

116TH CONGRESS
2D SESSION

H. R. 8071

To direct the Administrator of the Federal Emergency Management Agency to establish an emergency flood activity pilot program to assist flood response efforts in response to a levee failure or potential levee failure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 18, 2020

Mr. MCNERNEY introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Administrator of the Federal Emergency Management Agency to establish an emergency flood activity pilot program to assist flood response efforts in response to a levee failure or potential levee failure, 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 “Emergency Flood Re-
5 sponse Act”.

1 **SEC. 2. EMERGENCY FLOOD ACTIVITY PILOT PROGRAM.**

2 (a) ESTABLISHMENT.—Not later than 18 months
3 after the date of enactment of this Act, the Administrator
4 of the Federal Emergency Management Agency shall es-
5 tablish and carry out a pilot program to assist flood re-
6 sponse efforts at State and Federal regional levels in re-
7 sponse to a levee failure or potential levee failure.

8 (b) GRANTS.—In carrying out the pilot program es-
9 tablished under subsection (a), the Administrator may
10 award grants to not more than 10 eligible entities to—

11 (1) establish or maintain a flood emergency
12 fund to be used for emergency flood activities de-
13 scribed in subsection (f); and

14 (2) ensure a unified command system organiza-
15 tional framework for such activities.

16 (c) APPLICATION.—To be eligible to receive a grant
17 under this section, an eligible entity shall submit to the
18 Administrator an application at such time, in such man-
19 ner, and containing such information as the Administrator
20 may require, including the following:

21 (1) A plan describing the emergency flood ac-
22 tivities for which the funds may be used as well as
23 the levee safety plan that contains the unified com-
24 mand system that would carry out such activities.

25 (2) A scope of work and tasks, project timeline,
26 budget, and ongoing post-grant management plan.

1 (3) Information regarding what entity main-
2 tains the flood emergency fund.

3 (4) A description of non-Federal contributions
4 to the flood emergency fund.

5 (5) A description of how such plan will benefit
6 the community, environment, and economy of the
7 participating region within the legal boundaries of
8 the applicant.

9 (6) Mechanisms for long-term replenishment of
10 the flood emergency fund and a description of what
11 percentage of the fund will be used—

12 (A) to support ongoing administrative
13 project maintenance; and

14 (B) for the unified command system that
15 would use and apply the fund in a flood emer-
16 gency or post-flood recovery.

17 (d) ELIGIBILITY.—To be eligible to receive a grant
18 under this section, an eligible entity, in cooperation with
19 appropriate local, State, and Federal agencies, shall estab-
20 lish criteria and procedures for use of the entity's flood
21 emergency fund in a flood emergency.

22 (e) SELECTION.—

23 (1) IN GENERAL.—The Administrator shall
24 award grants under subsection (b) on a competitive
25 basis.

1 (2) PRIORITY.—In awarding grants under sub-
2 section (b), the Administrator shall prioritize appli-
3 cations—

4 (A) from eligible entities that represent a
5 geographically diverse cross-section of the
6 United States;

7 (B) that include opportunities to build on
8 existing Federal and non-Federal flood relief ef-
9 forts;

10 (C) from eligible entities that have a flood
11 safety plan approved by a levee maintaining
12 agency; and

13 (D) from eligible entities that have a local
14 mitigation plan regarding hazard mitigation ap-
15 proved by the Federal Emergency Management
16 Agency.

17 (f) USE OF FUNDS.—

18 (1) IN GENERAL.—Funds awarded under this
19 section may be used in the case of a flood for emer-
20 gency flood activities, including planning and pre-
21 paring to perform emergency flood activities, and to
22 support ongoing administrative project maintenance.
23 Emergency flood activities include prompt emer-
24 gency action to—

25 (A) prevent levee failure;

1 (B) close levee breaks;

2 (C) make relief cuts and dewater flooded
3 areas; and

4 (D) otherwise physically limit the extent,
5 depth, and duration of flood waters in the event
6 of a levee failure.

7 (2) LIMITATION ON USE OF FUNDS.—Funds
8 awarded under this section may not be used if—

9 (A) the emergency flood activity is required
10 by law to be performed by the Corps of Engi-
11 neers; and

12 (B) the Corps of Engineers immediately
13 exercises its authority to perform such activity.

14 (3) ADDITIONAL GUIDELINES.—The Adminis-
15 trator, in consultation with the Corps of Engineers,
16 shall establish any additional guidelines for the use
17 of funds awarded under this section.

18 (g) REIMBURSEMENT OF EXPENDITURES.—As a con-
19 dition of a grant awarded to an eligible entity under sub-
20 section (b), the Administrator shall ensure that, following
21 an expenditure of funds from the entity's flood emergency
22 fund, the entity will—

23 (1) seek all available State and Federal disaster
24 assistance reimbursements for such expenditures;
25 and

1 (2) deposit the reimbursements in the flood
2 emergency fund.

3 (h) FEDERAL SHARE.—The Federal share of the cost
4 of a flood emergency activity carried out using grant funds
5 made available under this section may not exceed 50 per-
6 cent of the cost of such activity.

7 (i) ANNUAL REPORT TO CONGRESS.—The Adminis-
8 trator shall submit to Congress an annual report on the
9 progress and outcomes of the pilot program established
10 under this section.

11 (j) DEFINITIONS.—In this section:

12 (1) ELIGIBLE ENTITY.—The term “eligible enti-
13 ty” means a State local levee maintaining agency or
14 unit of local government that—

15 (A) is responsible for emergency flood re-
16 sponse efforts; and

17 (B) maintains and operates a flood emer-
18 gency fund.

19 (2) FLOOD EMERGENCY FUND.—The term
20 “flood emergency fund” means a fund established,
21 maintained, and operated by a levee maintaining
22 agency or a local designated coordinating agency, in-
23 cluding the maintenance of the accounting of all
24 Federal and non-Federal funds and derivation of
25 such funds.

1 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$50,000,000 to remain available until expended.

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