

103^D CONGRESS
1ST SESSION

H. R. 3445

AN ACT

To improve hazard mitigation and relocation assistance in connection with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes.

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To improve hazard mitigation and relocation assistance in connection with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, 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 “Hazard Mitigation and
5 Flood Damage Reduction Act of 1993”.

1 **SEC. 2. HAZARD MITIGATION.**

2 (a) **FEDERAL SHARE.**—Section 404 of The Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5170c) is amended by striking “50 percent”
5 and inserting “75 percent”.

6 (b) **TOTAL CONTRIBUTIONS.**—Section 404 of such
7 Act is further amended by striking “10 percent” and all
8 that follows through the period and inserting “15 percent
9 of the estimated aggregate amounts of grants to be made
10 under this Act (less administrative costs) with respect to
11 such major disaster.”.

12 (c) **APPLICABILITY.**—The amendments made by this
13 section shall apply to any major disaster declared on or
14 after June 10, 1993.

15 **SEC. 3. PROPERTY ACQUISITION AND RELOCATION ASSIST-**
16 **ANCE.**

17 Section 404 of The Robert T. Stafford Disaster Re-
18 lief and Emergency Assistance Act (42 U.S.C. 5170c) is
19 further amended—

20 (1) by inserting “(a) **IN GENERAL.**—” before
21 “The President”; and

22 (2) by adding at the end the following:

23 “(b) **PROPERTY ACQUISITION AND RELOCATION AS-**
24 **SISTANCE.**—

25 “(1) **GENERAL AUTHORITY.**—In providing haz-
26 ard mitigation assistance under this section in con-

1 nection with flooding, the Director of the Federal
2 Emergency Management Agency may provide prop-
3 erty acquisition and relocation assistance for
4 projects which meet the requirements of paragraph
5 (2).

6 “(2) TERMS AND CONDITIONS.—An acquisition
7 or relocation project shall be eligible for funding
8 pursuant to paragraph (1) only if—

9 “(A) the recipient of such funding is an
10 applicant otherwise eligible under the hazard
11 mitigation grant program established under
12 subsection (a); and

13 “(B) the recipient of such funding enters
14 into an agreement with the Director under
15 which the recipient provides assurances that—

16 “(i) properties acquired, accepted, or
17 from which structures will be removed
18 under the project will be dedicated and
19 maintained in perpetuity to uses which are
20 compatible with open space, recreational,
21 or wetlands management practices;

22 “(ii) new structures will not be erect-
23 ed in designated special flood hazard areas
24 other than (I) public facilities which are
25 open on all sides and functionally related

1 to a designated open space, (II) rest
2 rooms, and (III) structures which are ap-
3 proved in writing before the start of con-
4 struction by the Director; and

5 “(iii) no future disaster assistance for
6 damages relating to flooding will be sought
7 from or provided by any Federal source for
8 any property acquired or accepted under
9 the acquisition or relocation project.”.

10 **SEC. 4. FLOOD CONTROL AND FLOODPLAIN MANAGEMENT**
11 **POLICIES.**

12 (a) STUDIES.—The Secretary of the Army shall con-
13 duct studies to assess national flood control and floodplain
14 management policies.

15 (b) CONTENTS.—The studies conducted under this
16 section shall—

17 (1) identify critical water, sewer, transpor-
18 tation, and other essential public facilities which cur-
19 rently face unacceptable flood risks;

20 (2) identify high priority industrial, petrochemi-
21 cal, hazardous waste, and other facilities which re-
22 quire additional flood protection due to the special
23 health and safety risks caused by flooding;

24 (3) evaluate current Federal, State, and local
25 floodplain management requirements for infrastruc-

1 ture improvements and other development in the
2 floodplain and recommend changes to reduce the po-
3 tential loss of life, property damage, economic losses,
4 and threats to health and safety caused by flooding;

5 (4) assess the adequacy and consistency of ex-
6 isting policies on nonstructural flood control and
7 damage prevention measures and, where appro-
8 priate, identify incentives and opportunities for
9 greater use of such nonstructural measures;

10 (5) identify incentives and opportunities for en-
11 vironmental restoration as a component of the Na-
12 tion's flood control and floodplain management poli-
13 cies;

14 (6) examine the differences in Federal cost-
15 sharing for construction and maintenance of flood
16 control projects on the Upper and Lower Mississippi
17 River systems and assess the effect of such dif-
18 ferences on the level of flood protection on the
19 Upper Mississippi River and its tributaries; and

20 (7) assess current Federal policies on pre-event
21 repair and maintenance of both Federal and non-
22 Federal levees and recommend Federal and non-
23 Federal actions to help prevent the failure of these
24 levees during flooding.

1 (c) CONSULTATION.—In conducting studies under
2 this section, the Secretary of the Army shall consult the
3 heads of appropriate Federal agencies, representatives of
4 State and local governments, the agricultural community,
5 the inland waterways transportation industry, environ-
6 mental organizations, recreational interests, experts in
7 river hydrology and floodplain management, other busi-
8 ness and commercial interests, and other appropriate per-
9 sons.

10 (d) REPORT.—Not later than June 30, 1995, the
11 Secretary of the Army shall transmit to Congress a report
12 on the results of the studies conducted under this section.

13 **SEC. 5. FLOOD CONTROL MEASURES ON UPPER MIS-**
14 **SISSIPPI AND LOWER MISSOURI RIVERS AND**
15 **THEIR TRIBUTARIES.**

16 (a) STUDIES.—The Secretary of the Army shall con-
17 duct studies of the Upper Mississippi River and Lower
18 Missouri River and their tributaries to identify potential
19 solutions to flooding problems in such areas and to rec-
20 ommend specific water resources projects that would re-
21 sult in economically and environmentally justified flood
22 damage reduction measures in such areas.

23 (b) CONTENTS.—The studies conducted under this
24 section shall—

25 (1) reflect public input;

1 (2) include establishment of baseline conditions
2 to allow for a full assessment of economic and envi-
3 ronmental costs and benefits associated with flood
4 damage reduction projects and changes in land use
5 patterns;

6 (3) identify options for development of com-
7 prehensive solutions for improved long-term flood
8 plain management;

9 (4) identify feasibility studies of specific
10 projects or programs that are likely to improve flood
11 damage reduction capabilities;

12 (5) assess the impact of the current system of
13 levees and flood control projects and current water-
14 shed management and land use practices on the
15 flood levels experienced on the Upper Mississippi
16 River and Lower Missouri River and their tribu-
17 taries in 1993 and evaluate the cost-effectiveness of
18 a full range of alternative flood damage reduction
19 measures, including structural and nonstructural
20 measures, such as the preservation and restoration
21 of wetlands;

22 (6) recommend flood control improvements and
23 other flood damage reduction measures to reduce
24 economic losses, damage to public facilities, and the
25 release of hazardous materials from industrial, pet-

1 rochemical, hazardous waste, and other facilities
2 caused by flooding of the Upper Mississippi River
3 and Lower Missouri River and their tributaries; and

4 (7) assess the environmental impact of current
5 flood control measures and the flood control im-
6 provements recommended under this section.

7 (c) CONSULTATION.—In conducting studies under
8 this section, the Secretary of the Army shall consult the
9 heads of other Federal agencies with water resources and
10 floodplain management responsibilities.

11 (d) REPORT.—Not later than June 30, 1995, the
12 Secretary of the Army shall transmit to Congress a report
13 on the results of the studies conducted under this section.

14 **SEC. 6. EMERGENCY RESPONSE.**

15 Section 5(a)(1) of the Act entitled “An Act authoriz-
16 ing construction of certain public works on rivers and har-
17 bors for flood control, and for other purposes”, approved
18 August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended by
19 inserting before the first semicolon the following: “, or in
20 implementation of nonstructural alternatives to the repair
21 or restoration of such flood control work if requested by
22 the non-Federal sponsor”.

1 **SEC. 7. TREATMENT OF REAL PROPERTY BUYOUT PRO-**
2 **GRAMS.**

3 (a) **INAPPLICABILITY OF URA.**—The purchase of any
4 real property under a qualified buyout program shall not
5 constitute the making of Federal financial assistance
6 available to pay all or part of the cost of a program or
7 project resulting in the acquisition of real property or in
8 any owner of real property being a displaced person (with-
9 in the meaning of the Uniform Relocation Assistance and
10 Real Property Acquisition Policies Act of 1970).

11 (b) **DEFINITION OF “QUALIFIED BUYOUT PRO-**
12 **GRAM”.**—For purposes of this section, the term “qualified
13 buyout program” means any program that—

14 (1) provides for the purchase of only property
15 damaged by the major, widespread flooding in the
16 Midwest during 1993;

17 (2) provides for such purchase solely as a result
18 of such flooding;

19 (3) provides for such acquisition without the
20 use of the power of eminent domain and notification
21 to the seller that acquisition is without the use of
22 such power;

23 (4) is carried out by or through a State or a
24 unit of general local government; and

25 (5) is being assisted with amounts made avail-
26 able for—

- 1 (A) disaster relief by the Federal Emer-
- 2 gency Management Agency; or
- 3 (B) other Federal financial assistance pro-
- 4 grams.

Passed the House of Representatives November 15,
1993.

Attest:

Clerk.