

115TH CONGRESS  
2D SESSION

# S. 2766

To require congressional notification related to current and future planning and construction of federally funded military construction projects located within 100-year floodplains.

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## IN THE SENATE OF THE UNITED STATES

APRIL 26, 2018

Mr. SCHATZ (for himself, Mr. MORAN, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To require congressional notification related to current and future planning and construction of federally funded military construction projects located within 100-year floodplains.

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 “Protecting Our Mili-  
5 tary Installations from Recurrent Floods Act of 2018”.

1 **SEC. 2. FLOOD RISK DISCLOSURE FOR MILITARY CON-**  
2 **STRUCTION.**

3 (a) **IN GENERAL.**—The Secretary of Defense shall  
4 modify Department of Defense Form 1391 to require,  
5 with respect to any proposed major or minor military con-  
6 struction project requiring congressional notification or  
7 approval, disclosure whether a proposed project will be  
8 sited within or partially within a 100-year floodplain, ac-  
9 cording to the most recent available Federal Emergency  
10 Management Agency flood hazard data.

11 (b) **DELINEATION OF FLOODPLAIN.**—To the extent  
12 that Federal Emergency Management Agency flood haz-  
13 ard data are not available for a proposed major or minor  
14 military construction site, the Secretary concerned shall  
15 establish a process for delineating the 100-year floodplain  
16 using risk analysis that is consistent with the standards  
17 used to inform Federal flood risk assessments.

18 (c) **REPORTING REQUIREMENTS.**—For proposed  
19 projects that are to be sited within or partially within a  
20 100-year floodplain, the Secretary concerned shall submit  
21 to the congressional defense committees a report with the  
22 following:

23 (1) An assessment of flood vulnerability for the  
24 proposed project.

25 (2) Any information concerning alternative con-  
26 struction sites that were considered, and an expla-

1 nation of why those sites do not satisfy mission re-  
2 quirements.

3 (3) A description of planned flood mitigation  
4 measures.

5 (d) MINIMUM FLOOD MITIGATION REQUIRE-  
6 MENTS.—When mitigating the flood risk of a major or  
7 minor military construction project within or partially  
8 within the 100-year floodplain, the Secretary concerned  
9 shall require any mitigation plan to assume an addi-  
10 tional—

11 (1) 2 feet above the base flood elevation for  
12 non-mission critical buildings, as determined by the  
13 Secretary; and

14 (2) 3 feet above the base flood elevation for  
15 mission-critical buildings, as determined by the Sec-  
16 retary.

17 (e) DEFINITIONS.—In this section, the terms “con-  
18 gressional defense committees’” and “Secretary con-  
19 cerned” have the meaning given the terms in section  
20 101(a) of title 10, United States Code.

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