

## **The Flood Resiliency and Taxpayer Savings Act of 2020**

This legislation represents a pragmatic approach to enhance the safety of federal investments and communities when building and rebuilding in flood-prone areas. Increasing resiliency will accelerate recovery while incorporating a margin of safety to save federal dollars, protect people and property from flood disasters, and leverage natural systems and other mitigation strategies to reduce flood damage.

**The Problem:** Flooding is the most common and expensive natural disaster in the United States, costing the nation more than \$845 billion in estimated losses from flood- and hurricane-related disasters since 2000, according to the National Oceanic and Atmospheric Administration<sup>1</sup>. This growing toll has strained the capacity of federal, state, and local governments to respond and recover. The federal government often pays the majority of the repair costs, sometimes paying to rebuild the same site more than once. Losses from recent disasters underscore the need for a cost-effective disaster risk management strategy to safeguard the nation's infrastructure, protect businesses and communities, and conserve taxpayer resources.

**The Legislation:** The bill directs federal agencies (excluding the military with the exception of the U.S. Army Corps of Engineers) to augment their longstanding flood review process under Executive Order 11988, promulgated in 1977, which serves as a foundational component of our national flood-preparedness framework. Specifically, the bill:

- Directs federal agencies to consider and plan for *future* flood risk as they evaluate spending federal dollars, including the entire lifespan of a project.
- Requires agency leaders, for projects that are currently or in the future will be in flood-prone areas, to use the best available data about current and future flood risk including FEMA maps, state and local data, hydrologic studies, and other information.
- In the absence of concrete data about future flood risk, it ensures that agencies incorporate appropriate safeguards to shield communities (and federal investment) from future damage and loss—such as structure elevation, hardening, nature-based systems, or other mitigation and resiliency strategies.

**A Flexible, Yet Resilient Framework:** Under current policies, agencies review projects based solely on whether a project lies within an area that has been mapped as a 1-percent-annual-chance floodplain, commonly called the 100-year floodplain. However, over and over again businesses, families, and communities have learned that this line is not a forecast. Flood risk can change over time, sometimes dramatically, not only with changing weather patterns, but also with changes in stormwater management, new construction, and other factors.

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<sup>1</sup> National Centers for Environmental Information, National Oceanic and Atmospheric Administration, "Billion-Dollar Weather and Climate Disasters: Table of Events," <https://www.ncdc.noaa.gov/billions/events/US/1980-2017>. As of March 6, 2018, estimated losses for events categorized as floods or tropical cyclones totaled \$758.2 billion. Since this table covers only those weather events with losses of \$1 billion or more, the total number of the time-period represents a conservative estimate of all flood-related costs.

This bill recognizes the uncertainty of flood mapping and calls for using available information about how risk may change over the lifetime of the project. Recognizing that adequate information may not be available in all instances, it also allows for adding a simple safety factor into the siting and design of new projects where reliable data is unavailable. The safety factor is more robust for “critical projects” as defined by FEMA, such as hospitals or nursing homes. This approach is similar to one already being employed by the military for designing new installation and infrastructure investments. Many communities across the country have already taken similar steps when it comes to local projects.

***What the Bill Doesn’t Do:*** The bill does not dictate a particular construction technique or design solution. Rather it requires project reviewers to consider how to make a project more resilient to flooding throughout its expected lifetime of the project. The provisions would apply to federal grants for new construction, as well as major improvements or repairs. It also covers projects undertaken directly by federal agencies.

- It does not expand or in any way change existing requirements for flood insurance coverage; nor does it alter flood insurance rates.
- It does not affect the issuance of federal permits, such as those required under the Clean Water Act.
- It does not alter requirements associated with home mortgages or federal crop insurance.
- It does not prohibit the installation of seawalls, jetties, levees, or other “hard armoring” approaches to flood control, but it requires consideration of nature-based approaches as alternatives or complements to such projects.
- The bill does not prohibit federal assistance for projects taking place in flood-prone areas, but it ensures that federal investments will be more effective in preventing serious flood damage and loss in the future.

***Fair Implementation:*** The Flood Resiliency and Taxpayer Savings Act places the responsibility for implementation with a longstanding interagency body: The Federal Interagency Floodplain Management (FIFM) Task Force. FIFM is chaired by FEMA, and the bill requires FIFM to consult with States, localities, Indian tribes, and other stakeholders. After opportunities for public review and comment, FIFM will issue guidelines to federal agencies for implementation of the new protections. These guidelines will address possible allowable exceptions for national security, emergency actions, or conflicts with existing law, and may also allow for expedited reviews for certain limited duration or de minimis expenditure projects. FIFM will also issue periodic reports to Congress on implementation of the guidelines, including offering recommendations for improvements to enhance resilience and protect federal investments.

***Supporting Groups and Organizations:*** American Institute of Architects; American Planning Association; American Property Casualty Insurance Association; American Public Works Association; American Society of Civil Engineers; American Society of Landscape Architects; Association of State Floodplain Managers; ConservAmerica; Council of Insurance Agents & Brokers; Enterprise Community Partners, Inc.; FreedomWorks; National Association of Mutual

Insurance Companies; National Institute of Building Sciences; National Taxpayers Union; National Wildlife Federation; Natural Resources Defense Council; R Street Institute; Reinsurance Association of America; Smart Home America; Taxpayers for Common Sense; Taxpayer Protection Alliance; The Alliance for National and Community Resilience; The Nature Conservancy; The Pew Charitable Trusts; U.S. Resiliency Council; Union of Concerned Scientists

**Questions?** If your boss would like to cosponsor the bill, or if you need more information, please contact Sean Maxwell ([Sean.Maxwell@mail.house.gov](mailto:Sean.Maxwell@mail.house.gov)) in Rep. Price's office and Conor Carney ([Conor.Carney@mail.house.gov](mailto:Conor.Carney@mail.house.gov)) in Rep. Zeldin's office.