

111TH CONGRESS
2D SESSION

S. 3109

To require the Secretary of the Army to conduct levee system evaluations and certifications on receipt of requests from non-Federal interests.

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2010

Mr. BAUCUS (for himself and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Secretary of the Army to conduct levee system evaluations and certifications on receipt of requests from non-Federal interests.

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 “Rural Community
5 Flood Protection Act of 2010”.

6 **SEC. 2. RURAL COMMUNITY FLOOD PROTECTION.**

7 (a) IN GENERAL.—On receipt of a request from a
8 non-Federal interest, the Secretary of the Army (referred
9 to in this section as the “Secretary”) shall conduct a levee

1 system evaluation and certification of a federally author-
2 ized levee or a non-federally authorized levee for purposes
3 of the National Flood Insurance Program established
4 under chapter 1 of the National Flood Insurance Act of
5 1968 (42 U.S.C. 4011 et seq.).

6 (b) REQUIREMENTS.—A levee system evaluation and
7 certification under subsection (a) shall—

8 (1) at a minimum, comply with the require-
9 ments of section 65.10 of title 44, Code of Federal
10 Regulations (as in effect on the date of enactment
11 of this Act); and

12 (2) be carried out in accordance with such pro-
13 cedures as the Secretary, in consultation with the
14 Director of the Federal Emergency Management
15 Agency, may establish.

16 (c) COST SHARING.—

17 (1) NON-FEDERAL SHARE.—Subject to para-
18 graph (2), the non-Federal share of the cost of car-
19 rying out a levee system evaluation and certification
20 under this section shall be 35 percent.

21 (2) ADJUSTMENT.—The Secretary shall adjust
22 the non-Federal share under paragraph (1) to zero
23 if—

1 (A) the non-Federal interest is located in
2 an area with a population of 10,000 or fewer
3 individuals; or

4 (B) the division of the non-Federal interest
5 with responsibility for the applicable levee is
6 staffed by individuals operating on a volunteer
7 basis.

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