based on applicable Federal coordination requirements; and

“(vi) a list of facilities that repeatedly require repair or reconstruction due to emergency events.

“(B) FINAL REPORT.—Not later than 5 years after the date of enactment of the Resilience in Transportation Act of 2021, the Secretary shall submit to Congress a report that includes the results of the reports submitted under subparagraph (A). The Secretary shall use not more than 5 percent of the amounts made available to carry out the program for each fiscal year for the costs of administering the program, including monitoring and evaluation under subsection (g).

“(C) CONSULTATION.—In developing guidance and regulations, and in providing grants under this section, the Secretary shall consult with the Administrator of the Federal Emergency Management Agency, who shall provide
technical assistance to the Secretary and to eligi-
gible entities.”.

(b) CLERICAL AMENDMENT.—The analysis for chap-
ter 1 of title 23, United States Code, as amended by this
Act, is amended by adding at the end the following:

“174. Promoting Resilient Operations for Transformative, Efficient, and Cost-
Saving Transportation (PROTECT) grant program.”.