116TH CONGRESS  
2D Session  
H. R. ______

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

IN THE HOUSE OF REPRESENTATIVES

Mr. Price of North Carolina introduced the following bill; which was referred to the Committee on _____________________

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”.

SEC. 2. FINDINGS AND PURPOSE.

7  (a) FINDINGS.—The Congress finds that—
(1) Floods are the most common natural disaster in the United States, causing injuries, damage, and destruction in all 50 states since 2012;

(2) recent storms have strained the capacity of many local and State governments to respond and recover, necessitating significant increases in disaster assistance from the Federal Government;

(3) the Congressional Budget Office has cautioned that U.S. economic losses associated with heavy precipitation, storm surges, and hurricane winds could average $54 billion every year and require Federal spending averaging $17 billion per year;

(4) according to the Federal Emergency Management Agency, nearly 250 weather-related disasters in the United States have caused at least $1 billion in damage each since 1980;

(5) since 2005 alone, Federal funding for disaster assistance has exceeded $450 billion, including over $19 billion in supplemental appropriations signed into law in June of 2019;

(6) after reviewing just a portion of the Federal Government property inventory, the Office of Management and Budget identified significant flood
risks, including more than $80 billion in Federal assets located in designated
flood zones;

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

(8) the Government Accountability Office has recommended that enhanced
Federal and local efforts to improve resilience can reduce the effects and
costs of future disasters.

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

(1) to improve the resiliency of communities
and assets of the Federal Government against flooding, thereby limiting
damage, reducing the need to rebuild after floods, and saving taxpayer
dollars; and

(2) provide a flexible framework for full consideration of sensible resilience
alternatives without requiring any specific construction or mitigation
methods.

SEC. 3. FLOOD RISK MANAGEMENT.

(a) EVALUATION OF POTENTIAL FOR FLOODING.—

When carrying out an agency action involving a federally funded project, the head of each agency shall evaluate the
potential for flooding throughout the planned lifetime or
duration of the federally funded project to—

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

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

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

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

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

(b) DETERMINATION REGARDING SITING IN FLOOD-
PLAIN.—In carrying out the review of agency actions re-
quired under Executive Order 11988 (42 Fed. Reg.
26951; relating to floodplain management), the head of
each agency shall determine whether the federally funded
project (as such term is defined in subsection (e)) under
review is sited in a floodplain currently or is expected to
lie within or take place in a floodplain during the expected
duration or design life of the project, taking into consider-
ation—

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

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

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

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

(c) ALTERNATE DESIGN LEVELS FOR RESILIENT IN-
FRASTRUCTURE.—If, after considering the available infor-
mation required under subsection (b), the head of an agency determines that such information is not adequate or sufficiently credible to understand and characterize current and future flood risks to the project, the head of the agency shall use the following design standards in evaluating resilience for or alternatives to the investment:

(1) **Non-critical projects.**—If the project under review is not considered critical, the head of the agency shall assume, at a minimum, that flood heights would be expected to be 2 feet higher than the base flood elevation for the current 1 percent annual chance flood or the flood elevation for the current 0.2 percent annual chance flood, whichever is greater.

(2) **Critical projects.**—If the project under review is considered critical, the head of the agency shall assume, at a minimum, that flood heights would be expected to be 3 feet higher than the base flood elevation for the current 1 percent annual chance flood or 1 foot higher than the flood elevation for the current 0.2 percent annual chance flood, whichever is greater.

(3) **Resilience standard.**—In evaluating resilience options, the flood heights specified in preceding paragraphs shall establish a standard design
level to which a structure or facility evaluated under this subsection shall be made functionally resilient. This may include using structural or nonstructural methods to reduce or prevent damage, elevating a structure, or where appropriate, designing it to adapt to, withstand, and rapidly recover from the corresponding flood event.

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

(d) GUIDELINES FOR AGENCIES.—

(1) GUIDELINES.—Agencies shall amend their regulations and procedures to incorporate the resilience standards established under subsections (b) and (c) to establish new flood risk management standards. Agency standards shall, at a minimum, incorporate provisions to implement subsection (a) and shall require that the construction of Federal structures and facilities and construction of structures and facilities using Federal funds be in accordance with the standards and criteria established under subsections (b) and (c) and comply with appli-
cable State, local, tribal, and territorial standards
that exceed Federal standards and criteria. Such
standards shall be consistent with the purposes of
the National Flood Insurance Program.

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

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

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

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

(4) OTHER CONTENT.—Such guidelines may
also identify cases in which an agency may conduct
a general review of types of projects that are similar
or cases in which projects are of a limited duration
or de minimis expenditure that would allow for expedited review.

(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.

(6) REPORT TO CONGRESS.—

(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.
(B) CONTENTS.—Each report submitted pursuant to subparagraph (A) shall include information sufficient to describe—

(i) the number, types, and outcomes of reviews conducted by individual agencies;

(ii) any rulemakings, or policy or procedural changes made by agencies to ensure compliance with this Act; and

(iii) any recommendations of the Federal Interagency Floodplain Management Task Force regarding improvements to enhance resilience from flooding and steward Federal resources.

(e) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) AGENCY.—The term “agency” has the meaning given such term in Executive Order 11988 (42 Fed. Reg. 26951; relating to floodplain management), except that such term does not include any military department other than the Army Corps of Engineers.
(3) **Critical.**—The term “critical” means, with respect to a project of an agency, any project with respect to which the head of the agency determines that a slight chance of flooding would present an unacceptable amount of risk, as such term is defined in section 9.4 of title 44, Code of Federal Regulations.

(4) **Federally funded project.**—The term “federally funded project” means a project for which Federal funds are used for purposes of managing, acquiring, or disposing of Federal lands or assets and, with respect to a structure or facility, for new construction, for substantial improvement, or to address substantial damage. Such term does not include the making, insuring, guaranteeing, or securitizing of residential mortgage loans for single-family or multifamily housing.

(5) **Federal interagency floodplain management task force.**—The term “Federal Interagency Floodplain Management Task Force” means the interagency body that—

(A) was established in 1975;

(B) has been responsible for preparing reports and guidance for a comprehensive, coordinated approach to floodplain management;
(C) is chaired by the Federal Emergency Management Agency; and

(D) includes membership from multiple agencies, including the Army Corps of Engineers, the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Commerce.

(6) RESILIENCE.—The term “resilience” means the ability to anticipate, prepare for, and adapt to changing conditions and withstand and rapidly recover from disruption due to emergencies.

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

(f) APPLICABILITY.—This Act shall not apply to any federally funded project that has been reviewed for compliance with Executive Order 11988 and approved by the appropriate agency before the date of the enactment of this Act.