

116TH CONGRESS
2D SESSION

H. R. 8462

To safeguard taxpayer resources and strengthen the Nation's resilience
against severe storms and flooding.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2020

Mr. PRICE of North Carolina (for himself and Mr. ZELDIN) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To safeguard taxpayer resources and strengthen the Nation's
resilience against severe storms and flooding.

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 “Flood Resiliency and
5 Taxpayer Savings Act of 2020”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

1 (1) floods are the most common natural dis-
2 aster in the United States, causing injuries, damage,
3 and destruction in all 50 States since 2012;

4 (2) recent storms have strained the capacity of
5 many local and State governments to respond and
6 recover, necessitating significant increases in dis-
7 aster assistance from the Federal Government;

8 (3) the Congressional Budget Office has cau-
9 tioned that U.S. economic losses associated with
10 heavy precipitation, storm surges, and hurricane
11 winds could average \$54 billion every year and re-
12 quire Federal spending averaging \$17 billion per
13 year;

14 (4) according to the Federal Emergency Man-
15 agement Agency, nearly 250 weather-related disas-
16 ters in the United States have caused at least \$1 bil-
17 lion in damage each since 1980;

18 (5) since 2005 alone, Federal funding for dis-
19 aster assistance has exceeded \$450 billion, including
20 over \$19 billion in supplemental appropriations
21 signed into law in June of 2019;

22 (6) after reviewing just a portion of the Federal
23 Government property inventory, the Office of Man-
24 agement and Budget identified significant flood

1 risks, including more than \$80 billion in Federal as-
2 sets located in designated flood zones;

3 (7) a 2017 study of Federal mitigation grants
4 conducted by National Institute of Building Sciences
5 Multihazard Mitigation Council demonstrated that
6 mitigation investment can save the Nation, on aver-
7 age, \$6 in future disaster costs for every \$1 spent
8 on hazard mitigation; and

9 (8) the Government Accountability Office has
10 recommended that enhanced Federal and local ef-
11 forts to improve resilience can reduce the effects and
12 costs of future disasters.

13 (b) PURPOSE.—It is the purpose of this Act—

14 (1) to improve the resiliency of communities
15 and assets of the Federal Government against flood-
16 ing, thereby limiting damage, reducing the need to
17 rebuild after floods, and saving taxpayer dollars; and

18 (2) provide a flexible framework for full consid-
19 eration of sensible resilience alternatives without re-
20 quiring any specific construction or mitigation meth-
21 ods.

22 **SEC. 3. FLOOD RISK MANAGEMENT.**

23 (a) EVALUATION OF POTENTIAL FOR FLOODING.—

24 When carrying out an agency action involving a federally
25 funded project, the head of each agency shall evaluate the

1 potential for flooding throughout the planned lifetime or
2 duration of the federally funded project to—

3 (1) reduce the risk of financial and property
4 losses, including taxpayer losses resulting from
5 floods;

6 (2) take practicable steps toward ensuring that
7 Federal resources will be allocated to structures and
8 projects that will remain flood resistant throughout
9 their intended design life;

10 (3) preserve and utilize, to the extent reason-
11 able, the capacity of natural systems to protect
12 against the damages of flooding;

13 (4) prevent, to the extent possible, the interrup-
14 tion of critical services during flood events, including
15 the closure of strategic transportation routes, inac-
16 cessibility of health care facilities, or loss of power
17 or essential water and wastewater services; and

18 (5) minimize the impact of current and future
19 floods on human safety, health, and welfare.

20 (b) DETERMINATION REGARDING SITING IN FLOOD-
21 PLAIN.—In carrying out the review of agency actions re-
22 quired under Executive Order 11988 (42 Fed. Reg.
23 26951; relating to floodplain management), the head of
24 each agency shall determine whether the federally funded
25 project (as such term is defined in subsection (e)) under

1 review is sited in a floodplain currently or is expected to
2 lie within or take place in a floodplain during the expected
3 duration or design life of the project, taking into consider-
4 ation—

5 (1) the most recent flood insurance rate map
6 published by the Administrator of the Federal Emer-
7 gency Management Agency for the community in
8 which the project shall take place, including prelimi-
9 nary and advisory maps prepared by the Adminis-
10 trator;

11 (2) relevant and available assessments of future
12 flooding vulnerabilities conducted or used by the
13 agency, other agencies, or State or local govern-
14 ments;

15 (3) additional available information regarding
16 expected future conditions, including changes in land
17 use, watershed characteristics, and infrastructure;
18 and

19 (4) additional available hydrologic and hydrau-
20 lic data from public and private sources regarding
21 current and future flood risk, including information
22 on expected changes in precipitation patterns, ero-
23 sion, and sea level.

24 (c) ALTERNATE DESIGN LEVELS FOR RESILIENT IN-
25 FRASTRUCTURE.—If, after considering the available infor-

1 mation required under subsection (b), the head of an agen-
2 cy determines that such information is not adequate or
3 sufficiently credible to understand and characterize cur-
4 rent and future flood risks to the project, the head of the
5 agency shall use the following design standards in evalu-
6 ating resilience for or alternatives to the investment:

7 (1) NON-CRITICAL PROJECTS.—If the project
8 under review is not considered critical, the head of
9 the agency shall assume, at a minimum, that flood
10 heights would be expected to be 2 feet higher than
11 the base flood elevation for the current 1 percent an-
12 nual chance flood or the flood elevation for the cur-
13 rent 0.2 percent annual chance flood, whichever is
14 greater.

15 (2) CRITICAL PROJECTS.—If the project under
16 review is considered critical, the head of the agency
17 shall assume, at a minimum, that flood heights
18 would be expected to be 3 feet higher than the base
19 flood elevation for the current 1 percent annual
20 chance flood or 1 foot higher than the flood elevation
21 for the current 0.2 percent annual chance flood,
22 whichever is greater.

23 (3) RESILIENCE STANDARD.—In evaluating re-
24 siliance options, the flood heights specified in pre-
25 ceding paragraphs shall establish a standard design

1 level to which a structure or facility evaluated under
2 this subsection shall be made functionally resilient.
3 This may include using structural or nonstructural
4 methods to reduce or prevent damage, elevating a
5 structure, or where appropriate, designing it to
6 adapt to, withstand, and rapidly recover from the
7 corresponding flood event.

8 (4) ALTERNATIVES.—In evaluating alternatives,
9 including alternative sites and designs, the head of
10 the agency shall fully consider the ability of natural
11 systems and nature-based processes to achieve or
12 support flood risk reduction and cost savings over
13 the long term.

14 (d) GUIDELINES FOR AGENCIES.—

15 (1) GUIDELINES.—Agencies shall amend their
16 regulations and procedures to incorporate the resil-
17 ience standards established under subsections (b)
18 and (c) to establish new flood risk management
19 standards. Agency standards shall, at a minimum,
20 incorporate provisions to implement subsection (a)
21 and shall require that the construction of Federal
22 structures and facilities and construction of struc-
23 tures and facilities using Federal funds be in accord-
24 ance with the standards and criteria established
25 under subsections (b) and (c) and comply with appli-

1 cable State, local, tribal, and territorial standards
2 that exceed Federal standards and criteria. Such
3 standards shall be consistent with the purposes of
4 the National Flood Insurance Program.

5 (2) ISSUANCE.—Not later than the expiration
6 of the 18-month period beginning on the date of the
7 enactment of this Act, the Federal Interagency
8 Floodplain Management Task Force shall issue
9 guidelines to be used by agencies in meeting the re-
10 quirements of this Act.

11 (3) REQUIRED CONTENT.—At a minimum, such
12 guidelines shall—

13 (A) establish appropriate tracking and re-
14 porting procedures for agencies to follow;

15 (B) establish limits on the extent to which
16 exceptions for a particular agency may be al-
17 lowed in cases in which an exception is in the
18 interest of national security, is deemed to be an
19 emergency action, or is determined to present a
20 conflict with other existing statutory require-
21 ments.

22 (4) OTHER CONTENT.—Such guidelines may
23 also identify cases in which an agency may conduct
24 a general review of types of projects that are similar
25 or cases in which projects are of a limited duration

1 or de minimis expenditure that would allow for expedited review.
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3 (5) CONSULTATION.—In developing such guidelines, the Federal Interagency Floodplain Management Task Force shall consult with States, localities, Indian tribes, and other relevant stakeholders through listening sessions and may issue final guidelines only after an opportunity for public review and comment.
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10 (6) REPORT TO CONGRESS.—

11 (A) REQUIREMENT.—Not later than the expiration of the 2-year period beginning on the date of the enactment of this Act and not less often than annually thereafter, the Federal Interagency Floodplain Management Task Force shall submit a report to the Committees on Transportation and Infrastructure and Financial Services of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Banking, Housing, and Urban Affairs of the Senate regarding compliance by agencies with the requirements of this Act.
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1 (B) CONTENTS.—Each report submitted
2 pursuant to subparagraph (A) shall include in-
3 formation sufficient to describe—

4 (i) the number, types, and outcomes
5 of reviews conducted by individual agen-
6 cies;

7 (ii) any rulemakings, or policy or pro-
8 cedural changes made by agencies to en-
9 sure compliance with this Act; and

10 (iii) any recommendations of the Fed-
11 eral Interagency Floodplain Management
12 Task Force regarding improvements to en-
13 hance resilience from flooding and steward
14 Federal resources.

15 (e) DEFINITIONS.—In this section:

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

19 (2) AGENCY.—The term “agency” has the
20 meaning given such term in Executive Order 11988
21 (42 Fed. Reg. 26951; relating to floodplain manage-
22 ment), except that such term does not include any
23 military department other than the Army Corps of
24 Engineers.

1 (3) CRITICAL.—The term “critical” means,
2 with respect to a project of an agency, any project
3 with respect to which the head of the agency deter-
4 mines that a slight chance of flooding would present
5 an unacceptable amount of risk, as such term is de-
6 fined in section 9.4 of title 44, Code of Federal Reg-
7 ulations.

8 (4) FEDERALLY FUNDED PROJECT.—The term
9 “federally funded project” means a project for which
10 Federal funds are used for purposes of managing,
11 acquiring, or disposing of Federal lands or assets
12 and, with respect to a structure or facility, for new
13 construction, for substantial improvement, or to ad-
14 dress substantial damage. Such term does not in-
15 clude the making, insuring, guaranteeing, or
16 securitizing of residential mortgage loans for single-
17 family or multifamily housing.

18 (5) FEDERAL INTERAGENCY FLOODPLAIN MAN-
19 AGEMENT TASK FORCE.—The term “Federal Inter-
20 agency Floodplain Management Task Force” means
21 the interagency body that—

22 (A) was established in 1975;

23 (B) has been responsible for preparing re-
24 ports and guidance for a comprehensive, coordi-
25 nated approach to floodplain management;

1 (C) is chaired by the Federal Emergency
2 Management Agency; and

3 (D) includes membership from multiple
4 agencies, including the Army Corps of Engi-
5 neers, the Department of Agriculture, the De-
6 partment of Housing and Urban Development,
7 and the Department of Commerce.

8 (6) RESILIENCE.—The term “resilience” means
9 the ability to anticipate, prepare for, and adapt to
10 changing conditions and withstand and rapidly re-
11 cover from disruption due to emergencies.

12 (7) SUBSTANTIAL IMPROVEMENT; SUBSTANTIAL
13 DAMAGE.—The terms “substantial improvement”
14 and “substantial damage” mean substantial im-
15 provement and substantial damage, respectively, to
16 the extent described in section 1307(a)(2)(E) of the
17 National Flood Insurance Act of 1968 (42 U.S.C.
18 4014(a)(2)(E)).

19 (f) APPLICABILITY.—This Act shall not apply to any
20 federally funded project that has been reviewed for compli-
21 ance with Executive Order 11988 and approved by the ap-
22 propriate agency before the date of the enactment of this
23 Act.

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