112TH CONGRESS  
1ST SESSION  
H. R. 3251

To ensure that Federal assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the construction of certain emergency levees is not conditioned on the subsequent dismantlement of those levees, except as provided for in a status certificate, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES  
OCTOBER 24, 2011

Mr. Kline (for himself, Mr. Peterson, Mr. Long, and Mr. Boswell) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To ensure that Federal assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the construction of certain emergency levees is not conditioned on the subsequent dismantlement of those levees, except as provided for in a status certificate, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. ASSISTANCE FOR CERTAIN EMERGENCY LEVEES.

(a) IN GENERAL.—Notwithstanding any other provision of law, Federal assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), if for the construction of a covered levee, may not be conditioned on the dismantlement of the covered levee, except as provided for in a status certificate.

(b) PROVISION OF STATUS CERTIFICATES.—The Secretary of the Army, acting through the Chief of Engineers, shall provide a status certificate for each covered levee constructed with Federal assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED LEVEE.—The term “covered levee” means a levee or similar structure constructed—

(A) in response to a major disaster or emergency; and

(B) in an area in which at least 1 other levee or similar structure was constructed in response to a major disaster or emergency, and subsequently dismantled, during the 10-year pe-
period preceding the date on which the President declares the major disaster or emergency applicable for purposes of subparagraph (A).

(2) MAJOR DISASTER OR EMERGENCY.—The term “major disaster or emergency” means a major disaster or emergency declared to exist by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(3) STATUS CERTIFICATE.—The term “status certificate” means a written determination by the Secretary of the Army, acting through the Chief of Engineers, that a levee or similar structure—

(A) is either—

   (i) constructed in a manner that satisfies standards applicable to a permanent levee or similar structure;

   (ii) not constructed in a manner that satisfies standards described in clause (i), but there is an adequate plan for improvements to ensure that such standards will be satisfied; or

   (iii) not constructed in a manner that satisfies standards described in clause (i) and there is no adequate plan for improve-
ments to ensure that such standards will be satisfied; and

(B) may safely remain in place—

(i) subject to conditions specified; and

(ii) for a period of time specified.