

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ASSISTANCE FOR CERTAIN EMERGENCY LEV-**
2 **EES.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-
4 sion of law, Federal assistance provided under the Robert
5 T. Stafford Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5121 et seq.), if for the construction of a cov-
7 ered levee, may not be conditioned on the dismantlement
8 of the covered levee, except as provided for in a status
9 certificate.

10 (b) **PROVISION OF STATUS CERTIFICATES.**—The
11 Secretary of the Army, acting through the Chief of Engi-
12 neers, shall provide a status certificate for each covered
13 levee constructed with Federal assistance provided under
14 the Robert T. Stafford Disaster Relief and Emergency As-
15 sistance Act (42 U.S.C. 5121 et seq.).

16 (c) **DEFINITIONS.**—In this section, the following defi-
17 nitions apply:

18 (1) **COVERED LEVEE.**—The term “covered
19 levee” means a levee or similar structure con-
20 structed—

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

23 (B) in an area in which at least 1 other
24 levee or similar structure was constructed in re-
25 sponse to a major disaster or emergency, and
26 subsequently dismantled, during the 10-year pe-

1 riod preceding the date on which the President
2 declares the major disaster or emergency appli-
3 cable for purposes of subparagraph (A).

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

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

14 (A) is either—

15 (i) constructed in a manner that satis-
16 fies standards applicable to a permanent
17 levee or similar structure;

18 (ii) not constructed in a manner that
19 satisfies standards described in clause (i),
20 but there is an adequate plan for improve-
21 ments to ensure that such standards will
22 be satisfied; or

23 (iii) not constructed in a manner that
24 satisfies standards described in clause (i)
25 and there is no adequate plan for improve-

1 ments to ensure that such standards will
2 be satisfied; and

3 (B) may safely remain in place—

4 (i) subject to conditions specified; and

5 (ii) for a period of time specified.

○