

118TH CONGRESS  
1ST SESSION

# H. R. 5722

To require the Corps of Engineers to update Upper Mississippi River levee and floodwall design standards, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2023

Mrs. MILLER of Illinois (for herself, Mr. BOST, Mr. SORENSEN, and Mr. LAHOOD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To require the Corps of Engineers to update Upper Mississippi River levee and floodwall design standards, 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. UPPER MISSISSIPPI RIVER LEVEE AND**  
4 **FLOODWALL DESIGN STANDARDS.**

5 (a) UPDATES REQUIRED.—

6 (1) IN GENERAL.—In carrying out the Upper  
7 Mississippi River levee and floodwall projects, the  
8 Secretary of the Army, acting through the Chief of  
9 Engineers, shall not less frequently than every 20

1 years update the design probabilities used to estab-  
2 lish the design profiles for levees and floodwalls,  
3 using the most recent probabilities and flood fre-  
4 quency profiles and current appropriate factors of  
5 safety as needed for wave action, settlement, other  
6 existing and anticipated future uncertainties, and  
7 Federal Emergency Management Agency guidelines  
8 to maintain accreditations.

9 (2) CONTENTS.—In updating the design prob-  
10 abilities under paragraph (1), the Secretary shall ob-  
11 tain public input at each stage of development, in-  
12 cluding base elevation data, base hydrological and  
13 hydraulic assumptions, and shall utilize a public in-  
14 volvement group for meaningful public engagement  
15 throughout the development of the updated flood  
16 frequency profiles.

17 (b) UNIFORM FLOOD PROTECTION.—Local sponsors  
18 of the Upper Mississippi River levee and floodwall projects  
19 in paragraph (b) may maintain flood protection at levels  
20 consistent with the profiles established under subsection  
21 (a) such that—

22 (1) the maintenance for Uniform Flood Protec-  
23 tion is hereby deemed as not injurious to the feder-  
24 ally authorized flood protection project, and no  
25 change in risk transfer from original Corps of Engi-

1       neers probability-based design, and previously ap-  
2       proved alterations approved pursuant to section  
3       208.10 of title 33, Code of Federal Regulations,  
4       prior to 33 USC 408 EC 1165–2–216 dated 31,  
5       July 2014;

6               (2) alterations to the Upper Mississippi River  
7       levee and floodwall projects made prior to July 31,  
8       2014, having met the standard established by sec-  
9       tion 208.10 of title 33, Code of Federal Regulations,  
10       are hereby federally authorized;

11              (3) repairs made by the United States of Amer-  
12       ica pursuant to section 5 of the Flood Control Act  
13       of 1941 (33 U.S.C. 701n) shall be consistent with  
14       the most recent probabilities and flood frequency  
15       profiles and appropriate factors of safety;

16              (4) maintenance under this section shall include  
17       local sponsor alteration or improvement of the  
18       Upper Mississippi River levee and floodwall projects  
19       to the prior approved level of protection using the  
20       profiles established under subsection (a);

21              (5) maintenance to meet current flood fre-  
22       quency profiles shall be within section 208.10 of title  
23       33, Code of Federal Regulations, and coordinated  
24       with the local sponsor’s respective St. Louis or Rock  
25       Island Corps of Engineers District, to preserve the

1 existing and prior approved systemic flood damage  
2 reduction planning, in general of rural areas pro-  
3 tected to the 2 percent probability event, districts  
4 protecting combination urban, critical infrastructure,  
5 and rural areas at 1 percent and districts protecting  
6 highly industrial or all urban at 0.2 percent levels,  
7 as prior Corps of Engineers approved; and

8 (6) maintenance to meet current flood fre-  
9 quency profiles are voluntary and shall be the local  
10 sponsor's responsibility at local sponsor's cost.

11 (c) PROJECT DEFINED.—In this section, the term  
12 “Upper Mississippi River levee and floodwall projects”  
13 means the federally authorized projects for flood protec-  
14 tion on the Upper Mississippi River that include—

15 (1) levees or floodwalls in the region from Ham-  
16 burg, Illinois, to Guttenberg, Iowa;

17 (2) levees in the region from Cape Girardeau,  
18 Missouri, to Hamburg, Illinois; and

19 (3) federally improved levees with local spon-  
20 sors.

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