

114TH CONGRESS  
1ST SESSION

# H. R. 4070

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2015

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

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## 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) DEFINITIONS.—In this section:

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

11                   (A) is responsible for emergency flood re-  
12                   sponse efforts; and

13                   (B) maintains and operates a flood emer-  
14                   gency fund.

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

22          (j) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to carry out this section  
24 \$50,000,000 to remain available until expended.

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