

Union Calendar No. 290

110TH CONGRESS
1ST SESSION

H. R. 4050

[Report No. 110-466]

To require the Administrator of the Federal Emergency Management Agency to issue guidance providing a process for consideration of the flood protections afforded by certain structures for purposes of the national flood insurance program.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2007

Ms. GIFFORDS (for herself and Mr. LATOURETTE) introduced the following bill; which was referred to the Committee on Financial Services

DECEMBER 4, 2007

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To require the Administrator of the Federal Emergency Management Agency to issue guidance providing a process for consideration of the flood protections afforded by certain structures for purposes of the national flood insurance program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Levee-Like Structure
3 Consideration Act of 2007”.

4 **SEC. 2. CONSIDERATION OF STRUCTURES NOT CERTIFI-**
5 **ABLE AS LEVEES IN FLOOD INSURANCE MAP-**
6 **PING.**

7 Not later than the expiration of the 90-day period
8 beginning upon the date of the enactment of this Act, the
9 Administrator of the Federal Emergency Management
10 Agency shall issue and make effective notice or guidance
11 providing, for purposes of determining floodplain areas
12 and flood-risk zones under the national flood insurance
13 program—

14 (1) a process by which a community may make
15 a request to the Administrator for, and obtain, a de-
16 termination of the nature and extent of any flood
17 protection afforded by any structure or feature (in-
18 cluding man-made and natural structures or fea-
19 tures) that, on the applicable flood insurance rate
20 map in effect on January 1, 2003, was recognized
21 as having some mitigating effect on flood risk, but
22 that does not meet the requirements, under the reg-
23 ulations of the Administrator (44 C.F.R. 65.10, as
24 in effect on November 1, 2007), for recognition as
25 a levee offering protection from the base flood for
26 purposes of such program, that—

1 (A) is similar to the procedure of the Ad-
2 ministrator for identifying and considering pro-
3 visionally accredited levees for purposes of such
4 program;

5 (B) provides a 24-month period that be-
6 gins upon the making of the request during
7 which—

8 (i) within 30 days after the com-
9 mencement of such period, the Adminis-
10 trator shall provisionally accredit the struc-
11 ture or feature for which the request is
12 made and shall issue an updated flood in-
13 surance map for the area whose flood risk
14 is affected by such structure or feature
15 that indicates such provisional accredita-
16 tion;

17 (ii) the community may compile and
18 submit to the Administrator, at its own ex-
19 pense, any scientific and technical informa-
20 tion appropriate in determining the nature
21 and extent of the flood protection afforded
22 by the structure or feature;

23 (iii) the Administrator shall take into
24 consideration, in revising or updating flood
25 insurance rate maps, any scientific or tech-

1 nical information submitted pursuant to
2 clause (ii) by the community; and

3 (iv) the flood insurance requirements
4 and premium rates in effect for the area
5 whose flood risk is affected by the struc-
6 ture or feature shall be the most recent
7 such requirements and rates under which
8 the flood risk mitigation effects of the
9 structure or feature were given effect; and

10 (C) provides that the Administrator shall
11 make a determination regarding the request
12 upon the expiration of such period; and

13 (2) that, upon the Administrator's determina-
14 tion pursuant to paragraph (1)(C) with respect to
15 such a structure or feature, any flood protections so
16 determined to be afforded by such structure or fea-
17 ture shall be recognized on and incorporated in any
18 revised or updated flood insurance rate maps for any
19 area whose flood risk is affected by any such struc-
20 ture or feature.

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