

116TH CONGRESS
1ST SESSION

H. R. 5476

To direct the Secretary of the Army to carry out a program to convert temporary structures at risk of flood events into permanent features, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2019

Mrs. AXNE (for herself and Mr. BACON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Secretary of the Army to carry out a program to convert temporary structures at risk of flood events into permanent features, 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 “Local Expertise is
5 Vital for Effective Embankments Act” or the “LEVEE
6 Act”.

7 **SEC. 2. ESTABLISHING PERMANENT FEATURES FROM**
8 **EMERGENCY RESPONSE MEASURES.**

9 (a) **DEFINITIONS.**—In this section:

1 (1) IMPACTED COMMUNITY.—The term “im-
2 pacted community” means an entity that has re-
3 ceived emergency flood fighting assistance under sec-
4 tion 5 of the Act of August 18, 1941 (commonly
5 known as the “Flood Control Act of 1941”) (55
6 Stat. 650, chapter 377; 33 U.S.C. 701n), involving
7 the construction of a temporary structure.

8 (2) PERMANENT FEATURE.—The term “perma-
9 nent feature” means a structural or nonstructural
10 measure typical in a flood control project.

11 (3) SMALL OR DISADVANTAGED COMMUNITY.—
12 The term “small or disadvantaged community”
13 means a community—

14 (A) with a population of less than 10,000;

15 or

16 (B) that is—

17 (i) financially disadvantaged; and

18 (ii) at risk from repeat flooding

19 events.

20 (b) EVALUATION OF TEMPORARY STRUCTURES.—

21 Notwithstanding any other provision of law, on request of

22 an impacted community, the Secretary shall evaluate

23 whether the temporary structure warrants consideration

24 for a permanent feature, in accordance with subsection

25 (c).

1 (c) CONSIDERATIONS.—In evaluating a temporary
2 structure under subsection (b), the Secretary shall con-
3 sider—

4 (1) the likelihood that a similar structure will
5 need to be constructed in the area in the future if
6 the temporary structure, or a similar structure, is
7 not made permanent;

8 (2) the extent to which similar structures have
9 been constructed in the area previously and re-
10 moved;

11 (3) the economic, safety, and environmental
12 benefits and impacts of establishing a permanent
13 feature in the watershed of the impacted community;

14 (4) the extent of the modifications necessary to
15 make the temporary structure a permanent feature;
16 and

17 (5) the costs of the modifications described in
18 paragraph (4).

19 (d) CONVERSION OF TEMPORARY STRUCTURES.—

20 (1) IN GENERAL.—After the Secretary com-
21 pletes an evaluation under subsection (b), if the Sec-
22 retary determines that the temporary structure
23 should become a permanent feature, or that a per-
24 manent feature would prevent damage similar to
25 damage prevented by the temporary structure, and

1 subject to paragraph (2), the Secretary shall begin
2 the planning and design of the permanent feature in
3 accordance with all applicable design and construc-
4 tion standards and legal requirements of the Sec-
5 retary, including all applicable environmental laws.

6 (2) PROJECT COST.—

7 (A) IN GENERAL.—The Secretary may
8 carry out the planning, design, and construction
9 of a project described in paragraph (1) if the
10 total construction cost of the project is not ex-
11 pected to exceed \$25,000,000.

12 (B) LARGE PROJECTS.—If the total con-
13 struction cost of a project described in para-
14 graph (1) is expected to be greater than
15 \$25,000,000, the Secretary—

16 (i) shall submit to Congress a request
17 to carry out the project in a manner simi-
18 lar to a Chief's Report; and

19 (ii) may not carry out the project
20 until Congress authorizes the construction
21 of the project.

22 (C) DEMOLITION.—Demolition of a tem-
23 porary structure under this section shall be sub-
24 ject to the cost-share requirement under para-
25 graph (3), but the costs of that demolition shall

1 not be included in the total construction cost of
2 the project under subparagraphs (A) and (B).

3 (3) COST-SHARE.—

4 (A) IN GENERAL.—The non-Federal share
5 of the cost of carrying out a project under this
6 section shall be not more than 35 percent.

7 (B) SMALL OR DISADVANTAGED COMMU-
8 NITIES.—In the case of a project carried out
9 under this section in an impacted community
10 that is a small or disadvantaged community,
11 the Federal share of the cost of such project
12 may be up to 100 percent, based on the ability
13 of the community to pay.

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