

103^D CONGRESS
1ST SESSION

H. R. 3445

To improve hazard mitigation and relocation assistance in connection with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 1993

Mr. APPLGATE (for himself, Mr. MINETA, Mr. SHUSTER, Mr. BOEHLERT, Mr. VOLKMER, Mr. DURBIN, Mr. GEPHARDT, Mr. EMERSON, Mr. COSTELLO, Ms. DANNER, Mr. WHEAT, Mr. SKELTON, Mr. TALENT, Mr. CLAY, Mr. EVANS, Mr. SMITH of Iowa, Mr. LEACH, Mr. LIGHTFOOT, and Mr. NUSSLE) introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To improve hazard mitigation and relocation assistance in connection with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes.

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 “Hazard Mitigation and
5 Flood Damage Reduction Act of 1993”.

1 **SEC. 2. HAZARD MITIGATION.**

2 (a) FEDERAL SHARE.—Section 404 of The Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5170c) is amended by striking “50 percent”
5 and inserting “75 percent”.

6 (b) TOTAL CONTRIBUTIONS.—Section 404 of such
7 Act is further amended by striking “10 percent” and in-
8 serting “15 percent”.

9 (c) APPLICABILITY.—The amendments made by this
10 section shall apply to any major disaster declared on or
11 after June 10, 1993.

12 **SEC. 3. PROPERTY ACQUISITION AND RELOCATION ASSIST-**
13 **ANCE.**

14 Section 404 of The Robert T. Stafford Disaster Re-
15 lief and Emergency Assistance Act (42 U.S.C. 5170c) is
16 further amended—

17 (1) by inserting “(a) IN GENERAL.—” before
18 “The President”; and

19 (2) by adding at the end the following:

20 “(b) PROPERTY ACQUISITION AND RELOCATION AS-
21 SISTANCE.—

22 “(1) GENERAL AUTHORITY.—In providing haz-
23 ard mitigation assistance under this section in con-
24 nection with flooding, the Director of the Federal
25 Emergency Management Agency may provide prop-
26 erty acquisition and relocation assistance for

1 projects which meet the requirements of paragraph
2 (2).

3 “(2) TERMS AND CONDITIONS.—An acquisition
4 or relocation project shall be eligible for funding
5 pursuant to paragraph (1) only if—

6 “(A) the recipient of such funding is an
7 applicant otherwise eligible under the hazard
8 mitigation grant program established under
9 subsection (a);

10 “(B) the recipient of such funding enters
11 into an agreement with the Director under
12 which the recipient provides assurances that—

13 “(i) properties acquired, accepted, or
14 from which structures will be removed
15 under the project will be dedicated and
16 maintained in perpetuity to uses which are
17 compatible with open space, recreational,
18 or wetlands management practices;

19 “(ii) new structures will not be erect-
20 ed in designated special flood hazard areas
21 other than (I) public facilities which are
22 open on all sides and functionally related
23 to a designated open space, (II) rest
24 rooms, and (III) structures which are ap-

1 proved in writing before the start of con-
2 struction by the Director; and

3 “(iii) no future disaster assistance for
4 damages relating to flooding will be sought
5 from or provided by any Federal source for
6 any property acquired or accepted under
7 the acquisition or relocation project.”.

8 **SEC. 4. FLOOD CONTROL AND FLOODPLAIN MANAGEMENT**
9 **POLICIES.**

10 (a) STUDIES.—The Secretary of the Army shall con-
11 duct studies to assess national flood control and floodplain
12 management policies.

13 (b) CONTENTS.—The studies conducted under this
14 section shall—

15 (1) identify critical water, sewer, transpor-
16 tation, and other essential public facilities which cur-
17 rently face unacceptable flood risks;

18 (2) identify high priority industrial, petrochemi-
19 cal, hazardous waste, and other facilities which re-
20 quire additional flood protection due to the special
21 health and safety risks caused by flooding;

22 (3) evaluate current Federal, State, and local
23 floodplain management requirements for infrastruc-
24 ture improvements and other development in the
25 floodplain and recommend changes to reduce the po-

1 tential loss of life, property damage, economic losses,
2 and threats to health and safety caused by flooding;

3 (4) assess the adequacy and consistency of ex-
4 isting policies on nonstructural flood control and
5 damage prevention measures and, where appro-
6 priate, identify incentives and opportunities for
7 greater use of such nonstructural measures;

8 (5) identify incentives and opportunities for en-
9 vironmental restoration as a component of the Na-
10 tion's flood control and floodplain management poli-
11 cies;

12 (6) examine the differences in Federal cost-
13 sharing for construction and maintenance of flood
14 control projects on the Upper and Lower Mississippi
15 River systems and assess the effect of such dif-
16 ferences on the level of flood protection on the
17 Upper Mississippi River and its tributaries; and

18 (7) assess current Federal policies on pre-event
19 repair and maintenance of both Federal and non-
20 Federal levees and recommend Federal and non-
21 Federal actions to help prevent the failure of these
22 levees during flooding.

23 (c) CONSULTATION.—In conducting studies under
24 this section, the Secretary of the Army shall consult the
25 heads of appropriate Federal agencies, representatives of

1 State and local governments, the agricultural community,
2 the inland waterways transportation industry, environ-
3 mental organizations, recreational interests, experts in
4 river hydrology and floodplain management, other busi-
5 ness and commercial interests, and other appropriate per-
6 sons.

7 (d) REPORT.—Not later than June 30, 1995, the
8 Secretary of the Army shall transmit to Congress a report
9 on the results of the studies conducted under this section.

10 **SEC. 5. FLOOD CONTROL MEASURES ON UPPER MIS-**
11 **SISSIPPI AND LOWER MISSOURI RIVERS AND**
12 **THEIR TRIBUTARIES.**

13 (a) STUDIES.—The Secretary of the Army shall con-
14 duct studies of the Upper Mississippi River and Lower
15 Missouri River and their tributaries to identify potential
16 solutions to flooding problems in such areas and to rec-
17 ommend specific water resources projects that would re-
18 sult in economically and environmentally justified flood
19 damage reduction measures in such areas.

20 (b) CONTENTS.—The studies conducted under this
21 section shall—

22 (1) reflect public input;

23 (2) include establishment of baseline conditions
24 to allow for a full assessment of economic and envi-
25 ronmental costs and benefits associated with flood

1 damage reduction projects and changes in land use
2 patterns;

3 (3) identify options for development of com-
4 prehensive solutions for improved long-term flood
5 plain management;

6 (4) identify feasibility studies of specific
7 projects or programs that are likely to improve flood
8 damage reduction capabilities;

9 (5) assess the impact of the current system of
10 levees and flood control projects and current water-
11 shed management and land use practices on the
12 flood levels experienced on the Upper Mississippi
13 River and Lower Missouri River and their tribu-
14 taries in 1993 and evaluate the cost-effectiveness of
15 a full range of alternative flood damage reduction
16 measures, including structural and nonstructural
17 measures, such as the preservation and restoration
18 of wetlands;

19 (6) recommend flood control improvements and
20 other flood damage reduction measures to reduce
21 economic losses, damage to public facilities, and the
22 release of hazardous materials from industrial, pe-
23 trochemical, hazardous waste, and other facilities
24 caused by flooding of the Upper Mississippi River
25 and Lower Missouri River and their tributaries; and

1 (7) assess the environmental impact of current
2 flood control measures and the flood control im-
3 provements recommended under this section.

4 (c) CONSULTATION.—In conducting studies under
5 this section, the Secretary of the Army shall consult the
6 heads of other Federal agencies with water resources and
7 floodplain management responsibilities.

8 (d) REPORT.—Not later than June 30, 1995, the
9 Secretary of the Army shall transmit to Congress a report
10 on the results of the studies conducted under this section.

11 **SEC. 6. EMERGENCY RESPONSE.**

12 Section 5(a)(1) of the Act entitled “An Act authoriz-
13 ing construction of certain public works on rivers and har-
14 bors for flood control, and for other purposes”, approved
15 August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended by
16 inserting before the first semicolon the following: “, or in
17 implementation of nonstructural alternatives to the repair
18 or restoration of such flood control work if requested by
19 the non-Federal sponsor”.

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